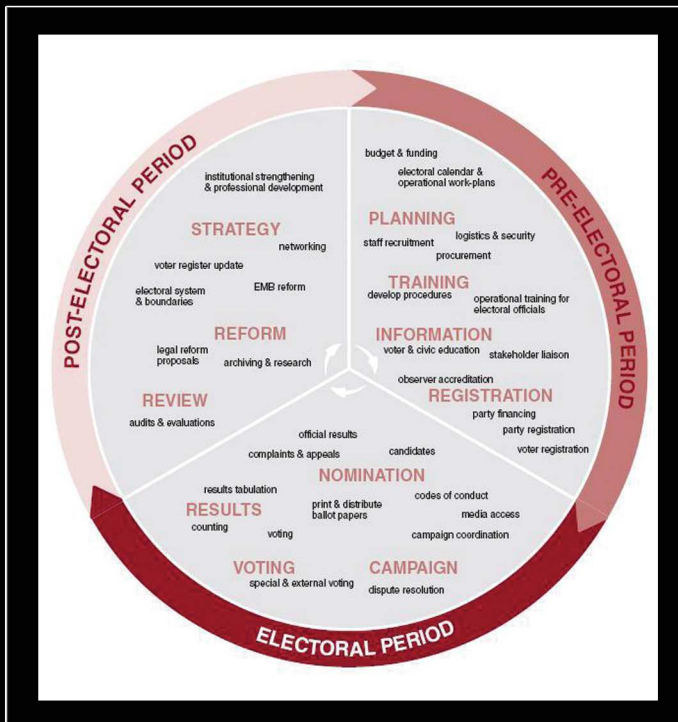


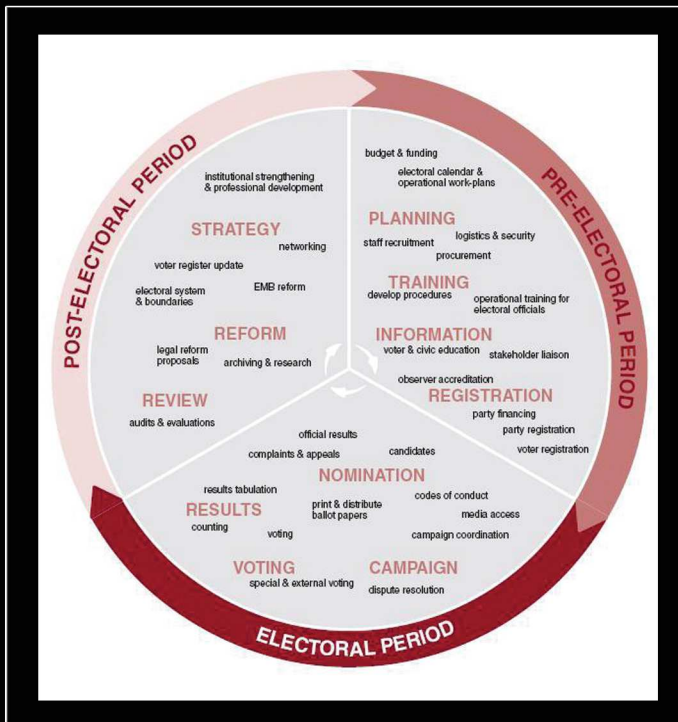
PRINCIPLES FOR ELECTION MANAGEMENT, MONITORING & OBSERVATION IN THE SADC REGION

Revised 2022



PRINCIPLES FOR ELECTION MANAGEMENT, MONITORING & OBSERVATION IN THE SADC REGION

Revised 2022



Principles for Election Management, Monitoring, and Observation in the SADC Region

Revised 2022



Published by The Electoral Institute for Sustainable Democracy in
Africa (EISA)

Abidjan, Côte d'Ivoire
Lot numéro 2974, ilot 247, aux II Plateaux-7ème Tranche.
Cocody, Abidjan, Côte d'Ivoire

EISA 2023

Johannesburg, South Africa

14 Park Road • Richmond 2092
P O Box 740 • Auckland Park 2006, South Africa
Telephone +27 11 381 60 0 Fax +27 11 482 61 63
Email: info@eisa.org Web: www.eisa.org

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the written permission of the publisher.

Published with the generous financial support of the American people through the United States Agency for International Development (USAID).

Design and Layout: Independent Electoral Commission Botswana

Electoral Cycle developed by: European Commission (EC), the International Institute for Democracy and Electoral Assistance (International IDEA), and United Nations Development Programme (UNDP).

Table of Contents

Preface	6
Acknowledgements	9
Abbreviations	11
1. Introduction	12
2. Institutional Context for Elections	18
2.1 Constitution and Legal Framework	18
2.2 Electoral Systems	19
2.3 Electoral Management Bodies	22
2.4 Technology in Elections	24
2.5 Political Party Regulations	26
2.6 Electoral Dispute Resolution	28
2.7 Role of International Development Partners	29
3. Pre-election Phase	30
3.1 Civic and Voter Education	30
3.2 Voter Registration	32
3.3 Boundary Delimitation	33
3.4 Electoral Participation of Marginalised Groups	35

3.5 Electoral Participation of Civil Society	36
3.6 Nomination and Registration of Candidates	37
3.7 Campaigns	39
3.8 Electoral Participation of the Media	40
3.9 Internet and Social Media Use	42
3.10 Disinformation and Hate Speech	43
3.11 Political Violence	44
4. Election Phase	45
4.1 Security Measures	45
4.2 Voting Materials and Equipment	46
4.3 Polling Sites	47
4.4 Polling Officials	49
4.5 Voting Procedures	51
4.6 Secrecy of the Ballot	53
4.7 Party/Candidate Agents	55
5. Results Management	56
5.1 Vote Counting and Results Transmission	56
5.2 Announcement of Overall Results	
6. Post-Election Phase	59
6.1 Post-election Disputes	59
6.2 Post-election Review and Evaluation	60

7.	Election Monitoring and Observation	61
	7.1 Scope and Methodology	61
	7.2 Selection and Composition of International Observer Missions	65
	7.3 Reporting Framework	66
8.	Conclusion	68
	Appendices	69

Preface

The Principles for Election Management, Monitoring, and Observation in the SADC region (PEMMO), adopted in 2003, has been widely used to date by EMBs, Civil Society organizations and other actors in the SADC Region. PEMMO has effectively contributed to the credibility of elections in the SADC region, for example both the EISA and the ECF-SADC Election Observer Missions refer to the PEMMO to assess electoral processes since 2004. Moreover, the PEMMO is also used as a reference document by practitioners and researchers. Despite its use and its detailed recommendations, given that several developments have taken place since 2003 including the development of other principles in addition to the PEMMO and the evolving context for holding elections (political, social, economic, technological) and other contexts, the EISA ECF-SADC has identified the need to jointly review the PEMMO to address the global environment for elections which have changed significantly. In recent years, some of the new trends in election management have included the following:

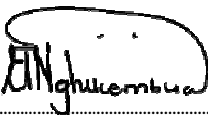
- More Election Management Bodies adopting digital technologies to conduct elections,
- Political parties leveraging on social media platforms and artificial intelligence to engage voters in more personalized, targeted ways,
- Election observer groups broadening their scope of assessments to include, for example, ICTs, campaign financing, funding of political parties and inclusion of marginalized groups in the electoral process,

- The Covid-19 pandemic has triggered a reflection on the conduct of elections within a context of health emergency,
- EOMs also now undertake both short-term and long-term election observation,
- Elections are increasingly becoming more costly and there is a high demand for security for electoral personnel and materials.

A comprehensive review of the PEMMO was undertaken in the period 2019 – 2022 to ensure that the revised PEMMO document reflected emerging issues in the evolving field of election management and observation.

We are pleased to present this revised PEMMO available in four (4) SADC languages, which introduce key policy recommendations on a number of emerging issues. We are confident that the revised PEMMO shall be used by EMBs and other key electoral stakeholders to enhance further engagements and debates towards strengthening democracy and election management in the region.

We sincerely thank the technical team that worked tirelessly to put this revised PEMMO together. Allow me to express our appreciation to the PEMMO Working group under the coordination of the both EISA and ECF-SADC Secretariat. Our partners in this project, USAID is worth a special mention and appreciation.

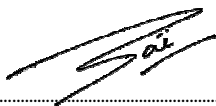


.....

Dr. Elsie T. Nghikembua

ECF –SADC Executive Committee Chairperson

Chairperson – Electoral Commission of Namibia



Baidessou Soukolgue

Executive Director

Electoral Institute of Sustainable Democracy in Africa

Acknowledgements

The revision of the PEMMO was a collaborative effort between the ECF-SADC and the EISA. The PEMMO review working group would like to especially thank the ECF-SADC Executive Committee members of 2018–2020 under the leadership of Advocate Notemba Tjipueja, former Chairperson of the Electoral Commission of Namibia, the former EISA Executive Director, Mr Denis Kadima, and the current EISA Executive Director, Mr Baidessou Soukolgue, for their support and guidance. The PEMMO review working group is greatly indebted to the ECF-SADC Secretariat led by the Executive Secretary, Ms Hilda Modisane, and the EISA Chief of Party of the STEP Programme, Mr Justin Doua Goré, for coordinating and managing the project institutionally.

The ECF-SADC and the EISA deeply appreciate all the ECF-SADC member commissions and civil society organisations that participated in the stakeholder consultations at various stages of the review process for their valuable input. Special thanks to the Electoral Commissions of Mauritius, Namibia, Zambia, and Zimbabwe for seconding the following commissioners and staff to serve in the PEMMO review working group:

- Commissioner Ulrich Freyer, Electoral Commission of Namibia.
- Commissioner Joyce Laetitia Kazembe, Zimbabwe Electoral Commission.
- Mr Bob Musenga, Secretary, Electoral Commission of Zambia.
- Ms Neena Seewoo, Deputy Chief Electoral Officer, Office of the Electoral Commissioner of Mauritius.

- Mr Petrus Shaama, Director of Operations, Electoral Commission of Namibia.
- Ms Zenia Klazen, Deputy Director: Registration and Planning, Electoral Commission of Namibia.

The ECF-SADC extends its heartfelt gratitude to the working group members and the drafting expert, Dr Catherine Musuva, for their expertise, hard work, and dedication.

This updated PEMMO is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of the ECF-SADC and the EISA and do not necessarily reflect the views of the USAID or the United States Government.

Abbreviations

AU	African Union
BVR	Biometric Voter Registration
CBO	Community Based Organisation
CEO	Chief Executive Officer
CSO	Civil Society Organisation
ECF-SADC	Electoral Commissions Forum of SADC Countries
EISA	Electoral Institute for Sustainable Democracy in Africa
EMB	Electoral Management Body
EOM	Election Observation Mission
EXCO	Executive Committee
FBO	Faith Based Organisation
FPTP	First-Past-The-Post
ICT	Information and Communications Technology
IDP	Internally Displaced Persons
IT	Information Technology
MMP	Mixed Member Proportionality
MP	Member of Parliament
NGO	Non-governmental Organisation
PEMMO	Principles for Election Management, Monitoring and Observation in the SADC Region
PR	Proportional Representation
PWD	Persons with Disability
SADC	Southern African Development Community
SMM	Single Member Majority
SMP	Single Member Plurality

Introduction

Southern Africa has made significant progress towards institutionalising democracy in the last two decades. This is reflected in a number of developments in SADC countries, including the holding of successful multi-party elections. There is evidence of increased popular participation in governance, and dialogue between governments and stakeholders has taken root. Democratic institutions have been set up and a number of major constitutional, legal, and administrative changes have been undertaken with the objective of consolidating and entrenching democracy. Experience in the region and beyond has shown that deepening democracy entails more than holding periodic elections and creating a set of institutions. It also involves developing a generally accepted set of values that ensure fair electoral practices predicated on representation, accountability, inclusiveness, transparency, gender equality, tolerance, and respect for diversity.

The Electoral Commissions Forum of the Southern African Development Community (ECF-SADC) and the Electoral Institute for Sustainable Democracy in Africa (EISA) jointly developed the Principles for Election Management, Monitoring and Observation (PEMMO) that were adopted on 6 November 2003 and became operational in January 2004. The Principles were the culmination of three years of collaborative research project and consultations conducted by the ECF-SADC and the EISA with other key regional electoral stakeholders. The PEMMO is a set of benchmarks to guide electoral practice and foster a sound enabling environment in which

elections in Africa take place. The benchmarks cover key aspects of the electoral cycle, including the institutional framework, processes related to the pre-election phase, the election phase, and the post-election phase. The PEMMO also includes guidelines on election monitoring and observation.

The PEMMO has served as one of the key regional instruments for election assessments conducted by the ECF-SADC Election Observation Missions (EOMs) in southern Africa and the EISA EOMs across Africa. The ECF-SADC and the EISA EOMs enhance the management capacities of member electoral commissions through the promotion of best practices in the region and peer learning, in the case of ECF-SADC EOMs. They produce reports and follow-up on their recommendations with EMBs after the elections, thus, laying a basis for electoral reforms and post-election engagement during the next elections cycle.

Other regional, continental, and international instruments related to elections have been developed since the PEMMO. These include the SADC Principles and Guidelines Governing Democratic Elections first developed in 2004 and revised in 2015; the 2007 African Charter on Democracy, Elections and Governance; the Guidelines on Access to Information and Elections in Africa⁴, adopted in 2017; and the 2005 Declaration of Principles for International Election Observation endorsed by intergovernmental and international non-governmental organisations.

In 2020, the African Union (AU) developed Guidelines for Elections during Public Health Emergencies for instance the COVID-19 pandemic and the SADC developed Guidelines for Election Observation Under Public Health Emergencies. International organisations such as the International Institute for Democracy and Electoral Assistance (International IDEA) and International Foundation

of Electoral Systems (IFES) also developed similar guidelines. The ECF-SADC and the EISA EOMs refer to these instruments in their electoral assessments, where relevant.

Since the adoption of the PEMMO, the electoral landscape has changed with major implications for election management and observation. Elections in the region have become more competitive with increased inter-party and intra-party rivalries. Voter apathy and low voter turnout have also characterised elections in some countries. Trust in Electoral Management Bodies (EMBs) has grown in some cases, while in others it has declined. Refusal to accept electoral outcomes has led to election results being challenged in courts by some contestants. There have been cases where the courts have annulled elections and one instance when an EMB itself overturned elections results. Both of these cases resulted in repeat polls and subsequently dented the credibility of the EMBs. Unpreparedness of an EMB has necessitated last minute postponement of elections or led to major delays in voting in some countries. In extreme cases, public facilities housing election materials have been vandalised and at times election personnel have been attacked, posing new security threats to EMBs.

Elections have also become more sophisticated in this digital age and Information and Communication Technology (ICT) has been adopted. The introduction of technology has attracted both interest and concern from electoral stakeholders. For instance, the procurement of technology and election materials from abroad has made elections more expensive and further introduced external corporate actors into the electoral process. Some countries have also become heavily dependent on donor funding to conduct elections.

Such involvement of external actors has the potential to compromise local ownership and sustainability of the electoral process.

The proliferation of social media has arguably advanced digital democracy by promoting citizen access to information and opening up spaces for political debate and participation. However, social media networks have also become tools for spreading disinformation and hate speech. Meanwhile, election observer groups have also broadened their scope of assessment to include elections technology, campaign financing and funding of political parties, inclusion of marginalised groups in the electoral process, and social media and disinformation, among others. They also now undertake both short term and long-term election observations using an electoral cycle approach.

Lastly, in the wake of the COVID-19 pandemic in 2020, safeguarding the electoral integrity in the context of public health emergencies became crucial. Individual governments in SADC were quick to put in place emergency response measures that had implications on the conduct of credible democratic elections. Election Management Bodies (EMBs) in the region also put in place mitigation strategies and measures to lessen the impact of the COVID-19 pandemic on the conduct of elections in their individual countries. Furthermore, the AU, SADC and international organisations developed guidelines for conducting elections and election observation under public health emergencies.

It is in this changing context that both the ECF-SADC and the EISA recognised the need to revise and update PEMMO to reflect current dynamics in the evolving field of election management and observation. With regard to emerging health emergencies, the ECF-

SADC and the EISA decided to refer to the existing national, regional, and international guidelines instead of developing additional guidelines in the PEMMO for their electoral assessments.

A joint ECF-SADC and EISA Working Group was established in March 2019 to develop a framework for the review, consult widely with electoral stakeholders in the region and draft the Revised Principles (see Appendix A). The Working Group finalized the drafting process at a meeting held in Gaborone, Botswana on 25-26 May 2022. The final draft was tabled for validation at the ECF-SADC Chief Electoral Officers' and Executive Committee meetings in July 2022. The revised PEMMO was validated by the EXCO and subsequently adopted in October 2022 at the ECF-SADC Annual General Conference in Namibia.

Note that the PEMMO is premised on the understanding that every country has its own political, legal, social, and cultural peculiarities. It is thus expected that countries will adapt the document to their particular national situations as it is structured in such a way as to reflect the chronology of events in the management of elections. It begins by discussing the requirements for a sound political and constitutional dispensation that will give birth to an election regime and its supporting electoral institutions. It then looks at the three stages of the electoral process – the pre-election (preparatory) phase, the election (voting) phase and the post-election (review and evaluation) phase. These three phases are all equally important to the procedures and processes necessary to deliver free and fair, credible, and legitimate elections in a climate of peace and stability. Specific regional trends and challenges are identified for all three phases and recommendations are made for best practices in the management of elections. Because they cut across all the phases, election monitoring

and observation are treated separately and are included in the document before the Conclusion.

The recommended principles address the following major issues:

- the need for a comprehensive legal framework and enabling environment;
- the inclusion and participation of all segments of society, including marginalised groups;
- the importance of transparent and accessible pre-election procedures, including the boundary delimitation process, voter registration, candidate nomination and voter education;
- traditional media coverage and the role of new media in elections;
- sources of financing for political parties and campaigns;
- disinformation and hate speech;
- the organisation and management of the election phase, including the location of and access to polling stations, their layout, voting and the secrecy of the ballot, and the closing, counting, and tabulation processes;
- the post-election phase, including the settlement of election disputes and evaluation of the electoral process; and
- the requirements for unhindered, credible, professional, and impartial monitoring and observation of the whole electoral process.



2. Institutional Context for Elections in the SADC Countries

2.1 Constitution and Legal Frameworks

The constitutional and legal frameworks are fundamental documents of the state that provide the context and legal environments in which elections take place. The Constitution of any country should both provide the legal framework for that country and serve as the basis for the conduct and delivery of free, fair, credible, and legitimate elections.

Most SADC countries have committed themselves to upholding the fundamental rights and freedoms embodied in their constitutions, as well as to multi-party elections that are free, fair, credible, participatory, inclusive, and legitimate. The majority have enacted enabling legislations to govern the general conduct of elections in an effort to conform to the requirements of democratic plural politics.

Recommended Principles

The constitutional and legal frameworks should:

- guarantee fundamental freedoms and human rights, promote good governance and the values of political stability;
- provide for mechanisms to address electoral disputes/ conflict;
- make provision for the review of the constitution in keeping with principles of democratic practice;
- provide explicitly for gender equality and special measures for marginalised groups as a temporary measure, until balanced representation is achieved;

- provide a clear statement on the type of electoral system;
- provide for the regular scheduling of elections, prescribing the election date or period for conducting elections;
- not violate the principles of fundamental human rights and freedoms, for example; specific provisions for the respect of human rights such as freedom of association and freedom of expression, which freedoms should include the right to form and belong to a specific political party or to be independent candidates;
- be drafted in plain language and translated into the main languages of the country;
- provide for the establishment of an independent and impartial electoral management body; and
- enact constitutional and legal provisions which deal specifically and in detail with electoral issues and should include a right of appeal for aggrieved persons.

2.2 Electoral Systems

An electoral system is a method by which votes are translated into legislative seats. The choice of system therefore determines the nature of representation and the format by which seats are allocated. There are four main electoral systems used throughout the world.

(a) Single Member Plurality (SMP)

Commonly known as 'First-Past-The-Post' (FPTP), this system is considered the simplest. The country is divided into electoral constituencies, each of which chooses only one candidate as its representative in the legislature. The winner in each constituency is the candidate who receives a minimum of one more vote than each of the other candidates and does not have to obtain more votes than all the

others combined. Although this system may mean that a party with a minority of votes countrywide becomes the ruling party and although it unduly disadvantages small parties, the SMP system is reputed to entrench the accountability of the elected representative to the constituency.

(b) Single Member Majority (SMM)

In a Single Member Majority (SMM) system the country is also divided into constituencies but the advantage of the SMM over the SMP system is that the winner must obtain an absolute majority of votes in the constituency. Although this system is not commonly used in the SADC region, some states use it for presidential elections. Where a presidential candidate fails to secure an outright majority, a run-off election is required.

(c) Proportional Representation (PR) System

Although there are various types of PR systems, the commonly used variant is the closed party list system. In most PR systems the whole country is taken to constitute a single constituency so no constituency delimitation process is required, as would be the case with the FPTP and SMM. The PR system generally ensures that all parties contesting in an election have some representation in parliament, in proportion to the total number of valid votes cast. Although this system is reputed to ensure better representation and a better reflection of public opinion, it tends to link Members of Parliament (MPs) to parties rather than to the electorate.

(d) Mixed Member Proportional System (MMP)

The MMP system combines the key elements of the FPTP and the PR systems. The system allows for some MPs to be elected through the FPTP system while others occupy legislative seats through the closed

party list system. Although many ordinary voters find the MMP confusing it tends to maximise the positive aspects of both the PR and the FPTP, namely broad representation and accountability. On the other hand, the MMP also embodies the negative aspects of both PR and FPTP.

The two most dominant electoral systems in the SADC region are the SMP or FPTP system and the PR system. The type of system selected has an impact on participation, especially that of women and other disadvantaged groups. The evidence in SADC shows that those countries that use the PR system have more women in parliament and local government than those that use FPTP.

Whereas these electoral systems have shaped the nature of representation in the legislature, some SADC governments also use a system of specially appointed seats, which allows the ruling party to appoint a specified number of MPs to occupy special seats in the legislature. In this regard, ruling parties in the SADC region have tended to enjoy undue political advantage relative to opposition parties, which has triggered discontent, political tensions, and conflict in some countries. However, in a few countries, this system has been used positively to place women and representatives of other disadvantaged groups in parliament and local government.

Recommended Principles

- Each SADC State should adopt an electoral system in accordance with its own political dispensation, history, and party system.
- The electoral system should be entrenched in the Constitution.
- The Electoral Act should clearly set out the form, content and operation of the electoral system adopted.

- All stakeholders, particularly the electorate, should understand the type of electoral system in use; how the state determines the allocation of legislative seats; the nature of representation and the political consequences of the chosen system.
- Electoral systems should promote and protect fundamental human rights, as well as the secrecy of the ballot.
- Special measures such as affirmative action and quotas for women and other disadvantaged groups should be adopted as part of intra-party and national electoral systems, and mechanisms put in place to ensure their enforcement.
- The following principles must lie at the heart of the electoral system:
 - broad representation of diverse political interests and population groups;
 - inclusiveness and political participation of key actors;
 - political accountability of elected representatives to voters;
 - transparent and legitimate election processes and outcomes; and
 - the entrenchment of a culture of intra-party democracy that ensures the credibility and legitimacy of the nomination process within political parties.

2.3 Electoral Management Bodies

SADC countries have established electoral management bodies (EMBs) in legislation to administer and manage elections. Most of them have adopted the Independent Electoral Commissions (IEC) model. Some of the main constraints to their operations include limited autonomy, unclear mandates and inadequate resources and capacity. Controversies have risen with respect to the appointment procedures and tenure of members of the EMB, which at times

undermine the legitimacy, credibility, and integrity of the electoral process.

Recommended Principles

- The EMB should exercise its powers independently and impartially, and perform its functions without fear, favour, or prejudice.
- Appointment and dismissal procedures should be clearly articulated, and the process undertaken in a manner that is impartial, accountable, and transparent. These procedures should also take into consideration the need to ensure continuity by including staggered appointment of commissioners. Where commissioners are selected by political parties, they should represent the entire political spectrum. Safeguards should be put in place to ensure the independence of the EMB is not compromised and that the commissioners are not hamstrung by interparty differences.
- Considerations should be given to appointing independent persons known within the society for their integrity. It is recommended that at least one of the commissioners should be a person who holds or has held high judicial office (a high court or Supreme Court judge). At least a percentage of EMB commissioners should be full-time members, in order to ensure organisational and institutional continuity.
- The budget for the EMB should be timeously approved by Parliament.
- Government must adequately fund the EMB in order for it to deliver a credible and legitimate election. The funding of the EMB should be timely and in line with the electoral cycle. The EMB must promote financial sustainability and cost-effective

management of elections. The size of the EMB should be manageable to ensure the efficient, effective, consensual, and financially sustainable administration of elections.

- The EMB should be accountable to Parliament through a specified parliamentary committee rather than a ministry and should be required to report annually on its activities.
- The EMB should promote gender equality and social inclusion in the institution and ensure that all sectors of society can fully and actively participate in the electoral process.
- The EMB should institutionalise risk management into all its areas of work. The EMB should have a framework for identifying internal and external risks and taking preventive and mitigating actions.
- The security of the EMB should be ensured and guaranteed throughout the electoral process.
- EMBs must be accessible and avail to stakeholders all electoral laws and regulations.
- EMBs should be encouraged to share resources and skills with other EMBs, where feasible.

2.4 Technology in Elections

Many SADC EMBs use a range of ICTs to improve the conduct of elections, including database systems, geomapping, mobile applications, Biometric Voter Registration (BVR), voter identification devices and even electronic voting. The level of internet penetration and smartphone usage in the region is high, making the use of social media platforms such as Facebook, WhatsApp, and Twitter widespread. EMBs use these platforms and websites for voter outreach and voter information. Political parties use social media to

engage in electioneering and circulate statements to a large virtual audience in a short space of time. CSOs use these platforms to encourage electoral participation and peaceful elections, whilst the electorate participates in political debates and discussions on social media platforms.

Whilst these technologies can be quite transformative and efficient, there are also potential risks associated to them. Concerns have been raised regarding costs, transparency, user friendliness, and cybersecurity, among other issues. Social networks have become a double-edged sword that can be used to improve or seriously undermine electoral processes. Voters can be manipulated or misled by politicians and candidates in this digital era of disinformation, misinformation, and malinformation.

Recommended Principles

- EMBs must carefully consider the potential risks of technology options available to them and come up with measures to mitigate the risks of technology they utilise.
- EMBs should adopt technologies that are sustainable and cost effective.
- EMBs should ensure that the introduction of technology is timely and preceded by a robust mock/ piloting process to allow EMBs to appropriately and adequately address any potential glitches or errors associated with the technology.
- EMBs should open up technology evaluation and procurement processes to scrutiny, to enhance transparency and acceptance by political parties, candidates, and the civil society.
- EMBs must sensitise all stakeholders on any technology to be used by voters and ensure that it is user friendly.

- EMBs must develop effective data protection mechanisms.
- EMBs must take measures to protect their IT systems and data against cybercrime.

2.5 Political Party Regulations

A healthy multi-party democracy requires a plurality of political parties. In most SADC member states, political parties are required to register to take part in an election. The registration process is contained in the legislation and a time limit for registration is usually imposed. The amount of time political parties are given to register may be contested if the parties are not given enough time to meet all the requirements. Additionally, if the costs of registration are deemed to be too high, small parties may be prevented from registering. The process of party registration should not violate the principle of freedom of association.

A number of SADC member states provide public funding to political parties depending on their representation in parliament. This is necessary in order to level the playing field and to strengthen the democratic process, however, it tends to favour the larger parties. Public funding is often insufficient and political parties have to raise money from donations and other sources. Political parties are secretive about their sources of private funding and obstruct efforts to legislate for the openness and transparency in disclosing sources of funding. Wealthy individuals and corporations are known to fund political parties and candidates. The growing influence of money in politics corrupts the political process and entrenches a minority elite and political patronage. In some cases, political party financing has led to tensions, particularly between the ruling and opposition parties, and between coalition parties. It also has given a rise to suspicions of corruption proceeds being channelled to electioneering.

Recommended Principles

- An independent and impartial body should be responsible for the registration and functioning of political parties in compliance with the regulatory framework.
- The qualifications and disqualifications for registration of political parties should be clearly provided for by law along with a recourse mechanism.
- While the office responsible for the registration of political parties must comply with certain regulatory requirements – such as candidate or party deposits, signatures of registered voters, and the submission of party names and logos – these regulations should not be so stringent as to exclude parties from participating in the elections.
- The criteria for registration of political parties should be clearly defined, transparently applied and should include appeal mechanisms.
- Political parties should be required to sign an electoral code of conduct upon registration.
- The regulatory framework should provide a mechanism for addressing intra-party and inter-party disputes.
- The funding of political parties and/ or candidates shall be prescribed in the legislative framework.
- The disbursement of public funds to political parties should be done in a timely manner.
- The independent and impartial body should be responsible for regulating the use of these public funds, and beneficiaries of the funds must provide verifiable accounts to the independent and impartial body.

- Consideration should be given to the establishment of rules governing the disclosure of all sources of funding of political parties.
- The legislative framework should cap campaign expenditures to curb corruption and undue influence of money.
- The legislative framework should include incentives for adherence and sanctions for non-compliance.
- Campaign funding should be equitable but post-election funding should be in proportion to the support a party has received in elections, normally its share of votes or seats.
- Political party regulations should ensure that party structures ensure gender and social inclusion.



2.6 Electoral Dispute Resolution

Election-related conflicts are among some of the major threats to democracy and political stability. Historically, the EMB and adjudicatory institutions such as the courts, and more particularly

electoral courts, have dealt with election-related disputes and conflicts.

Alternative dispute resolution and conflict management processes such as mediation, arbitration and conciliation are potentially more accessible, cost-effective, and rapid means by which to address such disputes. Only a few countries have instituted these processes.

Recommended Principles

- The legislative framework should establish judicial and non-judicial mechanisms to deliver electoral justice at different stages of the electoral cycle.
- The EMB, political parties, candidates and the civil society should facilitate the establishment of conflict prevention and management processes to deal with election-related disputes, including strategies such as stakeholder liaison committees and dispute tribunals.
- Independent, skilled, and well-trained mediators and arbitrators should staff the conflict management committees established by the EMB.
- Agreements reached through mediation, conciliation, and arbitration should be enforceable by law.
- Appeal procedures should be established for all elections and should be dealt with by the courts timeously.
- The legislative framework should specify clear and reasonable timelines for resolving election petitions or disputes.

2.7 Role of International Development Partners

Various multilateral and bilateral development agencies provide electoral assistance to SADC countries as part of the international development aid. This assistance may take the form of financial

resources, equipment, materials, and expertise. It could be targeted at EMBs, state agencies, political parties, and civil society groups. Although electoral assistance is aimed at institutional strengthening and improving the quality of elections, the details of the initiatives are not always disclosed to the public and they have been criticised for sometimes being poorly coordinated; treating elections as an event rather than a process; being costly; and being provided with donor conditionality.

Recommended Principles

- International development partners should respect state sovereignty and abide by the laws of the country.
- International development partners should be transparent about their financial and in-kind contributions to the host country's elections.

3. Pre-election Phase

3.1 Civic and Voter Education

All SADC EMBs undertake civic and voter education with the assistance of the civil society and faith-based organisations, political parties, and the media. Access to information enables people to participate in the political activity and influences the electoral outcome and the country's governance by voting. Many civic and voter education programmes are inadequate both in terms of content and frequency, hence tend to be over-reliant on donor funding. Voters particularly need to be sensitised on any technologies that the EMB will use for voter registration and voting. Rural voters, especially those residing in remote areas, women, the youth and PWDs do not always have access to voter education programmes. Illiteracy is also an obstacle to voter education. It is widely

accepted that these problems contribute to voter apathy, which is most prevalent among the youth of the region.

Recommended Principles

- Continuous civic and voter education should be prioritised in the interest of deepening democracy, enhancing participation, and encouraging informed choice.
- Overall responsibility for the co-ordination of civic and voter education should rest with the EMBs to ensure consistency and quality control.
- The EMB, in consultation with the relevant government ministry, should develop a broad based civic and democracy education curriculum for adoption by schools.
- Governments should prioritise the funding of civic and voter education by providing for it in the EMB's budget, prior to the elections/ electoral cycles.
- Civic and voter education should be provided in a manner that is non-partisan, independent, co-ordinated, and consistent.
- An effort should be made to ensure that rural voters are given special attention and that the participation of women and the youth in the elections is encouraged.
- Illiteracy, mainly in rural areas should be compensated by the use of local languages, visual aids and videos etc.
- Civil society formations such as Non-Governmental Organisations (NGOs), Community-Based Organisations (CBOs) and Faith-Based Organisations (FBOs) as well as traditional, religious, and community leaders should be accredited by the EMB to harness and support civic and voter education to ensure effective distribution throughout the country.

- Accredited civil society groups and political parties should provide their constituencies with civic and voter education that is consistent with the voter education and information provided by the EMB.
- Civic and voter messages should be disseminated as widely as possible using traditional media, social media, and social networks.

3.2 Voter Registration

The purpose of voter registration is to identify those persons who are eligible to cast a ballot on Election Day. The EMB is responsible for compiling a national voters' roll and undertaking voter registration. In many SADC countries, the transparency and legitimacy of the voter registration process has been disputed, resulting in a lack of acceptance of the election results. Conflicts associated with the voter registration process include the legislative prescription for voting, the time allocated for the process, the inspection of the voters' roll, and the accuracy of the voters' roll. Many SADC countries have also not extended voter registration to their citizens living abroad, mainly due to the complexities and risks.

Recommended Principles

- The voter registration process should promote broad participation and should not inhibit the participation of eligible voters.
- The voter registration process should specifically target marginalised groups such as women, youth, persons with disabilities and internally displaced persons, among others.

- Eligible voters should be provided with a continuous and accessible voter registration facility.
- There should be sufficient time for eligible voters to register, for a public inspection of the voters' roll, for objections and for the adjudication of appeals.
- The EMB should update and audit the voters roll before the next elections.
- Cost effective voter identification protocols should be established to enable inclusion of the maximum possible eligible voters, while minimising multiple or illegal voter registrations, for example, the development of a multi-purpose national identity card to accompany a national population register.
- Provisions should be made for political parties to monitor the voter registration process through party agents appointed by themselves.
- Parties should have access to the voters' roll without charge.
- Voting rights should be based on considerations that include:
 - citizenship;
 - legal age of majority which may differ from country to country;
 - residency both in-country and abroad; and
 - any grounds for disqualification, for example, persons with a criminal record.

3.3 Boundary Delimitation

In most countries, the EMB is responsible for the delimitation of constituencies. However, some countries appoint special commissions to handle delimitation, sometimes referred to as demarcation. The establishment, composition, and status of an EMB applies equally to a delimitation commission. In most cases, the mechanisms for establishing the body responsible for delimitation are entrenched in the Constitution.

It is important to note that the delimitation process is a technical exercise that can be used to achieve political goals. It is therefore important that the process be guided by a clear criteria. Delimitation should ensure that each constituency contains approximately the same number of eligible voters. The following considerations should be considered:

- population density;
- ease of transport and communication;
- geographical features;
- existing patterns of human settlement;
- financial viability and administrative capacity of electoral area;
- financial and administrative consequences of boundary determination;
- existing boundaries; and
- community of interest.

Recommended Principles

The delimitation process should:

- be managed by an EMB or an independent and impartial body that is representative of the society, comprising of persons with the appropriate skills;
- be conducted on the basis of a clearly identified criteria such as population distribution, community of interest, convenience, geographical features and other natural or administrative boundaries;
- be made accessible to the public through a consultative process;
- be devoid of manipulation of electoral boundaries to favour particular groups or political interests;
- be conducted by one body; and
- include all spheres of government – national, regional, and local.

3.4 Electoral Participation of Marginalised Groups

An electoral process is deemed to be inclusive and participatory, every eligible citizen who wishes to participate at various stages in the election cycle should be able to do so. Marginalisation can be understood as a persistent inequality and adversity resulting from discrimination, social stigma, and stereotypes. It can also be defined as a social process of becoming or being relegated to the fringe of society. Historically, certain social groups have been excluded from participation through social and cultural discrimination, conflict, displacement, and migration.

These marginalised groups include women, youth, persons with disabilities (PWDs), internally displaced persons (IDPs), refugees and those in the diaspora. In some contexts, ethnic and religious minorities also fall into the disenfranchised category. EMBs are tasked with ensuring that these marginalised groups are encouraged to take

part in the electoral process as electoral staff, candidates, or voters by addressing the factors that hinder their participation throughout the electoral cycle. In many cases, election regulations are inadequate in spelling out the provisions for promoting electoral participation of marginalised groups. Where legislation exists, implementation has been a challenge, for example, facilitating diaspora voting.

Recommended Principles

- EMBs should have an expansive definition of disabilities for PWDs.
- EMBs should mainstream gender equality and social inclusion in the various stages of the electoral cycle such as voter registration, candidate registration, polling preparations, voter education, and voting.
- EMBs should identify the marginalised groups in the country and conduct voter outreach to eliminate barriers to their participation in the electoral process.
- Political parties should have affirmative action/ quotas and other supportive measures that promote representation of marginalised groups in party structures and in nomination of candidates.
- EMBs should put measures in place for the progressive realisation of the diaspora voting/ out-of-country voting.
- Electoral stakeholders should strive to make election language gender neutral.

3.5 Electoral Participation of the Civil Society

Civil society formations are a key player in the political landscape. They can advocate and promote inclusiveness in the electoral process and assess the implementation of the electoral cycle. However, in some countries, Civil Society Organisations (CSOs) are weak, and their watchdog role is stifled by government regulations or the lack of institutional capacity.

Recommended Principles

- The government should acknowledge the role of CSOs and provide a supportive and enabling regulatory framework for them to freely promote broad and inclusive electoral participation and also be able to play their watchdog role throughout the electoral process.
- EMBs should timely accredit civil society monitors and observers to assess all the phases of the electoral process.
- CSOs should perform their activities in compliance with the relevant national laws and election regulations.
- CSOs should assess and report on the electoral process, conduct voter education campaigns, contribute to identifying and mitigating emerging tensions, support the inclusion and safety of marginalized communities (women, youth, and PWDs) in the electoral process, and promote a peaceful election environment.
- CSOs should also monitor and report regularly on political party and candidate compliance with the electoral law, regulations, and code of conduct.

3.6 Nomination and Registration of Candidates

The commitment to deepening democracy must apply to intra-party democracy. The selection of candidates at party level is not always

democratic; there is a general absence of mechanisms to encourage diversity and equal representation. Intra-party selection procedures should not undermine democratic values or impede the representation of women, youth, PWDs and other disadvantaged groups. With respect to the nomination process at national level, concerns have been raised in some countries about the lack of accessibility of nomination centres, which sometimes result in the disqualification of candidates. However, some EMBs have made the process digital, hence candidate nomination is done online.

Recommended Principles

- The process of nomination of candidates, either independent or party candidates, should be transparent with defined timelines.
- Candidates should be able to submit their nomination documents in the electoral area that is accessible to them, for instance, the constituency in which they seek election.
- Candidates should have sufficient time to comply with the requirements of the nomination process.
- Nomination fees should be reasonable enough to encourage broad participation.
- Candidates and EMB staff should be provided with security by the police during the nomination and registration processes.
- There should be an attesting officer or commissioner of oaths in every district and constituency to facilitate easy access and speedy compliance.
- There should be sufficient time for the public to inspect candidate nomination lists and for objections to be lodged and disputes resolved.

- Political parties should promote women and other marginalised groups as candidates.
- Political parties should field women candidates to ensure gender representation in line with the 50% target by 2030, as set out in the 2018 Amended SADC Protocol on Gender and Development.

3.7 Campaigns

The period between the conclusion of candidate nomination and Election Day is used by political parties to mount heightened political campaigns, although unofficial campaigning usually commences much earlier, in blatant breach of the electoral law. In some SADC countries however, insufficient time is allocated for electioneering. During the campaign period, competing parties and candidates tend to ignore the code of conduct and resort to unlawful practices such as the designation of ‘no-go’ areas, preventing rivals from entering those zones.

Not all political parties and candidates have access to public resources for campaigns. Governing parties in SADC have an unfair advantage in this regard, deploying public resources to which they have exclusive access for campaign purposes or to further their political ends. Some parties and candidates also have access to private funds for electioneering from local and international sources. Due to the absence of regulations on campaign financing and the difficulty in tracking the movement of campaign money, countries are grappling with the rising influence of money on politics.

Recommended Principles

- There should be a reasonable defined period for the commencement and conclusion of the official campaigns.

- In the canvassing process, parties and candidates should adhere to the electoral code of conduct that guides their behaviour and sign a peace accord.
- Political parties and candidates should be funded equitably by the state subject to prescribed conditions.
- The use of public assets and funds for party political purposes should be regulated to level the playing field for political competition.
- The use of public resources for political campaigns and political party activities should generally be avoided, but if permitted, access thereto must be equitable and be paid for, and conditions for such access and payment must be clearly provided for in the law.
- Political parties and candidates should account to the EMB or relevant bodies for the use of such resources.
- The police should grant permits for official rallies and provide security to candidates in an impartial manner.

3.8 Electoral Participation of the Media

Most SADC constitutions guarantee freedom of the press as a fundamental right. However, in many countries, the public and private mass media have been perceived to be partisan. In some cases, the media are not sufficiently accountable to the populace and engage in sensational and biased reporting. This is partly due to the absence of an effective media regulatory body.



Recommended Principles

- All contesting parties and candidates should have equitable access to the public and private, print, electronic and social media.
- Media regulations should be issued by an independent media authority responsible for monitoring and regulating the media on a continuous basis.
- The prescribed media regulations should apply to all sectors of mass media.
- Media coverage of the elections should be subject to a code of conduct designed to promote fair and balanced coverage and reporting.
- The media should promote coverage of women candidates and other minority candidates.

- Media reporting should refrain from perpetuating gender and other stereotypes, and from disseminating disinformation, misinformation and hate speech.
- EMBs should train the media on the electoral process and grant accreditation to cover the elections as necessary.

3.9 Internet and Social Media Use

The level of internet penetration and smartphone usage in the region is high, making the use of social media platforms such as Facebook, WhatsApp, and Twitter widespread. EMBs use these platforms and websites for voter outreach and voter information. Political parties use social media to engage in electioneering and to circulate statements to a large virtual audience in a short space of time. CSOs use these platforms to encourage electoral participation and peaceful elections, while the electorate participates in political debates and discussions on social media platforms.

Political parties and other electoral stakeholders enjoy greater freedom of expression on the Internet and social media compared to traditional media which is more regulated. In addition, social media promotes access to information and citizen participation in politics, thus, promoting digital democracy.

Recommended Principles

- EMBs and relevant government agencies, working in collaboration with social media platforms, should use existing tools to monitor campaigns and political activity on social media around elections.
- Media monitoring organisations should also conduct social media monitoring.
- EMBs should develop social media guidelines and interact with technology and social media companies to ensure that

elections take place in a credible information environment and that their platforms are not used to undermine the integrity of elections.

3.10 Disinformation and Hate Speech

The extensive use of social media and the speed at which information travels online has led to the growth of disinformation, misinformation, and propaganda, commonly referred to as ‘fake news’. This is spread through sensationalist stories, misleading headlines, biased news reporting and facts taken out of context. ‘Fake news’ is presented to intentionally mislead, fuel tensions, and create suspicions. It is also used to spread hate speech, conduct smear campaigns, and undermine public confidence in the Election Management Body. In this way, social media networks have become an arena for voter manipulation and divisive and toxic campaigns – posing a threat to human rights and democracy.

Combating disinformation and hate speech online remains a challenge. Some platforms such as Facebook and Twitter can block accounts that spread fake news and inappropriate content, but WhatsApp’s end-to-end encryption makes it difficult. Fact-checking initiatives by social media platforms and news agencies are good attempts at curbing fake news. However, these are countered by declining media standards and poor journalism.

Recommended Principles

- Politicians must refrain from negative campaigning and discourage their supporters from producing and spreading fake news and harmful content on social media networks.
- The code of conduct for political parties should include a provision outlawing hateful campaigns, disinformation, and misinformation.

- Political party regulation should include provisions that seek to regulate the online activities of parties, candidates, and their supporters.
- The EMB and CSOs should conduct civic education to empower citizens to identify, report and counter fake news.
- Political parties and candidates should ensure their messages and statements are factual and accurate.
- EMBs to encourage media organisations to improve their quality of election reporting and this can be achieved by rigorous civic education and outreach, given their pivotal role in society. They should also conduct fact-checking and social media monitoring of fake news.
- The general public should refrain from producing and spreading fake news and harmful content on social media networks.

3.11 Political Violence

There can only be a free, fair, credible, and legitimate electoral process in a climate that is free from political violence and intimidation. However, election-related political violence and intimidation by party supporters has occurred, including targeting women candidates and women in public life. Therefore, there is a need to create a culture of peace and tolerance, and general agreement on what constitutes acceptable and unacceptable conduct.

Recommended Principles

- All electoral stakeholders should commit themselves to cultivating and promoting a culture of peace and tolerance before, during and after Election Day.

- A code of conduct regulating the behaviour of political parties and their supporters should be adopted through a consultative process involving the EMB, political parties and other electoral stakeholders.
- Political parties and security forces should collaborate and guarantee the safety of candidates, especially women candidates.

4 Election Phase

4.1 Security Measures

The role that should be played by the state security forces – army, police, and intelligence – in protecting the security of the election process has not been properly established in SADC countries. It is generally the police who maintain law and order on a daily basis, including on Election Day and counting process. In some contexts, the presence of security forces around polling stations may intimidate and instil fear in voters. Nonetheless, the police play a critical role in protecting electoral materials, electoral staff and voters from threats and they should therefore be visible at polling centres and results centres. In some countries, the destruction of elections materials has been experienced and election personnel have been intimidated and harmed.

Recommended Principles

- Security forces should be trained on election security and maintain a neutral role in the provision of election security.
- Security forces should be regulated by a code of conduct contained in the electoral law and their behaviour should not intimidate voters.

- The EMB should meet regularly with the security forces to discuss issues relating to the safeguarding of electoral materials and equipment, elections personnel, polling day security, national security during the election period, and any other logistical assistance that may be required at various stages of the electoral process.
- Special provisions should be made for the security forces to vote prior to Election Day if they are required to be deployed away from their constituencies.

4.2 Voting Materials and Equipment

The majority of SADC member states, including those that have electronic voting systems, use ballot papers and ballot boxes. In most cases, the EMB oversees the production and security of voting materials. In many cases, sensitive election materials are printed abroad due to lack of trust in local printers. If not properly handled by the EMB, the procurement, distribution and types of election material may generate conflict.



Recommended Principles

- Ballot papers should be designed and printed under the sole control and supervision of an EMB and in conditions of strict security.
- The design of all election materials should be consistent.
- All election materials should be distributed to all voting stations on time and in sufficient quantities.
- Election materials should be procured in a transparent manner and in accordance with legislation.
- Ballot papers should be designed in such a manner that they are user friendly and can be easily understood by voters.
- An effort should be made to design election materials that are accessible to disadvantaged voters such as the blind and the deaf. In the absence of these materials, assistance should be provided to enable such voters to vote.
- Sensitive election materials should be stored and delivered under strict security in order to prevent electoral fraud.
- In the event that sensitive election materials have to be stored overnight, party agents and observers should be allowed to remain at the polling station with the guarded materials.

4.3 Polling Sites

Increasing popular participation in the electoral process is an important way of strengthening democracy. This can only be achieved if the public has confidence in the electoral process and if it is accessible to them. Lack of confidence and limited access may lead to voter apathy, as reflected in the generally poor voter turnout evident in some countries' polls.

The location of polling sites plays an important role in ensuring easy access to the process. The selection of polling stations is usually based

on a number of factors such as the number of voters per station, the proximity of the station to voters, adequacy of lighting and communications, transport, and other logistical considerations.

In most SADC member states, there is an imbalance between infrastructure and services in urban and rural areas. Polling stations in urban areas tend to be more easily accessible and better serviced than those in rural constituencies.



Recommended Principles

- Where applicable, special arrangements should be made to allow for special categories of voters – voters living abroad and prisoners, to vote.
- The law should provide for special or early voting for the police, elections staff and essential services personnel who will be working on Election Day.

- The location of polling stations should be venues that are accessible to all voters, especially the elderly and PWDs. Contingency plans should be in place in the case of extreme or unexpected weather conditions.
- There should be as many polling stations as population density and settlement patterns demand to ensure easier access, minimise waiting time and enhance efficiency.
- Public facilities with the necessary infrastructure, such as schools, should be given priority as polling stations.
- Where the infrastructure is limited, there should be adequate provision for alternatives. If necessary, mobile units should be used.

4.4 Polling Officials

Elections are labour intensive and require the recruitment and training of thousands of temporary staff who are deployed throughout the country ahead of polling. On Election Day, their role is to facilitate the voting process. The number of personnel per polling unit is spelled out in the election guidelines issued by EMBs. Given the long working hours on polling day and the tedious nature of the work, the EMB needs to ensure that they have sufficient personnel to handle the workload in shifts and that the welfare of polling officials is considered.



Recommended Principles

- Selection criteria for the recruitment of polling staff and performance management processes should be institutionalised by the EMB.
- Polling stations staff should be recruited in a transparent and non-partisan manner by the EMB.
- Recruitment of polling officials should strive for gender balance and representation of marginalised groups.
- Polling officials should preferably be recruited where they live, as much as possible.
- Polling officials should not be disenfranchised and hence should be able to vote where they are assigned. Otherwise, the EMB should ensure that officials who will be working at a different polling station from where they are registered are able to vote early.
- The EMB should develop manuals for polling officials and train them well in advance of Election Day.
- The EMB should make adequate logistical arrangements for polling officials and provide them with clear identification.

- Party agents, observers and any persons authorised to be present in the polling station should follow proceedings without interfering with the duties of polling officials or intimidating them.
- The EMB should ensure that there is adequate security to protect polling staff.
- Polling officials should sign a code of conduct.
- Polling officials should follow all the laid down voting procedures related to poll opening, poll closing, counting and transmission of results.

4.5 Voting Procedures

Voting procedures are established in the election regulations and must be adhered to on the polling day. Voters must ensure that they are at the polling centre where they are registered to vote and are in possession of the required voter identification cards. Polling officials are required to adhere to opening procedures, set up the polling station, identify voters on the register, issue ballot papers, ink voters, assist categories of voters who require help, handle complaints, and observe closing procedures. After polling closes, polling officials are responsible for reconciling ballots, counting ballots, posting the signed results at the polling station, and transmitting the same to the results centre as required by law.



Recommended Principles

- At the opening and closing of the poll, the procedures for handling and sealing ballot boxes should be open to the scrutiny of party agents, observers, and other authorised stakeholders who may be present.
- The voting stations should be arranged appropriately to ensure easy accessibility, good flow of movement and secrecy of the ballot.
- Polling officials should give preferential access to the elderly, pregnant women, PWDs and other voters with special needs as per the provisions in the law.
- Appropriate methods should be put in place to prevent multiple voting.
- In case of voting machines:

- procedures should be in place to ensure that all voting machines to be used at polling stations are cleared of any votes;
- all agents should be allowed to inspect the voting machines;
- procedures should be in place to make sure that all the voting machines are sealed on commencement and closing of the poll in the prescribed manner;
- they should be used alongside a voter verifiable audit trail; and
- the equipment should be user friendly.

4.6 Secrecy of the Ballot

The secrecy of the ballot is one of the pillars on which free and fair, credible, and legitimate elections rest. To avoid suspicion, mistrust, political violence, intimidation, fear of political retribution, and victimisation of voters; election officials, party agents and party supporters need to be assured that their vote will be secret.

The majority of SADC member states observe the secrecy of the ballot. However, there have been cases where attempts to undermine the secrecy of the ballot through misinformation and intimidation have been reported.



Recommended Principles

- The voting station should be laid out in such a way that no one is able to see how voters are marking their ballot papers or making a selection on the voting machine.
- There should be clear procedures for the provision of necessary assistance to PWDs, illiterate and elderly voters that protect, as far as possible, their right to vote secretly.
- Where ballot papers are designed with a counterfoil and serial number, all precautions should be taken to ensure that it is impossible to reconcile cast ballots with the names of individual voters, for example, by marking their identity number on the counterfoil.
- Voters should be prohibited from using cameras inside the polling booths and from taking a photographs or videos of a marked ballot paper.
- No unauthorised person shall remove a ballot paper from a voting or counting room or be found in possession of the same.

4.7 Party/ Candidate Agents

Accredited political party and candidate agents are authorised to be present at polling stations and counting centres. Their role is to

monitor the polling process, including the counting and compilation of votes. Their presence is aimed at contributing to transparent and peaceful polls.

Recommended Principles

- The EMB should accredit agents in a timely manner.
- Political parties and independent candidates must ensure that their agents are trained on the electoral framework and the rights, roles, and responsibilities of agents.
- Parties and independent candidates should make sufficient logistical arrangements for their agents.
- There should be a code of conduct for party and candidate agents.
- Candidates should also recruit women agents to promote gender representation.
- The agents should have a copy of the voters' register and their own Election Day's checklists.
- Agents should be deployed in as many polling stations as possible.
- The agents should sign a copy of the polling station results sheet and receive a copy.

5. Results Management

5.1 Vote Counting and Results Management

Vote counting begins at the polling station level and is done manually or digitally in the case of voting machines. The scores are then entered into the appropriate forms and copy pasted in a prominent place in the polling unit. The transportation of ballot papers between polling stations and tabulation centre is a potential source of suspicion and fraud and must be handled with the utmost security and in a transparent manner. The original results sheets are taken physically and/ or transmitted electronically to designated centres for collation and declaration. To enhance the credibility and transparency of the count, several SADC countries have established results centres and adopted technology to provide a national record of the results.

Recommended Principles

- The EMB should have the overall responsibility of vote counting and results management.
- Procedures for counting should be made known to election officials, party agents, observers and any other authorised persons who are permitted to be present during the count.
- The counting process should take place in the polling station immediately after the close of voting.
- If the polling station is to function effectively as a counting station, it must have adequate lighting, ventilation, security, and communication systems where appropriate.

- When the counting process is completed, political party and candidate agents should preferably affix their signatures on the results sheet.
- The results should immediately be announced and posted at the polling station.
- Where applicable, the legislative framework should provide clear guidelines on the electronic transmission of results.
- Where there is electronic transmission of results, polling officials must be equipped with working devices and have stable network connectivity.

5.2 Announcement of Overall Results

In most SADC countries, the EMB is responsible for officially declaring the election results. Slow tabulation and poor infrastructure and coordination leading to significant delays in announcing results are common. This often leads to suspicion and a reduction in the degree of acceptance of the results, both of which undermine the integrity of the electoral process.

Recommended Principles

- Result centres should be established in all SADC countries and should be open to authorised and accredited persons to enhance acceptance of election results.
- The electoral legislation should establish a specific timeframe in which results must be announced, in order to reduce uncertainty and minimise potential conflict or fraud.
- Electoral legislation should indicate clearly which authority is mandated to announce the results.
- Results from the result centres should be announced and displayed to the public promptly and frequently.

- Timeframes should be set for the confirmation of results and the allocation of seats.
- The EMB Report on the elections should contain a detailed account of the number of eligible voters who registered and the number of registered voters who voted.
- The EMB should post detailed results of the vote on its website in a timely manner.



6. Post-Election Phase

6.1 Post-election Disputes

In some SADC countries, electoral outcomes have been disputed for a variety of reasons which include dissatisfaction with the EMB's conduct of the elections. This leads to a feeling of lack of transparency and accountability, and dissatisfaction with the 'winner-takes-all' system, which leads to a feeling of exclusion from the process.

Post-election disputes emerge in highly competitive polls when contestants believe they have not lost and do not accept the results. It is therefore very important that mechanisms be put in place to deal with these disputes as they have the potential to undermine the integrity of the electoral process and lead to either overt or covert social conflict.

Recommended Principles

- A culture of acceptance of election results needs to be cultivated through civic education and the promotion of a transparent electoral process.
- There should be clear provisions for appeals against results and any other matters related to the conduct of the elections.
- Any conflict management structures established in addition to recourse to the appropriate jurisdiction should operate in the post-election period to facilitate the settlement of disputes.
- The legislative framework should specify clear timelines for lodging and resolution of election petitions and disputes.

6.2 Post-election Review and Evaluation

The conduct of credible, cost effective and sustainable elections requires that a post-election review be held, either by means of an evaluation by independent consultants, agreed upon by the EMB, or by use of opinion polls, exit polls and research. In most SADC countries, EMBs undertake a post-election review. However, the process of evaluation tends to sometimes exclude key stakeholders and yet the post-election review is conducted in the interest of improving the conduct of future elections. Together with the recommendations of elections observation groups, these provide an agenda for electoral reforms.

Recommended Principles

- To evaluate the process effectively, it is necessary to include in the evaluation, electoral stakeholders such as EMB Commissioners and staff, security and relevant government agencies, political parties, MPs, observers, media, donors and CSOs.
- Voting demographics should be captured, indicating how many women, men and young people of various ages voted. This provides useful information for future electoral planning and voter education.
- The results of the evaluation process should be shared with electoral stakeholders.
- The EMB should submit a final report on the elections to the appropriate institutions.
- EOMs should timely submit their final reports to the EMB, with recommended areas for improvement and legal reforms.
- The EMB should be evaluated after every election cycle.

7. Election Monitoring and Observation

7.1 Scope and Methodology

Election monitoring and observation have become an integral part of the electoral process in SADC countries, with most accepting monitors/ observers from international, regional, and national organisations. Such monitors/ observers are expected to play an important role in enhancing the transparency and credibility of elections and the acceptance of results.

Although the terms 'monitoring' and 'observation' are often used interchangeably, it is worth noting that these two processes are, in fact, fairly distinct, albeit intertwined. According to the African Union Guidelines for Electoral Observation and Monitoring Missions (2002), observation refers to information gathering and making an informed judgement, whilst monitoring involves observing an electoral process with the authority to intervene in the process if relevant laws or standard procedures are being violated or flouted. The same AU Guidelines also define 'election assessment' as the on the spot, preliminary evaluation of the conditions within which elections will take place.

Election monitoring and observation may take two main forms: (a) long-term, covering all phases of the electoral process and (b) short-term, covering mainly the last days of campaigning and polling day activities. These processes are key instruments for evaluating and assessing whether or not the electoral process in any given country has been conducted in a free, fair, transparent, and credible manner. Additionally, monitoring and observation can assist a country holding elections to prevent, manage and/ or transform election-related conflicts through

impartial and timely reporting, as well as identifying strengths and possible weaknesses of the election process as a whole.



Recommended Principles

- The EMB or relevant authority must invite observation missions timeously to allow the missions to prepare adequately.
- The EMB must ensure that the accreditation process for observers and monitors is speedy, efficient, and non-discriminatory.
- Upon accreditation, election monitors and observers should be accorded the same protection by the law and the authorities as any citizen of the host country.
- The EMB should, in consultation with key electoral stakeholders, develop a code of conduct for election monitors and observers to ensure acceptable conduct, in

accordance with the constitution and laws of the country holding elections.

- It is critical that codes of conduct do not impinge on the ability of monitors and observers to conduct their duties freely.
- Election monitoring/ observation should adhere to the code of conduct developed by the EMB of the host country. A standard code of conduct for election monitors/ observers should seek to uphold their behaviour in line with, *inter alia*, the following values: there is need to include a link for accessing code of conduct;
 - to abide by the constitution and the laws of the host country;
 - to respect the cultures and traditions of the host country;
 - to declare any conflict of interest prior to taking part in the mission;
 - to act in a strictly impartial and unbiased manner in relation to all electoral stakeholders, including voters, political parties or candidates, and the media;
 - to refrain from actions that could lead to a perception of sympathy for a particular candidate or political party;
 - to refrain from wearing any party symbols or colours;
 - to contribute to the legitimisation or otherwise of the electoral process and its outcomes;
 - to support the enhancement of and respect for basic political, social, legal, and other human rights in the host country;
 - to increase public confidence in the electoral process;
 - to offer support and show empathy to those directly involved in the electoral process;

- to uncover and make public any observed irregularities and malpractices in the electoral process for possible redress by relevant institutions; and
 - to exercise sound judgement and the highest level of personal discretion at all times.
- Monitoring and observation missions should deploy a pre-election assessment team to the host country many months prior to the polling day to ascertain whether or not preconditions exist for them to dispatch a mission. These preconditions include free political activity and guarantees that monitors and observers may move around freely and engage with organisations of their choice to assist with their assessment of the electoral process.
 - Monitoring and observation missions should prepare timeously and thoroughly for election observation and monitoring so that adequate logistical arrangements can be put in place well in advance of polling day. Their assessment should cover as many phases of the electoral cycle as possible.
 - Monitoring and observation missions must compile a briefing pack containing key documents relating to the political context, legal framework, security, deployment, methodology, reporting, and any other useful information for the assessment of the electoral process.
 - Monitoring and observation missions should preferably apply technological solutions for efficiency in the observation process.
 - Monitoring and observation missions should exchange information with other missions observing the same election, and they should also coordinate their efforts.
 - Monitoring and observation missions should interact with all the actors in the electoral process and organise briefing and

debriefing meetings with key stakeholders or role players, including the EMB, media, political parties, civil society organisations and security forces.

- Monitors and observers should use the principles contained in the PEMMO as a basis for assessing electoral processes in the SADC region.

7.2 Selection and Composition of International Observer Missions

The selection and composition of an election observer mission is important for it to be deemed credible. The selection criteria should seek to balance diversity in the electoral experience, age, gender, and nationality, in the case of international observers. With the addition of emerging areas for election monitoring/ observation, missions need to have technical experts who can develop tools to assess the use of elections technology, social media campaigning, campaign financing, participation of marginalised groups and other areas. If the recruitment process is not transparent and fair, the mission lacks capacity in observing certain technical areas, this weakens the capacity of the mission to conduct a thorough and professional assessment.

Recommended Principles

- Observation missions must ensure that all participants declare any conflicts of interest prior to taking part in the mission.
- Observation missions must be inclusive and representative of diversity.
- Observation missions must collectively possess adequate knowledge of the region in general and the country holding the elections in particular.

- Observation missions should train their observers on the use of the PEMMO as an instrument of election observation.
- Observation missions should include thematic electoral experts, technology experts and peace mediators as required by the country context.
- International observation missions must ensure they balance diplomatic and technical aspects of their missions.
- Heads of missions should be briefed on their roles in advance.

7.3 Reporting Framework

A number of international and regional governmental and non-governmental organisations are involved in election observation and monitoring in the SADC region, in addition to the ECF-SADC and the EISA. National organisations drawn from NGOs, FBOs and trade unions also monitor and observe elections in their respective countries.

Discussions on findings are becoming systematic when several groups are observing the same electoral process in a country, even if they are using different instruments. During polling days and in the immediate post-election periods, observers issue public statements. If these public statements are made prematurely or without being sensitive to the prevailing political environment, they could face a backlash from electoral stakeholders and then embarrass the Mission.

Election results are increasingly being contested in the courts in the post-election period. Successful petitions have resulted in unexpected repeat presidential elections and by-elections. This underscores the importance of rigorous observation and proper reporting of the post-election phase.

Recommended Principles

- Observation missions should produce and distribute widely impartial, credible, and professionally written press releases and interim and final assessment reports.
- Monitoring and observer missions should exercise caution and good judgement when deciding at what point in the electoral cycle to release press statements and reports to the public, given their significance for the country holding elections and the broader implications for the electoral process.
- Timely reports from election monitoring and observation missions should be used to help electoral conflict management bodies prevent or manage potential conflicts.



Briefing at the IEC Botswana Results Center, 2019 General Elections

8. Conclusion

The ECF-SADC and the EISA acknowledge that democratic governance is a major challenge facing the SADC region today, as elections occupy a place of cardinal importance in a democracy. This document provides a comprehensive guide for the management, observation and monitoring of elections in the region. It proposes, in a succinct manner, imperatives for the entrenchment of a working democracy in the region and, in particular, the holding of free, fair, legitimate, and credible elections as one of the key pre-requisites for the nurturing and consolidation of democracy.

The recommendations listed below are based upon the firm conviction that their adoption will:

- instil the necessary trust, confidence and integrity in the management of elections at all levels;
- encourage a greater sense of ownership of the electoral process by the general public; and
- increase participation in elections by all peoples of the region.

In this regard, the Southern Africa region will make commendable strides towards ensuring successful elections, free of conflict and controversy. These conditions are a prerequisite for regional peace, stability, and development, all of which would and should add value to democratic consolidation in the region.

Appendices

PEMMO Review Working Group Members

ECF-SADC

Mr Ulrich Freyer

Former Commissioner, Electoral Commission of Namibia

Dr, Molefe Phirinyane

Commissioner, Independent Electoral Commission of Botswana

Mrs. Joyce Laetitia Kazembe

Commissioner, Zimbabwe Electoral Commission

Ms. Hilda Modisane

Executive Secretary, ECF-SADC Secretariat

Mr. Bob Musenga

Commission Secretary, Electoral Commission of Zambia

Ms. Neena Seewoo

Deputy Chief Electoral Officer, Office of the Electoral Commissioner of Mauritius

Mr. Petrus Shaama

Director of Operations, Electoral Commission of Namibia

Ms. Zenia Klazen

Deputy Director: Registration and Planning, Electoral Commission of
Namibia

EISA

Mr. Justin Doua Goré

Chief of Party, STEP Programme, EISA

Dr. Catherine Musuva

Former Chief of Party, STEP Programme, EISA

PEMMO Drafting Expert



Electoral Commissions Forum of
SADC countries (ECF-SADC)

Plot 50669, Unit 1A, Tholo Office Park,
Fairgrounds
Private Bag 00284
Gaborone, Botswana
Tel: (+267) 3180012 Fax: (+267)
3180016

Email: info@ecfsadc.org
Website: www.ecfsadc.org



Electoral Institute for Sustainable
Democracy in Africa (EISA)

Abidjan, Côte d'Ivoire
Lot numéro 2974, îlot 247 au II
Plateaux-7 ème Tranche
Cocody, Abidjan, Côte d'Ivoire

Johannesburg, South Africa
14 Park Road • Richmond 2092
P O Box 740 • Auckland Park 2006, South Africa
Telephone +27 11 381 60 0 Fax +27 11 482 61 63
Email info@eisa.org Web www.eisa.org

Published with the generous financial support of the
American people through the United States Agency for
International Development (USAID)



USAID
FROM THE AMERICAN PEOPLE

PRINCIPLES FOR ELECTION MANAGEMENT, MONITORING & OBSERVATION IN THE SADC REGION

Revised 2022

