

South Africa

<p><b>Background</b></p>	<p><b>Name of EMB:</b> Electoral Commission of South Africa</p> <p><b>Status:</b> Permanent</p> <p><b>Number of commissioners:</b> Five members of commission, one of whom must be a judge.</p> <p><b>Number of full-time EMB staff:</b> Approximately 900 permanent staff</p>	<p>Electoral Commission of South Africa</p> <p>Permanent</p> <p>Five members of commission, one of whom must be a judge.</p> <p>Approximately 900 permanent staff</p>
<p><b>Establishment of the EMB</b></p>	<p><b>Constitutional and/or legislative provisions for establishment of the EMB:</b> Mandated in terms of Section 191 of the Constitution of the Republic of South Africa (RSA) and established in terms of the Electoral Commission Act 51 of 1996.</p> <p><b>EMB's mandate:</b></p>	<p>Mandated in terms of Section 191 of the Constitution of the Republic of South Africa (RSA) and established in terms of the Electoral Commission Act 51 of 1996.</p> <p>Mandate of EMB:</p> <ul style="list-style-type: none"> <li>• manage any election;</li> <li>• ensure that any election is free and fair;</li> <li>• promote conditions conducive to free and fair elections;</li> <li>• promote knowledge of sound and democratic electoral processes;</li> <li>• compile and maintain a voters' roll;</li> <li>• compile and maintain a register of political parties;</li> <li>• establish and maintain liaison and co-operation with political parties;</li> <li>• undertake and promote research into electoral matters;</li> <li>• develop and promote the development of electoral expertise and technology in all spheres of government;</li> <li>• continuously review electoral legislation and proposed electoral legislation and make recommendations in relation therewith;</li> <li>• promote voter education;</li> <li>• promote co-operation with and between persons, institutions, governments and administrations for the achievement of its objects;</li> <li>• declare the results of elections for national, provincial and municipal legislative bodies within seven days after such elections;</li> <li>• adjudicate disputes that may arise from the organisation, administration or conducting of elections and which are of an administrative nature; and</li> <li>• appoint appropriate public administrations in any sphere of government to conduct elections when necessary.</li> </ul>

	<p><b>EMB model:</b></p> <p><b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p> <p><b>Provisions for the appointment of commissioners:</b></p>	<p>Independent</p> <p>None specified</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p>	<p>For appointment of commissioners, a panel is established which comprises the President of the Constitutional Court as chairperson, a representative from the Human Rights Commission of RSA, a representative from the Commission on Gender Equality and the Public Protector. This panel shall submit a list of names of no fewer than eight recommended candidates to a committee of the National Assembly, which then recommends suitable candidates to the President of the RSA, who appoints the commissioners. The commission appoints a chief electoral officer, who, as accounting officer of the Electoral Commission, is responsible for the appointment of senior staff of the administration of the commission.</p> <p>Independent</p> <p>Commissioners need to:</p> <ul style="list-style-type: none"> <li>• be citizens of the Republic of South Africa;</li> <li>• not hold a high party-political profile;</li> <li>• be recommended by the National Assembly by a resolution adopted by the majority of the members of the assembly; and</li> <li>• be nominated by a committee of the National Assembly, proportionally composed of members of all parties represented in the assembly from a list of recommended candidates, as mentioned above.</li> </ul> <p>One member of the commission is required to be a judge.</p>
	<p><b>Commissioner qualifications:</b></p> <p><b>Tenure of chair and commissioners:</b></p>	<p>See above.</p> <p>The term of office of commissioners is seven years, which may be renewed once.</p> <p>The chief electoral officer is appointed on a five-year contract. All other staff are appointed on a permanent basis.</p>

	<p><b>Provisions for the removal of commissioners:</b></p>	<p>A commissioner may be removed from office by the President of the RSA on the grounds of misconduct, incapacity or incompetence after a finding to this effect by a committee of the National Assembly upon the recommendation of the Electoral Court, and after the adoption by a majority of the members of that assembly of a resolution calling for the removal of a commissioner from office. Senior staff are subject to the commission's disciplinary policy and process.</p>
	<p><b>Provisions for the appointment of EMB senior staff:</b></p>	<p>None specified</p>
	<p><b>Tenure of EMB senior staff:</b></p>	<p>None specified</p>
	<p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>None specified</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p>	<p>The EC of RSA is funded by the National Treasury of the RSA, after submitting a budget to the National Treasury based on its work programme. Being a publicly funded institution, the EC of RSA is subject to the Public Finance Management Act, which specifies how public funding is to be managed and accounted.</p>
	<p><b>Financial autonomy:</b></p>	<p>See above.</p>
	<p><b>Legal provisions for financial autonomy:</b></p>	<p>See above.</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b></p>	<p>The National Assembly is composed of 400 members, who are elected by voters on a proportional representation basis. Members of the National Council of Provinces are not elected by voters, but are appointed by the elected members of the National Assembly. Members of provincial legislatures are elected by voters on the basis of proportional representation. Members of municipal councils are elected by voters on the basis of proportional representation, together with a constituency ward (majoritarian or FPTP) system.</p>
	<p><b>Voting system:</b></p>	<p>See above.</p>

	<p><b>Amendments to electoral laws:</b></p> <p><b>Drafting of electoral regulations:</b></p> <p><b>Electoral dispute resolution mechanisms:</b></p>	<p>The Electoral Commission is mandated to review electoral legislation. However, the National Assembly is empowered to amend legislation.</p> <p>The Electoral Commission is empowered to draft electoral regulations in support of electoral legislation.</p> <p>Objections to voting and counting may be submitted to the presiding officer of a voting station. The decision of the presiding officer may be appealed to the Electoral Commission. The decision of the Electoral Commission may be further appealed to the Electoral Court.</p>
<p><b>Other issues:</b></p> <p><b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p> <p><b>Women in senior positions:</b></p> <p><b>Administrative structure:</b></p>	<p>Yes, the EMB does have the power to create, promote or abolish staff posts. Currently, none of the commissioners are women.</p> <p>Two of the three deputy-chief electoral officers are women.</p> <p>The Electoral Commission comprises three levels: national, provincial (nine offices, each headed by a provincial electoral officer) and municipal (205 offices).</p> <p>The national office of the administration is headed by the chief electoral officer (CEO), with three deputy-CEOs (D-CEOs) reporting to the CEO:</p> <ul style="list-style-type: none"> <li>• D-CEO Electoral Operations: includes electoral matters, and logistics and infrastructure;</li> <li>• D-CEO Outreach: includes voter education, communications, research and knowledge management;</li> <li>• D-CEO Corporate Services: includes finance, human resources, information technology, support services and legal services.</li> </ul>