

Tuvalu

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| <p>Background</p> | <p>Name of EMB: Status: Number of commissioners: Number of full-time EMB staff:</p> | <p>Tuvalu Electoral Management Body Non-permanent Given the non-permanent status of the EMB, the secretary to government is the only commissioner for elections under the current legal framework. None, due to the non-permanent status of the EMB. The EMB is only active during elections, under the supervision of the commissioner for elections.</p> |
| <p>Establishment of the EMB</p> | <p>Constitutional and/or legislative provisions for establishment of the EMB: EMB's mandate:</p> | <p>The Electoral Provisions Parliament Act and the Electoral Provisions Parliament Regulations establish the legal framework regulating the management of elections in Tuvalu. In particular, Section 4 of the Electoral Provisions Parliament Regulations provides for the supervision of elections and the key functions and roles of the secretary to government as the commissioner for elections. Section 4 of the Electoral Provisions Parliament Regulations stipulates that: <i>The secretary to government –</i> a. <i>shall exercise general direction and supervision over the administration of elections; and</i> b. <i>shall issue to election officers such instruction as he may deem necessary from time to time; and</i> c. <i>may correct any apparent errors, or omissions or duplications in any electoral register; and</i> d. <i>may on the application of any elector amend any register to record an amended name or address; and</i> e. <i>may strike off a register the name of any person whom he has good reason to believe dead or otherwise disqualified from voting; and</i> f. <i>may add the name of any person to a register where he is satisfied that that person is qualified to be included in that register and that their omission is inequitable and due only to some technical or clerical error in the application procedure whether by the person or not; and</i> g. <i>may reduce or extend any time limit provided for by these regulations and provided he is satisfied that no person will lose his opportunity of being registered for or voting in an election and that if it is in the general public interest to do so by notice adapt, amend or otherwise alter the requirements in connection with registration provided for in these regulations.</i></p> |

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| | EMB model: What standards are established in the constitution or other legislation for democratic legitimacy? | Government controlled Paragraph 5 of the preamble of the constitution reflects the affirmation that the people of Tuvalu proclaim the establishment of a free and democratic sovereign nation. Section 15 of the constitution also provides that all laws, and all acts done under a law, must be reasonably justifiable in a democratic society that has a proper respect for human rights and dignity, and that any question whether a law is reasonably justifiable in a democratic society that has a proper respect for human rights and dignity is to be determined in light of the circumstances existing at the time when the decision on the question is made. |
| Appointment, tenure and removals | Provisions for the appointment of commissioners: | Given the non-permanent status of the EMB, the secretary to government is given the supervisory role under Section 4 of the Electoral Provisions Parliament Regulations to administer and manage elections. |
| | Political status of commissioners: | Not applicable, due to the non-permanent status of EMB. However, whoever holds the position of secretary to government is given the supervisory role as commissioner for elections under the current legal framework, noting as well the importance of the role of the Attorney-General's Office as principal legal adviser within the government in working closely with the secretary to government under the Office of the Prime Minister in the administration and management of elections. |
| | Chair qualifications: | Not applicable at this stage, given the non-permanent status of EMB. |
| | Commissioner qualifications: | Not necessary at this stage, given the non-permanent status of the EMB. However, practically the role comes with experience and involvement of the commissioner for elections in the case of Tuvalu in handling elections. |
| | Tenure of chair and commissioners: | Not applicable, given the non-permanent status of EMB. |
| | Provisions for the removal of commissioners: | Not applicable, given the non-permanent status of EMB. However, under the current legal framework the commissioner for elections – who is the secretary to government – is monitored by the minister responsible for elections, who is the prime minister during elections. It is also important to note that if there are any suspicious undertakings during the electoral process, litigation is an option under the current legal framework to solve such issues. |

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| | <p>Provisions for the appointment of EMB senior staff:</p> <p>Tenure of EMB senior staff:</p> <p>Provisions for the removal of EMB senior staff:</p> <p>Setting and control of EMB's budget:</p> <p>Financial autonomy:</p> <p>Legal provisions for financial autonomy:</p> <p>Number of chambers/houses within the legislature:</p> <p>Voting system:</p> <p>Amendments to electoral laws:</p> <p>Drafting of electoral regulations:</p> <p>Electoral dispute resolution mechanisms:</p> | <p>Not applicable, given the non-permanent status of the EMB.</p> <p>Not applicable, given the non-permanent status of the EMB.</p> <p>Not applicable, refer to above response.</p> <p>Under the current arrangement, the budget is government-oriented under the Office of the Prime Minister.</p> <p>Budgetary provisions for the administration and management of elections are charged directly on public revenue, as provided for under Section 60 of the Electoral Provisions Parliament Act. In other words, the financial provisions for elections are regarded as statutory expenditure.</p> <p>Refer to above response.</p> <p>Unicameral</p> <p>Majoritarian (first-past-the-post)</p> <p>The secretary to government, as commissioner for elections, can propose amendments to the Minister responsible for elections and the Attorney-General's Office. The important role of parliament as legislature should also be noted.</p> <p>The authority lies with the minister responsible, as provided for under Section 64 of the Electoral Provisions Parliament Act to make regulations.</p> <p>Sections 56, 57, 58 and 59 of the Electoral Provisions Parliament Act provide for the hearing of election petitions by the High Court.</p> |
| Funding arrangements | | |
| Electoral system | | |
| Electoral disputes | | |

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| <p>Other issues: Secretariat</p> | <p>Administrative autonomy: Women in senior positions:</p> | <p>No. given current status of EMB as non-permanent.</p> <p>Currently, within the government, women hold most of the senior positions. For instance, the secretary to government – who is the commissioner for elections – is a woman; the Attorney-General is a woman and most secretaries for ministries are also women.</p> <p>Within Tuvalu's current legal framework regarding elections, there is no barrier to women contesting elections. However, cultural barriers have always been a factor, despite the neutral laws that are in place. Nonetheless, the country is experiencing change in that Tuvalu now has women as Members of Parliament, despite the many barriers that women face in contesting elections and also in being appointed to senior positions within the government. Hence change is visible within the context of Tuvalu, even though this is happening slowly.</p> |
| <p>Administrative structure:</p> | <p>Currently the EMB is housed in the Office of the Prime Minister, in which the secretary to government – as commissioner for elections – works closely with the senior assistant secretary (policy), together with the Attorney-General's Office, in the administration and management of elections.</p> <p>It should be noted that the Minister Responsible for Elections, who is the Prime Minister, oversees the work of the commissioner for elections and other election officers – such as the senior assistant secretary (policy) and legal officers from the Attorney-General's Office, working under the supervision of the commissioner for elections.</p> | |