



Guidelines for Safeguarding Election Management Body Independence in Engagement with Other Public Institutions

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ABOUT THE GLOBAL NETWORK FOR SECURING ELECTORAL INTEGRITY

Launched in 2023, The Global Network for Securing Electoral Integrity (GNSEI) convenes more than 30 organizations and networks around a shared vision: to inspire and inform action to advance electoral integrity in the face of critical threats to democracy. It offers a standing platform for regular collaboration between peers in the electoral integrity community to promote awareness and adherence to existing norms and good practices, and, where there are gaps, shape consensus around new guiding principles.

INTRODUCTION

STATEMENT OF PURPOSE

The purpose of these guidelines is to support election management bodies (EMBs) to assert, protect, and promote their independence as they carry out their mandates in collaboration with other public institutions.

Although they may have different structures, compositions, and legal mandates, all EMBs are expected to provide genuine opportunities for all eligible voters to cast votes and be counted. EMBs operate in a range of environments – from autocratic to broadly democratic – with threats to their autonomy and authority emanating from different sources. They must plan for quotidian challenges as well as potential crises, including severe weather and natural or climate disasters, pandemics, or armed conflict that may have a near- or long-term impact on election administration. In both normal circumstances and crisis situations, EMBs often share election-related duties with other public institutions, stewarding the electoral process while navigating a complex set of relationships and interdependencies. Although they have not received much attention to date from the election community, these interdependencies can have implications for the ability of EMBs to meet widely accepted democratic principles, including independence and impartiality.

UNDERSTANDING EMB INDEPENDENCE

There is emerging consensus that EMB independence has multiple dimensions and is not limited to the institutional independence often enshrined in law. This broader view of EMB independence also includes financial, personnel, functional, and behavioral autonomies.

With this evolving understanding in mind, the **impediments to EMB independence** include, but are not limited to:

- A narrow or unclear legal remit;
- Political interference by the executive branch, legislature, or public institutions in EMB appointments, tenure, mandates, or decision-making; and
- Unpredictable or insufficient resource allocation or unsustainable dependencies on foreign donors.

Factors enabling EMB independence, on the other hand, may include:

- Effective, inclusive and impartial EMB leadership;
- Proactive and strategic communications, transparency, and the willingness to take a public stand against political interference;
- Unimpeded and timely access to resources and experienced, professional personnel; and
- Allies in government, academia, civil society, the media, and the diplomatic community, among others, who support, protect, and reinforce EMB autonomy.

PROTECTING EMB INDEPENDENCE IN COLLABORATIONS WITH OTHER PUBLIC INSTITUTIONS

The concept of EMB independence does not preclude interdependencies with other government stakeholders, due to the usual division of functional responsibilities among institutions around the electoral cycle, or as required by a crisis. These interdependencies may include, for example, collaboration with: security agencies to ensure physical security of EMB workers and voters; the Ministry of Foreign Affairs on accreditation of international observers and out-of-country voting; health agencies on protocols for voting while in quarantine; or cybersecurity agencies to protect the electoral process from cyber threats. While in some cases the law directly conveys a legal mandate to these institutions, thus *requiring* the EMB to coordinate with them, there are additional benefits of collaborating effectively, including:

- Trust-building, particularly when the EMB participates visibly and proactively in a national task force during an emergency, or when collaboration supports a positive narrative around the robustness and integrity of electoral systems;
- Operational and cost efficiencies, allowing an EMB to leverage expertise, skills or resources it might not have internally; and
- A whole-of-government approach to ensuring a stable and secure environment for peaceful elections.

However, ***political realities can hinder EMB collaborations with other institutions***, particularly when autonomy structures are weak and the threat of political interference is high. There are several primary threats to independence that can have a significant impact on election integrity, including:

- Insufficient transparency about EMB collaboration with public institutions, leading to perceptions of partisanship and the spread of mis- or dis-information;
- Ambiguity of mandates and authority across the tasks of electoral management;
- Delayed, insufficient or inappropriately conditioned financing of election administration;
- Insufficient or impermanent staffing that requires EMBs to second staff from other public institutions;
- Corrupt acts and/or usurpation of power by other institutions that should play a supportive role in the electoral process; and
- Operational inefficiencies and opportunities for interference in elections during a crisis that cause delays in tight election timelines.

GUIDELINES

The following guidelines are intended to support EMBs to maintain their independence and political neutrality while effectively collaborating with and leveraging the capacities of other public institutions, including during crises. The guidelines provide recommendations to a variety of stakeholders on how they can support EMB independence. The spirit of these guidelines may also be relevant to EMB dealings with private or non-governmental actors in some circumstances.

LEGISLATURES SHOULD:

- Ensure clear, unambiguous legal mandates and delineation of election-related responsibilities, including the EMB's authority to direct and interact with other public institutions and, where applicable, sub-national levels of government. Where politically sensitive decisions may be delegated to the EMB, the law should provide clear guidance on criteria for objective decision making.
- Enact laws that safeguard freedoms of speech, assembly, and press to encourage civil society and the media to participate actively and effectively in the democratic process, including by informing and educating voters and reporting on EMB engagement with other public institutions.
- Ensure legal clarity on roles played by the EMB and other public institutions in the case of election postponement and/or caretaker arrangements and any special powers or responsibilities that may be provided to various bodies during crisis and ensure these are in line with international standards for democratic elections.
- Provide a sufficient budget allocation and timely disbursements of funds to the EMB to enable effective operations and competitive hiring of personnel and to reduce unnecessary reliance on other institutions for staffing or undertaking sensitive tasks related to the EMB's mandate.
- Ensure a fair and balanced mechanism is in place for selecting and appointing EMB members who will engage neutrally and impartially with other public institutions.
- Establish fixed terms or stable tenure through law to prevent frequent turnover or politically motivated removals and ensure continuity in operations.
- Seek to promote understanding among legislators of the role and mandate of EMBs in relation to other public institutions and encourage the use of evidence, restraint, and diplomacy when criticizing or investigating EMBs and the election process.

EMBs SHOULD:

- Build an environment of transparency and accessibility to clarify EMB operations and the nature of engagement with other public institutions, including by making relevant information about funding sources, decision-making, and procurement available to the public in a timely manner following accessibility and open data principles.
- Reinforce – both within the EMB and other public institutions with election responsibilities – the importance of systematic planning for elections and the need to build relationships with other institutions with election mandates well in advance of elections, so each body is comfortable in its role. This includes clearly defining long-term coordination with relevant public institutions and holding joint trainings, scenario planning, or other preparatory exercises.

- Establish and publicly share, where appropriate, written agreements with other public institutions that establish the purpose and nature of the collaboration, define roles, and designate points of contact.
- Develop operating procedures that build inter-institutional cooperation and foster trust between agencies to ensure corruption can be properly investigated and remedied by the police, judiciary, and other relevant actors.
- Build capacity, resilience, and a culture of integrity within the institution to withstand political pressures and deter corruption, including by cultivating and maintaining unity among commissioners and staff and ensuring internal policies (for example, whistleblower policies and codes of conduct and ethics) are in place to minimize ambiguity and empower staff during interactions with other public institutions.
- Conduct regular evaluations and threat assessments to identify risks and strategies to improve EMB independence; where available, draw on reports, assessments, and recommendations from domestic civil society groups and international organizations.
- Convene a diverse and representative group of electoral stakeholders, including political parties, civil society groups, non-partisan domestic/citizen observers, academics, and other interested organizations, to engage in dialogue and scrutiny of electoral processes and to build mutual trust, knowledge, and understanding about EMB operations and cooperation with other public institutions.
- Provide timely and appropriate access and accreditation for effective observation and oversight of all parts of the electoral process, including engagements with other public institutions where appropriate.
- Advocate with the government for adequate and timely resourcing of election administration to ensure the EMB can carry out its mandate without undue influence from other public institutions or reliance on specific donors.
- Ensure sufficient, professional staff at all levels and in key technical areas, including information technology, physical security, cybersecurity, strategic communications, budgeting, finance, and logistics. To ensure a sustainable workforce and reduce dependencies on other government agencies for staffing, develop human resource management practices that ensure pathways for professional growth.
- Engage in knowledge sharing and networking activities with other EMBs, particularly within regional and global networks, to build understanding of good practice and effective strategies for asserting independence and effectively interacting with public institutions and to expand capacities in key technical areas.
- Proactively identify opportunities to engage expertise across the government where such a relationship can complement or supplement EMB capabilities without undermining its independence.

PUBLIC INSTITUTIONS SHOULD:

- Work in good faith with the EMB to develop written agreements or terms of reference that establish the purpose and nature of a collaboration, define roles, and designate individual points of contact.
- Engage proactively in crisis contexts to ensure that legal election deadlines and other requirements can be met and to avoid undermining the credibility of the election process.

- Proactively share information with the EMB that could impact election operations.
- To foster a culture of collaboration, participate in working groups or task forces organized by the EMB, including joint trainings, scenario planning, or other preparatory exercises. Engage at the leadership level on joint efforts to manage time pressures and legal deadlines amid media and other public scrutiny.
- Promote understanding of the mandate and authorities of the EMB among staff who will be participating in election-related activities.
- Make relevant datasets and information available to the EMB and to the public in a timely manner following open government and open data principles.

CIVIL SOCIETY ORGANIZATIONS SHOULD:

- Advocate for clear legal mandates for EMBs and other public institutions with election-related roles.
- Advocate for information from the EMB and other public institutions regarding interactions and the distribution of roles in the electoral process, including Memoranda of Understanding (MoUs).
- Monitor and/or advocate for EMB appointment criteria and processes that support the credibility and legitimacy of election management.
- Engage consistently and advocate for the institutionalization of inter-agency coordination with EMB and other actors with election responsibilities, through scrutiny of electoral processes and participation in meetings, working groups, and other forums.
- Observe and report fairly on the role played by the various actors engaging in implementation of mandates around the electoral process.
- Publicly reinforce and support EMBs acting independently and in good faith in the face of significant political pressure.

POLITICAL PARTIES SHOULD:

- Encourage party activists to take advantage of opportunities to engage in multi-stakeholder dialogue to gain an understanding of the electoral process, including complaints adjudication, and the appropriate role of the EMB and any other public institutions with election related responsibilities.
- Encourage members and campaigners to report problems with the electoral process, including undue political interference, through appropriate channels.
- Engage actively with the EMB and adhere to applicable codes of conduct and timelines that are legally gazetted, officially announced by the EMB or are part of the legal framework for elections.

THE MEDIA COMMUNITY SHOULD:

- Train journalists, editors, and other staff on the electoral process and the appropriate role of the EMB and other public institutions with electoral tasks.
- Regularly report on the activities of EMBs and other public institutions and serve as a channel for accountability if election operations are carried out in a partisan fashion

or if other actors are applying undue pressure on the EMB in the delivery of its legal and operational mandate.

- Show restraint and avoid sensationalist coverage of the EMB that is disproportionate to the problem. Ensure that content reflects truthful statements about the EMB and its independence and the electoral process.
- Ensure that media broadcast activity does not impede the administration of the polls or other parts of the electoral process.

THE INTERNATIONAL COMMUNITY SHOULD:

- Publicly and privately reinforce and support EMBs acting independently and in good faith in the face of significant political pressure.
- Provide support for local partners as they advocate for legal and institutional reforms that strengthen EMB independence and protect electoral integrity.
- Facilitate knowledge exchange and learning among EMBs facing or who have successfully weathered similar challenges to their independence including by supporting international, regional, and national associations of election officials.
- Conduct rigorous needs assessments to understand EMB challenges and threats to independence, including those posed by malign transnational actors, the political economy of an election context, and any potential harms posed by international support and engagement to inform technical assistance objectives, investments, and program design.
- When invited, provide direct technical assistance to EMBs to build capacity to administer credible election processes and withstand threats to their independence, convene and engage in deliberative, constructive, and meaningful multi-stakeholder processes, and improve strategic communication with election stakeholders.
- Highlight threats to EMB independence, including threats from the involvement of other public institutions in different parts of the electoral process, in election observation mission methodologies, reports, and public statements.
- Support academic and other institutions that provide degree and certification programs in election administration to foster professional independence.



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