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## Management Board (E.M.B): The Sustainability and Implication

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### ABSTRACT

*An EMB is an organization or body that has the sole purpose of, and is legally responsible for, managing some or all of the elements that are essential for the conduct of elections and direct democracy instruments, such as referendums, citizens' initiatives and recall votes - if those are part of the legal framework. In the context of elections, sustainability refers to electoral policies and practices that are cost effective and realistic, and meet the needs of stakeholders in the electoral processes both now and in the future. The challenge of sustainability is more pronounced among EMBs in emerging democracies, which often rely heavily on donor aid. Economic and political hardships may prevent these countries from being able to wholly fund their own elections themselves. Sustainability aims to minimize reliance on external inputs and resources. EMB sustainability is not defined only in financial terms; it also includes the social and political returns on its activities. For example, a post-conflict country may use expensive voting systems and procedures that may not be sustainable in economic terms, but that may be politically essential in the short term to build trust among stakeholders and lasting peace and stability in the country.*

**KEY WORDS: Electoral Management Body, Sustainability, Needs Assessment, Donor Support**

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### INTRODUCTION

Despite the axiom that 'you can't put a price on democracy', making democratic elections more sustainable is a principle that should be embraced by all EMBs. The need for cost reductions in elections results from the rising costs of election goods and services—including the use of new technologies, dwindling public-sector budgets, the increasing frequency of elections for different levels of political institutions and the tough competition among poorer countries to access international donor funding. The euphoria surrounding a successful, well-funded transitional election needs to be tempered by the reality that similar levels of funding may not be available for future elections.

In the context of elections, according to Birch (2008), sustainability refers to electoral policies and practices that are cost effective and realistic, and meet the needs of stakeholders in the electoral processes both now and in the future. Sustainability aims to minimize reliance on external inputs and resources. EMB sustainability is not defined only in financial terms; it also includes the social and political returns on its activities. For example, a post-conflict country may

use expensive voting systems and procedures that may not be sustainable in economic terms, but that may be politically essential in the short term to build trust among stakeholders and lasting peace and stability in the country.

### **Concept of E.M.B Sustainability**

There are several elements to EMB sustainability. Birch, (2011):

- An EMB has institutional sustainability if its structures and processes enable it to fulfil its mandate and responsibilities over a series of elections. This type of sustainability refers to the adequacy of the electoral framework—the constitution, electoral law and regulations, and administrative and other policies—to allow the EMB to carry out its work effectively and efficiently.
- An EMB has financial and economic sustainability if the nature and level of its funding and expenditure are adequate to fulfil its institutional mandate and responsibility.
- An EMB has human resource sustainability if it is able to engage sufficient and appropriately skilled staff to manage and implement its systems and procedures.

Other forms of EMB sustainability include socio-political and environmental factors, for example, the extent to which EMB policies and practices promote social equality and political inclusion, minimize conflict and promote environmental sustainability.

### **Why Is EMB Sustainability Important?**

Gearing EMB policies and practices to promote sustainability helps an EMB enhance stakeholder confidence in the electoral process and in itself. For example, governments and donors want to see that the funds they appropriate to the EMB are used effectively, and that the EMB is developing its capacity to reduce its reliance on external interventions and inputs, especially donor support. Other stakeholders, such as political parties and the general public, also want to see sustainability of EMB policies and practices as a way to increase electoral integrity and political participation.

According to Bland, Green, & Moore, (2013), the challenge of sustainability is more pronounced among EMBs in emerging democracies, which often rely heavily on donor aid. Economic and political hardships may prevent these countries from being able to wholly fund their own elections themselves. In transitional elections, high integrity costs relating to confidence-building processes—such as peacekeeping, voter education and information, and election observation and monitoring—may be financially unsustainable, and are often funded through donor aid.

A high level of international assistance for second and third elections in emerging democracies may not result in greater efficiency or effectiveness, even though many of the threats to the initial democratic transition may have receded. As the international political agenda moves on, reduced donor interest may mean that such funding is not even available. Two immediate challenges have been the transfer of authority from international EMBs to fully national EMBs, as in Cambodia and Timor-Leste, and determining how best to ensure the institutional sustainability of newly founded EMBs, as in Afghanistan, Tunisia and Libya.

## Needs Assessment

The sustainability of an EMB can be addressed by a thorough needs assessment, in which a country examines its current electoral management capabilities and the financial, human and technological resources necessary to organize and conduct free, fair and credible elections. An assessment may be undertaken by the EMB itself, but may in some circumstances be more credible if it is conducted by a private audit firm or an independent NGO. Donors also usually undertake needs assessments in planning assistance programs.

A need assessment can be used to identify the elements of EMB sustainability at three levels: systemic, organizational and individual. They are normally based on an expert analysis of the electoral environment, and identify and consider strengths and weaknesses, opportunities and threats Boda, (2018):

*A system-level needs assessment* covers the broader issues of the legal and institutional environments in which elections take place in order to determine the extent to which they help or hinder EMB sustainability. It includes a review of all parts of the legal and policy framework that are relevant to elections, as well as the EMB's functions and stakeholder relationships that are derived from this framework. The main legal instruments to be reviewed are the constitution, the laws dealing directly with electoral processes, the political party laws and other laws relating to institutional frameworks, the subsidiary regulations and administrative policies. The assessment may need to cover parts of the legal framework that are indirectly relevant, such as citizenship laws, criminal codes, public sector employment laws or policies, or government procurement rules and practices. It may also address the EMB's linkages and relationships with other bodies, such as the host ministry of a governmental EMB, government ministries that provide financial and logistical support to the EMB, local and international associations, and bodies that serve as EMB networks for support and resource sharing.

*At the organizational level*, a needs assessment looks at an EMB's strategies and management culture and considers its processes of planning, policymaking and implementation; its management structure; the division of roles and responsibilities; communication and cooperation; and standards of financial reporting and staff performance. It helps the EMB calculate the amount of resources required to organize any specific electoral event. The EMB can then work out what portion of the amount needed can be met from the national budget and how much, if any, would be needed from other sources. The assessment may also examine the nature and level of technical assistance required.

*At the individual level*, a need assessment covers issues such as staff competence, available opportunities for staff development, and staff loyalty to the EMB's objectives and mission.

Where there is a record of credible needs assessment reports over time, a comprehensive picture of an EMB's capacity begins to emerge, and it can be more accurately evaluated in terms of sustainability.

## Electoral Sustainability and Donor Support

According to OSIWA (2011), donor support may help improve the quality of an election, and in some cases may even be necessary for it to occur. However for many EMBs, donor support has

implications for the sustainable delivery of free, fair and credible elections. While donor support may include budgetary contributions and technical assistance, including advanced technologies, some donors avoid supporting EMBs' recurrent budgets—that is, core personnel costs and rental of buildings and furniture, as well as other non-technical items, such as motor vehicles and fuel.

Donor assistance is sometimes accompanied by a tied aid concept in which the recipient EMB is required to purchase goods and services from nationals of the donor concerned. The costs of purchasing from external vendors is often considerably higher than purchasing from suppliers in-country, which inflates overall electoral costs. Donors have responsibilities to ensure that the electoral assistance they provide to EMBs is effective and promotes sustainability. Therefore, capacity building is likely to be a continuing need in post-transitional elections. In post-conflict environments, initial external assistance is vital for restoring democracy and stability, but unless considerable donor assistance continues to be available in the medium term to develop EMB capabilities, both the electoral process and democracy itself may experience reverses.

New technologies can help improve the quality of electoral processes, especially where large amounts of data have to be processed quickly, as they do in the delimitation of electoral districts, voter registration, and the voting and vote-counting process. An increasing number of EMBs are entering the field of electronic voter registration, often incorporating biometric elements. Even some self-sustaining EMBs, for example in Costa Rica, have found it necessary to rely on outside assistance to fund the introduction of new technology. However, new technologies may have significant long-term cost implications for the EMB, for example maintenance costs or software licensing fees. Introducing donor-driven technological solutions may create political demands for progressively greater dependence on externally provided technology, as was experienced with voter registration in Haiti. Opinions are therefore divided on the question of the sustainability of funding voting computerization, Internet and telecommunication services, and other electoral technology such as scanners and biometrics for voter registration.

### **Practices Favouring Sustainability**

According to Orozco-Henríquez, (2010), cost effectiveness—providing an effective service at the lowest possible cost, is the major yardstick for sustainability, rather than purely lowest cost. Savings cannot be allowed to compromise the basic requirements of legitimate elections. A particular measure to reduce electoral costs may work well in one country but not in another because of differing legal, political and socio-economic circumstances. Although the practice of having a single-member EMB is a useful cost-saving measure, in India it was rebuffed by the Supreme Court as not conducive to fair decision-making, thus paving the way for the appointment of a three-member EMB in 1993. It is therefore not possible to prescribe commonly applicable sustainability solutions, only general principles. Significant cost savings can be achieved by holding elections for all levels of representation on the same day. However, the marked political effects of having either simultaneous or staggered elections mean that political sustainability arguments may outweigh financial ones.

### **Staffing for Sustainability**

Staffing can be a significant proportion of an EMB's costs, but also represent its greatest asset. EMB core budgets may be reduced by rationalizing structures, for example reducing the number of EMB members or secretariat positions. The EMBs in Cambodia and South Africa undertook

rationalization exercises during 1999 and 2002, respectively. Maintaining a small core of permanent staff, backed by well-trained temporary field staff, can reduce costs while preserving efficiency. The examples of EMBs in a number of Pacific Island states, including Niue, Samoa and Tonga, show that core election staff can be kept to a minimum while maintaining functionality. EMBs can use management tools, such as task profiling, to determine the minimum staff members it needs to perform its functions. The EMB would then be required to justify the employment of additional staff on efficiency or effectiveness grounds. Use of temporary, rather than permanent, EMBs can also assist financial sustainability (Pastor, 1999).

However, the political and operational sustainability of using personnel-related measures to promote financial sustainability must be carefully considered. For example, significant budgetary savings can be achieved in governmental EMBs, or other EMBs in which public servants or volunteers can be co-opted to serve with the EMB (as in India) during an electoral period. While assisting financial sustainability, this type of staffing profile can also have a negative effect on the performance of and public trust in the EMB, and thus the political sustainability of the electoral process. Finding a successful balance may not be easy. An inability to retain sufficient experienced staff can have a negative effect on an EMB's sustainability. According to Reynolds, Reilly, & Ellis (2005), experienced staff, including temporary polling station staff, hold the institutional memory of the EMB—the knowledge of what has and has not worked, and the experience to pass on to new staff and other stakeholders. Staff retention requires active planning by an EMB, using measures such as reward schemes, professional training and development programmes, and opportunities for promotion. Exit debriefings for departing staff may help identify staff satisfaction issues that may need to be addressed. Advance planning of staff changes, including timely recruitment processes and mentoring of more junior staff, combined with accessible archiving of electoral records, will help the EMB operate sustainably when key staff leave.

### **Office Systems**

EMBs' widespread use of the technology found in typical office automation suites—word processing, spreadsheets, databases, email, etc.—can either be a risk to, or a foundation of, sustainability. Such tools need to be supported by rigorous practices and rules for their use, the main aim of which should be to ensure that information is systematically retained and stored, and is available to current staff as well as their successors. If this is done well, large volumes of data may be able to be accessed reliably and quickly (Ellis, Gratschew, Pammet, & Thiessen, 2006). But if it is done badly—particularly if it is left to individual staffers to manage the documents and information they produce or receive—important information may not be accessible when needed. This can be a particular problem if critical communications are being sent to the EMB in the form of emails to individual officers. There can be a high risk of a failure to put the necessary procedures in place when a new EMB is appointed to run an election under tight time constraints, and short-term priority is given to immediate operational requirements rather than to the development of appropriate office systems.

### **Electoral Materials**

Sound design, procurement and management policies for electoral materials are based on rigorous needs analysis and thus contribute to the sustainability of an EMB's operations.

According to Navarro, Morales, Gratschew, & Braun (2007), before procuring materials, EMBs need to determine the most suitable options after investigating issues including:

- **need:** what benefit the desired materials add to electoral processes;
- **local or international sourcing:** issues such as cost, control, production lead time, quality, certainty of delivery, maintenance and substitutability;
- **quality:** issues such as cost, the conditions under which the materials will be used, ability to support integrity standards and requirements for durability;
- **single or multiple use:** issues such as storage and production costs, and environmental impact, including disposal and recycling methods, and opportunities for use by other organizations;
- **complexity:** issues such as the knowledge levels of the users, training requirements and capacity to maintain the materials;
- **quantity:** issues such as unit costs, production lead time, storage requirements and needs for reserves;
- **distribution:** issues such as costs and distribution time/scheduling;
- **storage and archiving requirements:** issues such as cost, accessibility, centralized or decentralized warehousing, asset protection measures and deterioration rate; and
- **Disposal:** issues such as environmental impact, end of life value and security requirements.

EMBs have community responsibilities to consider—not just the economic sustainability of materials purchases, but the environmental and social impacts as well.

### **Structural and Technological Sustainability Implications**

Noted by Elmendorf (2006), when considering the possible use of technology, it is important to holistically assess what impact it will have on the overall quality of elections. This, in turn, requires a realistic examination of the nature of the problems for which solutions are being sought. For example, a voter registration system is ultimately no more than a tool that can be used by honest polling officials to determine whether a particular individual should be allowed to vote. Investment in new registration systems and processes will be a pointless waste of resources if the real problem is that the officials are dishonest, suborned or intimidated, and therefore hand out ballots without even referring to the register.

This may suggest that technological solutions are most appropriate for countries where elections are reasonably well run, but trust or efficiency would benefit from reinforcement, rather than in well-established democracies (where their impact on the overall election quality is likely to be marginal) or truly dire situations (where the elimination of fraud in one area of the electoral process will most likely displace it to another area).

### ***Electoral Systems***

Each type of electoral system raises different political, social and financial sustainability issues. The type of electoral system used will have a critical impact on boundary delimitation and voter registration processes, voter education and information requirements, ballot paper design and production, the number of polling days and the need for by-elections. These issues are examined in detail in International IDEA's *Electoral System Design: The New International IDEA*

*Handbook* published in 2005. For example, systems based on small electoral districts, which require specific boundary delimitation processes, separate ballot papers for each district, high precision in voter registration and the prevention of electoral fraud, and an EMB administrative structure that can deal with each electoral district as a distinct unit, may be more costly. Yet large multi-member electoral districts may involve complex and expensive vote-counting systems, may be unwieldy for an EMB to manage accurately and transparently, and may incur higher transport and other logistics costs (Ernst & Ernst, 1979). Proponents of each type of electoral system advance social and political sustainability arguments in their favour that need to be examined carefully against specific country conditions.

### ***Electoral Boundary Delimitation***

The frequency and form of electoral boundary delimitation processes may be reviewed to improve sustainability. Using an EMB to conduct boundary delimitation can eliminate the costs of a separate body. Yet if the government maintains a mapping office for other purposes, it may not be necessary for the EMB to duplicate that capability. Simple electronic mapping and population databases for determining electoral district boundaries, and streamlined review processes and periods, can be used to reduce costs. According to Gazibo (2006), the adoption of multi-member electoral districts based on existing administrative boundaries can drastically reduce or even eliminate boundary delimitation costs. However, boundary delimitation is a politically sensitive issue, and must be implemented in a politically sustainable manner.

### ***Voter Registration***

The cost of compiling and maintaining the voter register can be significantly affected by the system used and its components. The method of data collection can have significant effects on both the costs and the accuracy—and hence the political sustainability—of the electoral register. For example, data may be specifically collected for voter registration or extracted from an existing database; registration may be continuous, or may be done by a national census-style exercise before an election; it may involve the EMB contacting voters, or voters having to contact the EMB; special voter ID cards may or may not be issued; and different opportunities may be provided for electors to challenge alleged inaccuracies in the electoral register. The use of technology in voter registration—in recording elector identity data such as fingerprints and photographs, in the use of bar-coded documents, in database matching to update registration records, or in the production of high-integrity polling day voter lists with photographs and/or other biometric data or bar codes, for example—will also have significant cost implications.

Maintaining accurate electoral registers is a costly task. Each EMB needs to determine which voter registration checks are necessary, and which, given levels of public trust and the controls in place to prevent polling fraud, may be redundant and can be eliminated to save money. Comparing data on the electoral register with information from other government agencies can help maintain the electoral register cost effectively, although it may raise concerns over data privacy. If the electoral register can be derived from a reliable and politically acceptable national civil registration database, as is done in Senegal and Sweden, or if records of births and deaths are computerized and accessible to the EMB, costs can be cut significantly. Continuous voter registration may, in the long run, be another measure to keep down costs.

Local conditions will be the primary factors for determining the most sustainable voter registration mechanism for a country. Permanent and continuously maintained registers will be most viable where the information needed to keep them up to date can be obtained from other government agencies that have access to accurate and publicly trusted data, or where there is a strong culture of compliance with a requirement for voters to notify the government of changes in their circumstances, such as new addresses. In the absence of both of these factors, the register will quickly become obsolete, and a periodic update process, involving major efforts to capture information, may be required.

### *The Polling Process*

The preparation for and conduct of polling at a general election or referendum in any country is a significant national event, requiring a considerable budget to be implemented effectively. Careful assessment of how many polling stations, how many staff and what associated materials are necessary for each election can help reduce costs. If security, integrity and effective levels of service can be assured, polling stations in higher population density areas could be amalgamated, providing significant cost savings. Improved allocations of duties to staff, polling station layouts and staff training may make it possible to reduce the ratio of polling station staff to voters without reducing service levels. Countries that conduct polling over two or more days may also consider whether keeping the polling stations open for longer on a single day would cut costs. Any proposed reductions in voting days or hours need to be considered against patterns of working hours so as not to exclude any class of electors from voting.

According to James (2010), improving voter access and extending common facilities to voters, such as postal voting (as in Australia and Spain), external voting, and the provision of special services for voting in prisons, ships and hospitals, has obliged EMBs to offer relatively higher-cost services to electors. These activities, particularly if they involve large-scale or geographically dispersed absentee voting for refugees or others—as in Afghanistan, Bosnia and Herzegovina, Egypt, Iraq and Tunisia—may be a burden on the financial sustainability of electoral processes. However, increases in election costs need to be weighed against the EMB's social responsibilities and the additional political legitimacy gained from enabling these voters to exercise their franchise. In any operation of this type, there is a risk that low take-up rates will enable critics to point to extremely high costs per voter, which can make support for such processes difficult to sustain. In Australia, electronic voting systems implemented in 2007 for the benefit of the blind and sight impaired, and for military forces overseas, were ultimately abandoned on cost grounds.

Estonia is the only country in which national electoral processes have been essentially Internet based. This reflects considerable ongoing controversy, driven by both technical and sociological concerns, over whether remote Internet voting meets the basic tests of secrecy, security and integrity. A perceived requirement to support a range of different voting modalities for voters with varying needs can place a particular burden on the area of an EMB responsible for the development and implementation of policies relating to polling and counting: each different modality is likely to require a discrete set of procedures, instructions and training materials, for example, and the work involved will be essentially independent of the number of voters that is likely to use a particular modality.

Training EMB staff can be expensive, and is often a cost that governments or EMBs see as a relatively painless cut when reviewing election budgets. Inadequate training, however, is likely to result in greater financial and political costs through poor staff performance—perhaps affecting the credibility of the electoral process—and to have a long-term effect on the reputation and sustainability of the EMB.

## Automated Voting and Counting Processes

A number of automated devices are marketed as a means of improving voting methods and reducing costs, especially staffing costs. Some of the machines claim to offer a high degree of reliability and resistance to electoral malpractice. Many are now capable of providing audit trail facilities. These include EVMs, which have been used in countries such as Australia, Belgium, Bhutan, Brazil, India, the United States and Venezuela. Although there is no reliable cost-effectiveness analysis on the use of new technology for voting and counting, there is evidence that technology such as EVMs may reduce election costs over time, especially costs associated with the printing and storage of ballot papers and counting votes. The use of OMR devices to count votes can also provide accuracy and time effectiveness in the electoral process while still ensuring the existence of a paper ballot that can be physically examined if necessary in the course of post-election disputes.

Noted by International IDEA (2012), it is important to weigh the use of new electoral technology against the level of public trust and confidence in the electoral process, to involve stakeholders in pilot testing new electronic systems, and to obtain major stakeholders' agreement on the introduction of new technology. Due to the potential lack of transparency of e-voting and counting, the use of EVMs may generate distrust among detractors, who can argue that such technology can easily be manipulated. This is not surprising, given the security deficiencies and the omissions and errors in recording votes that are regularly reported in the use of DRE machines and other EVMs in the United States.

The accuracy and integrity of these machines are only as good as those of the companies and persons that design, programme, test and maintain them. There are ways of introducing EVMs that can provide integrity, cost and time benefits to the election process—provided that clear controls and accountability measures. It is not wise for a poor country to go high tech while failing to feed and develop its own people. The use of electoral high technology such as biometric voter registration cards, computerized electoral registers, and electronic voting and counting should be weighed against other pressing national priorities such as health and education. Electoral technology may be more sustainable where it can be used for other ongoing functions. Its introduction needs to be compared not only to the immediate costs and alternative uses of funds, but also to the future costs and human skills required for its maintenance. Assessing sustainability needs to consider the longer-term consequences (International IDEA 2014).

The counting process is a prime target for automation and cost reduction in many countries, and many automated machines both record votes and tally them. Unless paper audit trails are recorded for each vote, transparency may be lacking in these automated counts. The counting process is considered to be a vulnerable part of an election, and always needs to be conducted in a transparent and verifiable manner by well-trained staff.

The requirement for openness at all stages of the counting and tabulation of votes may also limit the cost-saving measures that can be introduced into manual vote counts. Stakeholders in the Union elections in Zanzibar in 1995 and 2000 and Kenya in 2007 complained that events that took place during the tallying phase of the count adversely affected the election results and underlined the importance of transparency in the entire counting process. These cases involved

changes made by unknown persons to some of the count results subsequent to figures being issued from polling stations. Opposition parties believed that the interference affected the outcome of the elections.

## CONCLUSION

- There is continuous pressure on EMBs to increase their capacities and performance in order to promote effectiveness and efficiency.
- Sustainability refers to electoral policies and practices that are cost effective and realistic, and meet the needs of all stakeholders in the electoral processes, both now and in the future. It is a greater challenge in new and emerging democracies.
- The main elements of sustainability are institutional, financial and economic, and human resource sustainability.
- A comprehensive picture of an EMB's sustainability and capacity is only feasible if accurate evaluations of all the main elements are combined.
- Systemic, organizational and individual needs assessments can help an EMB identify sustainability issues.
- Donors have a responsibility to ensure that their support promotes EMB sustainability, for example through coordination on EMB needs and support for skills transfer.
- New technologies are seductive to EMBs, and often attractive to donors, but EMBs need to make objective decisions based on their long-term usefulness and impact on EMB sustainability. The extent to which new technologies are used by an EMB should be determined by the level of the country's resource endowment and the benefits to be derived from their use over time.
- Aiming for sustainability affects choices of electoral systems, and frameworks and procedures for costly, complex and integrity-demanding electoral processes such as boundary delimitation, voter registration, voting, and vote counting and tabulation. EMBs need to carefully consider the necessary levels of integrity required and the technology used for these processes, and their effects on financial and socio-political sustainability.
- Human resources, and their knowledge and experience, are an EMB's greatest asset. Investment in developing and retaining human resources, and in ensuring that institutional memory survives the loss of experienced staff, is an essential ingredient of EMB sustainability.

## RECOMMENDATION

1. EMB needs to aim for financial and economic, institutional, socio-political and environmental sustainability in their activities, to enhance stakeholder confidence in the electoral process and to ensure their own survival, but do not necessarily need a permanent structure.
2. Effective materials design, procurement and management policies—based on rigorous needs and cost-effectiveness analyses, and tools such as life cycle assessments—contribute significantly to EMB sustainability.
3. Especially in new and emerging democracies, donor support levels and commitment have a major impact on EMB sustainability. Donor support may have positive and negative

effects: it may improve the quality of a specific election, but its influence and any dependence by an EMB on it may have a negative impact on its sustainability.

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