Overview

A. Introduction
Since the return of multi-party politics in Kenya, Tanzania and Uganda during the second wave of democratisation in the 1990s, and the subsequent signing of the Rwanda and Burundi peace accords, electoral competition has become an important barometer of the health of democracy in East Africa. The Draft East African Community Protocol on Democracy and Good Governance commits member countries ‘to entrench the culture of observance of human rights, adherence to the principles of democracy, regular, transparent, free and fair elections conducted by independent and impartial national electoral management bodies (EMBs) as a preventive measure against instability and conflicts within the region’. In Article 7(i) of the Draft Protocol, partner states commit themselves to the principle that the exercise of public authority emanates from the will of the people through regular, transparent, free and fair elections. They further undertake to develop policies and mechanisms for harmonised regional benchmarks to conduct regular, transparent, free, fair and credible elections in line with internationally accepted standards.

Efforts to consolidate and entrench democracy in the five East African countries have focused heavily on reforming EMBs into midwives of free and fair political competition. The status, powers and functions of electoral commissions have constituted a significant portion of national debates about reforming politics through constitutional review. Contestations over the fairness of elections have generated some of the most violent conflicts witnessed in the region. Reforms in the political system over the past two decades have been incremental and largely focused on enhancing the credibility of the arbiters in electoral contests.

Among the reforms introduced in the last 20 years to consolidate the re-emergence of the practice of democracy, those aimed at improving electoral management have generated the most passionate debates. One of the general traits of the reforms introduced in this area is the effort to reinforce or initiate mechanisms to insulate electoral management from the normal administrative responsibilities of the executive. As a result, all the countries in East Africa have created EMBs designed to be free of executive control. The emergence of constitutionally and statutorily independent EMBs has necessitated
that they be equipped with competent personnel and equipment, as well as rules and procedures to facilitate their work. However, our studies show that constitutional and statutory guarantees of independence do not always produce the intended results.

B. Models of EMBs

There are different models of EMBs. Pastor provides a broad understanding based on five models:

- Election office within the government;
- Election office within a government ministry but supervised by a judicial body;
- An independent election commission composed of experts and directly accountable to Parliament;
- A multi-party election commission composed of representatives of the political parties; and
- A non-partisan electoral commission composed of distinguished individuals from a list proposed by the President and legislature, reduced by a veto of the political parties, and selected by a group of judges for a ten-year term.

Pastor’s classification is based on the composition of the commission. Frequently cited International Institute for Democracy and Electoral Assistance (IDEA) work has categorised these models based on whether they are governmental or independent, or comprising both characteristics, and has emerged with three models:

- The independent model;
- The government model; and
- The mixed model.

The categorisation of these models is based on a number of attributes, i.e. institutional arrangement, implementation, formal accountability, powers, composition, term of office and budget. These characteristics are the basis for the assessment of EMBs across the international organisations, as well as within the academic community.

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Various election stakeholders have not been concerned with whether or not these EMBs are independent, governmental or mixed but rather with whether or not they adhere to the principles of impartiality, transparency and integrity. However, as a prerequisite for countries in transition to democracy, in order to achieve that ultimate end, there should be a degree of autonomy from the state. The state or other actors can have a negative influence on the EMB to the extent that it fails to act impartially regardless of its model, or it can be as a result of perceptions. Justice should not only be done, but it should be seen to be done.

The independent model of electoral commissions, which is common to East Africa, is not located in any government ministry or within the executive branch. It is, instead, an independent body established constitutionally. Normatively, this model is important in ensuring impartiality of the EMB as it is not under the executive or subject to the control of a government ministry. On the one hand, it faces operational constraints due to limited independence, unclear mandates and inadequate resources unless democratically designed. On the other hand, it may lack political influence, which could impede the effective performance of its functions and acquisition of sufficient funding.

The question of membership of the commission is often critical and central. IDEA describes a multi-party electoral commission as the best model in the countries that have experienced difficult transitions to multi-party democracy. In such societies, public servants are likely to have been largely discredited as electoral policy-makers because of a history of being agents of the authoritarian former ruling party. However, such a proposition is subject to criticism because despite having a multi-party electoral commission; the state can still exert its control on the commission and hence undermine its independence.

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4 Martini, M (2013) EMBs and Their Composition, Transparency International.
7 R vs Sussex Justices, Ex parte McCarthy ([1924] [1923] All ER Rep 233)
Pastor\textsuperscript{14} considers multi-party electoral commissions ineffective in the following cases:

- When there are too many parties in Parliament, the commission becomes unworkable as the commissioners from different political parties cannot reach a consensus.
- When there are just two political parties, the commission has the possibility of becoming polarised unless it has a non-partisan chairperson.

In Zanzibar, for instance, the main opposition party, the Civic United Front (CUF), has consistently complained of electoral fraud and rigging. This is despite the fact that it is represented in the electoral commission. This can result from how members are obtained, as well as the chief of the commission, the budget and the security of tenure.\textsuperscript{15}

On the other hand, there is support for expert member commissions comprising judges of High Courts.\textsuperscript{16} Using experts in commissions has an advantage over using members with political party affiliations. However, it depends on who these experts are accountable to – a Parliament or a president? Also their tenure, whether permanent or at the discretion of their appointing authority, is important. With these factors, consideration of the impartiality, independence and integrity of the EMB can be understood.

Moreover, the issue of fiscal resources is critical. In order to carry out electoral functions and day-to-day activities, EMBs need adequate financial resources. EMBs’ independence and impartiality can be jeopardised by lack of sufficient resources to carry out their activities.\textsuperscript{17} This can result from two factors: lack of adequate funds, especially in developing countries, and deliberate action by government intent on limiting independence.\textsuperscript{18} It is from this view that the international and regional standards provide that EMBs should have special votes in the national budget, just like other departments of the government.\textsuperscript{19}

Most of the countries in East Africa have taken a similar approach in the creation of EMBs, with mixed results for increased citizen participation in democratic processes and governance. The choices that each country has taken have largely been shaped by its history, going back to the colonial era and its political inheritance at independence.

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\textsuperscript{17} IDEA (1998) \textit{Code of Conduct: Ethical and Professional Administration of Elections}, Stockholm, IDEA.
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C. Colonial legacy

The five East African countries have held elections since their independence from Britain, in the case of Kenya, Tanzania and Uganda, and Belgian tutelage, in the case of Burundi and Rwanda. Their initial experiences with election administration at the sunset of the colonial era greatly influenced the context within which political competition for power was pursued. In an attempt to moderate the internal tensions generated by the introduction of party politics, semi-autonomous elections commissions were established. Additionally, because of the special colonial status for Rwanda and Burundi, the 1961 elections were conducted by Belgian colonial authorities but supervised by representatives of the United Nations (UN) Commission for Rwanda-Urundi.

After independence, the electoral commissions were systematically emasculated and only began to make a comeback with the return of multi-party political competition, whose clamour included the creation of a level playing field and impartial election management and arbitration. More or less autonomous electoral commissions have thus evolved as a tradition in Kenya, Uganda and Tanzania, with Burundi and Rwanda fashioning new independent commissions after the Arusha peace accords.

D. Violence and election management reforms

The consequences of political violence on elections management reforms have followed two opposite directions in the region. In some cases, political violence has triggered or consolidated major reforms in the management of elections, while in others, violence has hampered or delayed reforms. While important reforms of EMBs have been effected as a result of, or a direct response to, political violence in Burundi, Kenya and Uganda, decades of stability marked by an absence of major political violence can be said to have been among the reasons for a weak EMB in Tanzania. In Rwanda, on the other hand, the government has put in place specific policies aimed at preventing political violence of the scale of the 1994 Genocide. Such policies usually translate into deliberate efforts to suppress any source of social tension in the country, including in the way elections are managed and conducted. As a result, the EMB in Rwanda has been designed to preoccupy itself more with easing or preventing election-related political tensions than ensuring the delivery of free and fair elections.

Constitutional review in Uganda and Kenya, coming after violent conflict stemming from failed elections, ushered in a new breed of independent electoral commissions. In Burundi, which emerged from conflict by adopting the Arusha peace accords, the constitutional architecture for electoral commissions was a natural consequence of the push to create stable institutions that were more representative of the nation’s ethnic and gender diversity. The anarchy that characterised Uganda after the overthrow of Idi Amin and two other military regimes, the turbulence accompanying the clamour for multi-party politics in Kenya and the violence that erupted in the aftermath of the disputed 2007 elections, as well as the genocide in Rwanda and the conflict in Burundi,
altogether appear to have fuelled faster reforms in the EMBs of these countries. Similarly, the contestations over elections in Zanzibar have yielded some changes to its EMB. In mainland Tanzania, where there has not been a transition in the ruling party since independence in 1962, the evolution of the National Elections Commission has remained unhurried and the executive continues to play a significant role in the management of elections. The ongoing drafting of the Constitution in Tanzania is expected to deliver reforms in the EMBs for the mainland and Zanzibar.

E. Membership of EMBs and the appointment of commissioners

Although the EMBs in the region are anchored in each country’s Constitution, the institutional design varies from one nation to the next.

Kenya has probably the most elaborate process of identifying and selecting the commissioners, as clearly laid out in the Constitution and the law establishing the Independent Electoral and Boundaries Commission (the IEBC). An independent selection panel proposed by the President, the Judicial Service Commission and the Ethics and Anti-Corruption Commission, among others, and vetted and approved by the National Assembly, publicly advertises for the positions of chairperson and commissioners. It proceeds to shortlist and interview applicants publicly and presents to the President a list of three candidates qualified for the post of chairperson of the commission and 13 persons qualified for the posts of commissioners. Out of this list, the President nominates and sends back to the National Assembly for vetting and approval one person for appointment as chairperson of the commission and eight persons for appointment as commissioners. Upon approval, the Speaker of the National Assembly forwards the final list to the President for appointment. The institutional framework for Kenya’s the IEBC creates an executive board of nine commissioners (with the chairman as a first among equals) to operate the organisation, and a secretariat that manages the day-to-day administrative functions. Commissioners are appointed for a single term of six years and are not eligible for re-appointment.

In Uganda, the President appoints seven members of the Electoral Commission with the approval of Parliament. The members work full time and are supported by a secretariat headed by the secretary, who is assisted by directors, managers and staff at lower levels.

Burundi’s seven electoral commission members are appointed after approval by a three-fourths majority in the National Assembly and the Senate. The most influential political groups represented in Parliament and in the government, therefore, have a voice in the approval of commissioners.

In Rwanda, the seven-member Council of Commissioners is appointed through an order prepared by the Cabinet and signed by the President. It is not clear how the commissioners are identified and selected. The Cabinet then presents a list of seven
nominees to the Senate for further scrutiny and approval. Two of the seven commissioners must be lawyers and, in line with the Constitution, at least 30% of them must be women. Once approved, the names of the nominees are sent back to the Cabinet. A presidential order is then prepared and signed by the President to appoint them. The Council of Commissioners in Rwanda is not a full-time organ. Once appointed, members continue with their ordinary duties. During elections, commissioners convene meetings whenever necessary. The Council of Commissioners is supported by a technical executive secretariat in managing the commission’s day-to-day functioning. The national secretariat maintains a pool of experienced coordinators and volunteers who manage elections at polling centres at cell and sector levels.

Commissioners of the National Elections Commission (NEC) in Tanzania and the director of elections are appointed by the President. The Zanzibar Elections Commission (ZEC) has seven commissioners, whose chairman is appointed by the President of Zanzibar. Two commissioners are appointed by the President on the recommendation of the Second Vice-President, who is the head of government in the House of Representatives. Two other commissioners are appointed by the President on the recommendation of the leader of the opposition in the House of Representatives. Another member is appointed from among the judges of the High Court, and the last member is appointed by the President as he sees fit. Commissioners are appointed for a period of five years and can be removed for reason of illness or failure to perform their tasks properly. The President also appoints the Director of the ZEC, who heads the permanent secretariat. Unlike the NEC, which relies on civil servants, the ZEC has offices down to the district level.

Three trends emerge from the various institutional models. On one end of the spectrum is the model of partisan membership followed in Burundi, where electoral commission members are appointed by parties represented in Parliament to maintain the political equilibrium sought under the Arusha Accord. On the other end of the spectrum, Kenya applies a model that favours technical expertise and the appointment process is designed to shield electoral commissioners from political interference. Rwanda, Tanzania and Uganda occupy the middle of the spectrum. While members of electoral commissions in the three countries are independent professionals on paper, their appointment by the President using his discretionary powers – and in some cases on the basis of selection criteria only known by him – can have a negative impact on their independence and professional integrity. However, the contrast between the professional management of the 2005 elections in Burundi and the technically questionable management of the 2013 elections in Kenya seems to indicate that technical expertise doesn’t favour one model over the others.
F. Independence and effectiveness

The constitutions of all five East African states guarantee the independence of their EMBs and free them from the direction or control of any person or body. Yet, the independence of EMBs remains one of the most contested issues in election administration in the region. Since the resumption of plural politics in East Africa, EMBs have been the object of deep-seated mistrust for their real or perceived lack of political independence.

Public trust in the electoral system has consequently been eroded over time, with the perception of their independence and impartiality at its nadir despite apparent legal guarantees of freedom from political interference.

While many EMBs in the region have demonstrated an increasingly high level of organisational capacity in handling elections, opinion is still divided on their independence, capacity and ability to deliver free, fair and transparent elections. The system for appointment and removal of commissioners has not assuaged anxieties about independence from the executive. In particular, concerns have been raised over the overweening influence of presidents in the appointment of commissioners. In Tanzania and Burundi, for example, while election commissions can claim that their constitutions legally protect their independence and autonomy, there are low selection thresholds for the President to use as the appointing authority. In Kenya, commissioners are appointed in a competitive process and have security of tenure. The EMB has the latitude to hire its own professional staff and, as a constitutional commission, it also has operational independence. Even then, this has not eliminated opportunities for political horse-trading, because the names of nominated commissioners must be approved by the National Assembly. In the other countries, political parties play a role in the nomination of commissioners, which again presents problems if the legislature is dominated by one party or coalition, such as in Rwanda and Tanzania. In Uganda, many political groups strongly believe that the electoral commission is not independent and does not reflect the diversity expected in a multi-party system. In particular, there were concerns relating to the system for appointments to the electoral commission, credibility and security of tenure for commissioners, among other concerns.

Members of the electoral commissions can be removed from office by the President for physical and mental incapacity, misconduct or misbehaviour and incompetence, although in Kenya, the process involves the National Assembly. It has been argued that this affects their independence.

The interface between EMBs and other constitutional and statutory agencies presents interesting checks on their independence. Since EMBs are creatures of their respective constitutions, they are subject to parliamentary oversight, especially regarding their vetting, funding and budget, which can introduce political bias. The absence of secure, guaranteed funding for EMBs is of particular concern: financial and logistical dependence on the executive has undermined effective completion of critical electoral activities in Burundi and Kenya.
The electoral commissions’ decisional independence over electoral operations and determination of boundaries appears secure, but their decisions are subject to judicial review in the courts – with the sole exception of Tanzania, where the Constitution states that, ‘No court is allowed to inquire into the election of a presidential candidate who is declared by the National Electoral Commission (NEC) to have been duly elected’, or into any matter done by the NEC in discharging its duties.

In Rwanda and Tanzania, the electoral commissions rely heavily on government administrative cadres, while in Burundi great use is made of volunteers whose political neutrality has repeatedly come into question. In Zanzibar, employees of the state invite the influence of regional and district commissioners, who wield considerable arbitrary powers and often interfere with some of the decisions of the Zanzibar Electoral Commission.

**G. Common challenges to electoral management**

EMBs in the five countries, whatever their level of independence, face similar challenges. All electoral commissions face challenges in updating the national voters’ registers, resulting in disenfranchisement of some voters. They have also confronted challenges in the demarcation of constituencies, oversight of political parties and candidates, and ensuring equal access to public media.

**Political party regulation**

Political party regulation continues to present a challenge for all EMBs in the region. Although many EMBs are past the initial difficulties experienced in managing multi-party electoral contests through the creation of laws and adoption of codes of conduct, political hygiene is still low and poorly policed. Elections are still dominated by incumbent political parties. The pre-election campaign period is characterised by tension, uneven access to public media and suppression of plural, competitive ideas because of parties zoning off areas. Continuing weaknesses in enforcing electoral law, or a lack of political will to enforce it, have raised doubts about the EMBs’ capacity to deal with law-breaking by diverse electoral role players. Enforcement of nomination procedures is also somewhat hampered by overlapping mandates with other dispute resolution agencies. Further, EMB investigation and prosecution output from previous elections, compared to the number of allegations of malfeasance, is wanting.

**National voters’ registers**

All EMBs face challenges in maintaining a permanent and credible national register of voters. The reluctance or failure to deploy technological investments in the electoral process has raised legitimacy questions about the accuracy of outcomes and therefore the legitimacy of the political leadership in office. In Burundi, the electoral commission has transmitted directives verbally, without providing written records, thus depriving
political party representatives of the opportunity to verify the fairness of the electoral process. The imprecision of the modalities of transmission and consolidation of results has given rise to uncertainty and undermined electoral transparency.

**Voter education**
The delivery of civic and voter education is still inadequate. There is no comprehensive legal framework or syllabus for the participatory development and delivery of civic and electoral education. Civil society organisations (CSOs) and other stakeholders participate in civic education only at the discretion of the EMBs. As a result, a comprehensive civil society programme for civic and electoral education has not evolved.

**Voting**
Voting, vote counting and declaration of results have been marred by controversy – particularly where opposition parties are strong, with fears of attempted manipulation of results. In highly contested constituencies, crowds have often massed around vote tallying stations waiting for results to be announced, resulting in confrontations when the police attempted to disperse them.

Electoral transparency continues to present a challenge for all EMBs in the region. Transparency and accountability questions on results persist, thus undermining the credibility and trust of EMBs.

**Funding**
Electoral management in all the East African countries faces serious budgetary constraints. There are delays in the disbursement of funds meant for elections activities, thus undermining plans for staff recruitment or equipment purchases. Although financial independence of EMBs is implied in the provisions of the constitutions that create them, national treasuries habitually try to moderate their estimates long before they get to the National Assembly.

Donors have continued to support critical activities and to bridge funding shortfalls in priority areas, such as voter education, technical assistance and change management in all five countries. Most donor contributions to elections pass through a basket fund where they pool their resources to create a project. Donors do not always honour their pledges in full – sometimes because of recipients’ inability to meet aid conditions.

The cost of elections and the proper management of finances is a major issue across all EMBs. Cost-saving measures such as using government officials and volunteers as returning officers have undermined trust in the electoral commissions, thus presenting them with a dilemma between reducing costs and losing credibility. Important questions have been raised about the cost of each vote and the need reduce the cost of elections, even as EMBs seek to acquire expensive technological solutions.
Disputes

Electoral disputes present a special challenge. The institutions responsible for electoral litigation remain unclear across the five countries. Where they exist, there is still lack of clarity on processes for electoral litigation that are not widely known to the public or the political actors.

Kenya has the most detailed rules of procedure for electoral litigation. The Constitution allows seven days between the declaration of presidential election results and the filing of a petition in the Supreme Court, and 14 days for the judges to deliver a decision. This time limit, however, while met in the disputed 2013 Kenya presidential elections, was considered too short by contesting parties to allow a comprehensive examination of the issues in question. For the other election petitions, the Kenya Constitution allows 28 days after publication of results to file a petition.

H. EMBs and the East African Community

All five electoral commissions have collaborative relationships with the African Union (AU) and regional bodies such as the Southern African Development Community (SADC), of which Tanzania is a member, and the East African Community (EAC). These regional bodies are expected to be influenced by the African Charter on Democracy, Elections and Governance. Tanzania has, however, not yet ratified the AU Charter. All five EMBs are members of the East African Community Electoral Observer Mission (EACEOM) and the East African Community Forum of Electoral Commissions (EACFEM).

The EAC has a forum for heads of national electoral commissions, which meets regularly and has made contributions to the East African Community Draft Protocol on Democracy and Good Governance. The draft protocol addresses the issues of democracy and democratisation processes in Article 7. Matters on institutionalisation of democracy, democratisation processes and good governance are addressed in great detail in Article 7(3). The first priority is given to establishing independent and well-funded EMBs, managed by members transparently appointed on the basis of merit, gender equity and professionalism. Other matters include democratic elections and peaceful transfer-of-power mechanisms, political parties and parliamentary accountability, as well as the harmonisation of regional benchmarks for conducting free, fair and credible elections.

Whereas EMBs are members of the regional bodies, strengthening election management depends on individual governments. There is no evidence of pressure from the regional organisations for improvements in the EMBs in the partner countries.

The aim of EACFEM is to build stronger EMBs in the region through greater collaboration, peer learning and exchange of ideas and best practices. Representatives of each EMB have participated as observers and have shared their experiences in different regional elections. In reciprocation, individual EMBs have invited other electoral bodies to monitor elections and share their experience. Some of them, notably from Rwanda
and Tanzania, are also active in ongoing processes in their countries to ratify and adopt the East African Protocol on Good Governance and were part of the efforts to negotiate and adopt the East African Principles on Elections Observation and Evaluation. The protocol has specific pillars on democracy and democratisation, while the principles offer guidance on structure, methodology, timeframe and reporting on elections observation and on the code of conduct for election observers.

I. Conclusion
Elections play an important role in shaping the political destiny of countries in East Africa, not only because of the legitimacy they confer on the political leadership, but also as a peaceful way of resolving competition and differences. The management of elections, which decide development and governance priorities and outcomes, therefore acquires a critical importance. The institutions that bear the responsibility for conducting elections have become the focus of scrutiny, monitoring and reform to enable citizens to have a greater say in how their governments are run. Many reforms have created competent and professional bodies and have focused on the need to give the EMBs greater legal and institutional independence, but the reports in this volume demonstrate that constitutional and legal guarantees of independence still leave gaps that could hobble the performance of EMBs in increasing public participation in democratic processes. More attention needs to be given to securing the technical independence of EMBs in delivering on their mandates.

J. Options for reforming electoral management
Policy-makers in the five East African nations need to strengthen the legal framework for elections. All pending reforms and revisions of laws to streamline operations and improve other aspects of elections should be promptly concluded.

Independence
- Across the board, parliaments need to pass laws that respond to anxieties about the appointment and removal of the members of electoral commissions in order to secure their independence and financial autonomy. It is recommended that the process of selecting candidates be open and transparent, and that the criteria for selection be based on high levels of professional competence and integrity. Even where such a process is based on compromise, it still needs to be open and transparent. Candidates need to be interviewed and screened by an independent technical team, and a gender-balanced list should be presented to the National Assembly for confirmation before appointment.
- Parliaments should, additionally, secure the administrative and managerial autonomy of EMBs to enable them to perform their duties effectively.
There is also a need to adequately define the limits of the responsibilities and substantive jurisdiction of electoral officials.

Governments should embrace comprehensive reforms that separate the ruling parties from the state to ensure free and fair elections. The use of government administrative cadres in the running of elections undermines the independence of EMBs. As a rule, titular government officials should not be involved in managing elections.

Greater focus must be placed on rules for access to public media, the use of state resources during election campaigns, term limits for the office of President, and time limits for the declaration of parliamentary election results.

Precise and clear criteria should guide electoral commissions in the exercise of their power of co-optation, rectification of imbalances in electoral registers and nomination for special seats.

Governments should also consider streamlining and increasing funding for political parties in order to include an operational budget.

EMBs in each country should lead discussions on critical constitutional and legal reforms necessary for the further improvement of elections in areas such as access to public media, voter education and the creation of realistic election calendars that are easier to manage logistically.

**Voters’ registers**

- All electoral commissions should maintain accurate, credible and accessible national voters’ registers and ensure continuous updating of the roll. Where such an electoral roll has proven its quality and credibility, it should be maintained with continuous improvement to make the necessary corrections.

- In Burundi and Zanzibar, there is a need to review requirements that could disenfranchise populations on the basis of income or residency.

- Political parties and their representatives should be fully involved in updating the electoral roll to enhance its transparency and to eliminate any suspicion of fraud.

- Ultimately, all EMBs need to move towards establishing computerised and integrated voter registration rolls.

**Enhancing efficiency**

- A system-wide organisational assessment of EMBs’ institutional structures, work-flows and ability to discharge their mandate should inform the critical capacity investments that are required to make them more effective.

- Staff needs to be trained to act in accordance with the law, to be impartial at all times, and to comprehensively and competently deal with electoral crime.

- EMBs should enhance their adjudication mechanisms by strengthening and establishing complaints desks in all districts and at the national level to handle election-related complaints.
• Electoral commissions should also establish and strengthen liaison committees at the national and local level, comprising representatives of the police, the EMB and competing political parties.

• Electoral commissions should comprehensively perform their roles and use their constitutional and statutory powers to ensure that elections are conducted in compliance with the law.

• EMBs should organise their work better and share responsibilities.

• EMBs need to develop manuals to clarify roles between commissioners and technical staff to minimise conflicts and management paralysis.

• Training programmes for senior officials should be initiated to make them more efficient, notably on logistics, data management and communication, both internally and externally.

• Commissions also need to review their procurement and hiring systems to address all integrity concerns. Commissions should strengthen their internal audit functions, with a view to consistently bring down the cost of elections and institutionalise election audits and evaluations in order to learn from all their electoral exercises.

Election results management

• EMBs need to establish transparency requirements throughout the entire results audit trail and make the information publicly available by using technology. Adequate resources should be allocated, well in advance, for the drafting of results management protocols to ensure transparency, particularly in relation to the rapid publication of the election results in every polling station.

• Polling-station-level data should be available electronically in easily accessible formats.

• Future electoral laws should guarantee greater transparency in results management, notably the publication of complete results for each polling station during the announcement of provisional results.

• All EMBs should invest in robust public communication strategies and mobilise resources for their implementation to manage public expectations and improve stakeholder relations. There is a need for electoral commissions in the region to reach out to the entire cross-section of electoral role players and constructively discuss how they can improve their effectiveness.

• Post-election audits would enable commissions to answer important questions about the previous election and gain insights into how to improve future performance.

• They should make customer satisfaction surveys a routine part of their service delivery through diverse mechanisms such as an interactive website and exit surveys for critical processes like voter registration and other areas of service provision.
Civic and voter education

- States should take measures to ensure that all citizens with basic primary education understand each country’s democracy and how to participate in it, including by voting. In the short to medium term, states should adequately fund the provision of targeted voter education for diverse stakeholder groups in partnership with civil society and other civic education providers.
- EMBs should provide leadership in the development of a national curriculum, set standards for voter education and monitor its provision.
- Electoral commissions should work in partnership with CSOs and other stakeholders to provide comprehensive and continuous civic education.
- All electoral stakeholders need to remain vigilant and relentlessly continue the long journey to free and fair elections.
- CSOs should build their capacity to observe elections, including electronically, and to be able to observe the whole electoral process including the pre-election and post-election period. It may be necessary to consider establishing an independent monitoring system to audit the whole electoral process from beginning to end.
- Electoral commissions should work closely with political parties to expand their role in offering civic and political education in line with their mandate.

Management of disputes

- Greater clarity is required in the management of election disputes. Although there is value in endowing EMBs with power to resolve lower-level disputes, there is an equal need to make provision for courts of law to be the final arbiters.
- A rational training programme for judicial officers should be planned, organised and implemented well before the elections by drawing from the experiences within the region.
- There should be clear and simple rules of procedure for electoral litigation that facilitate appeals from the political parties to the electoral commission, and ultimately to the courts. Litigation needs to be conducted promptly and judgment delivered within a specified short period so as to avoid creating a governance vacuum.
- Where EMBs are involved in dispute resolution, they should strengthen their internal capacity to investigate and prosecute election offences and enhance inter-agency coordination with the police and prosecution agencies to ensure strict compliance with the electoral law.
- Further, EMBs should have the power to ensure that the political parties competing in elections respect electoral laws, comply with registration requirements and adhere to campaign finance rules and codes of conduct.
Regional and stakeholder collaboration

- Relations between regional EMBs need to be enhanced in order to strengthen capacity to implement agreed-upon standards, as well as lobby governments for support. The objective of such collaboration and cooperation should be to consistently benchmark EMBs with the best regional and global standards in electoral practice and to further regional and global electoral democracy practices.

- It is imperative to launch advocacy campaigns aimed at speeding up the process of ratifying the East African Draft Protocol on Good Governance and educating the public on its content and meaning, along with those of the East African Principles for Elections Observation, Monitoring and Evaluation.

- Efforts aimed at further expanding civic and democratic spaces for East African citizens should be supported by deepening the role of the media and promoting initiatives that bring together regional civil societies, publics and political groups in joint analyses, researches, debates and sharing of relevant experiences.

- EMBs need to improve their relations with donors, particularly those involved in elections support, to facilitate the financing of activities related to elections, including the provision of voter and civic education.

- Donors should honour their pledges adequately and on time to allow EMBs time to prepare for the management of elections. Donors should also adequately support CSOs to provide civic and voter education.