

## Malta

<b>Background</b>	<b>Name of EMB:</b>	The Electoral Commission of Malta
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Nine commissioners
	<b>Number of full-time EMB staff:</b>	41
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Article 60 of the Constitution of the Republic of Malta.
	<b>EMB's mandate:</b>	To conduct general elections, local council elections, referenda and the election for Members of the European Parliament. To review the boundaries of the electoral divisions.
	<b>EMB model:</b>	Independent.
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	The commissioners are appointed by the President of the Republic, acting in accordance with the advice of the prime minister, given after he has consulted the Leader of the Opposition.
<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	While the Chief of the Electoral Commission, who also serves as the chairman of the commission, must be a public servant, the rest of the commissioners shall not qualify if they are public officers, ministers, parliamentary secretaries, members or candidates for election to the House of Representatives.
	<b>Political status of commissioners:</b>	Appointments are based on expertise.
	<b>Chair qualifications:</b>	The chair is appointed from the public service. There are no other specific requisites.
	<b>Commissioner qualifications:</b>	The commissioners cannot be public officers, ministers, parliamentary secretaries, members or candidates for election to the House of Representatives. There are no other specific requisites.
	<b>Tenure of chair and commissioners:</b>	The tenure of commissioners is for three years from the date of their appointment. Fresh appointments are re-issued every three years, but the commissioners may be re-appointed.
	<b>Provisions for the removal of commissioners:</b>	An electoral commissioner may be removed from office by the President of the Republic, acting in accordance with the advice of the prime minister.

	<p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>Staff are appointed through the Electoral Office, which is set up by the General Elections Act. The administration of said office is the sole responsibility of the commission, with the chief commissioner being responsible for its day-to-day running and for the implementation of the commission's decisions.</p>
	<p><b>Tenure of EMB senior staff:</b></p>	<p>Terms of office are identical to all civil service staff, i.e. permanently engaged, subject to transfer to other departments and disciplinary measures according to work exigencies.</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>Civil servants may be transferred to other government departments. If one has transgressed regulations, one is submitted to disciplinary measures – either internally or externally through the Public Service Commission, depending on the gravity.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>Recurrent budgeting for the running of the Electoral Office is made through the annual national budget by the Ministry of Finance. Election expenses are also similarly budgeted, but such funds are obtained from the national consolidated funds.</p>
	<p><b>Financial autonomy:</b></p>	<p>In the exercise of its functions under the constitution, the Electoral Commission shall not be subject to the direction or control of any other person or authority.</p>
	<p><b>Legal provisions for financial autonomy:</b></p>	<p>Art. 60 (9) of the Constitution of Malta and Art. 4 and Art. 7(3) of the General Elections Act (Chapter 354 of the Laws of Malta). Autonomy is as outlined above.</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b></p>	<p>Unicameral</p>
	<p><b>Voting system:</b></p>	<p>Members of the House of Representatives are elected through the single transferable voting system (proportional representation).</p>
	<p><b>Amendments to electoral laws:</b></p>	<p>The legislative function lies with parliament. The commission may make recommendations for amendments through the Attorney-General.</p>
	<p><b>Drafting of electoral regulations:</b></p>	<p>The commission may make regulations regarding the General Elections Act, but the prime minister must lay the regulations on the Table of the House of Representatives.</p>

<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	The Electoral Commission will first deal with any request or dispute. If unsolved, the parties may revert to the Courts of Malta.
<b>Other issues:</b>		
<b>Secretariat</b>	<b>Administrative autonomy:</b>	If conducive to the exercise of its functions under the General Elections Act, the commission may create and eventually abolish staff posts.
	<b>Women in senior positions:</b>	None
	<b>Administrative structure:</b>	Electoral Commission: chief electoral commissioner and head of the Electoral Office; secretary to the Electoral Commission. Electoral Office: director of operations; director of corporate services; HR Unit; Data Unit; Approval Unit and Archives Unit.