

THE ESTABLISHMENT OF THE EBC

According to Section 89 of the Constitution of Swaziland-

- (1) There shall be an independent authority styled the Elections and Boundaries Commission (öthe Commissionö) for Swaziland consisting of a chairperson, deputy chairperson and other three members.
- (2) The members of the Commission shall be appointed by the King on the advice of the Judicial Service Commission.
- (3) A person shall not be appointed member of the Commission where that person-
 - (a) Is a member of Parliament
 - (b) Is or has been in the last five years actively engaged in politics.
 - (c) Is a public officer other than judge of a superior court or magistrate;
 - (d) Is an unrehabilitated insolvent;
 - (e) Has been convicted of an offence involving dishonesty in any country during the last ten years.
- (4) A person shall be deemed to be actively engaged in politics or have been so engaged during the relevant period or any part of that period where that person-
 - (a) Is or was at any time during that period a member of the House of Senator;
 - (b) Is or was at any time during that period nominated as a candidate for election to the House or Bucopho Committee; or
 - (c) Is or was at any time during that period the holder of an office in any organisation that sponsors or supports or has any time sponsored or supported a candidate for the election as a member of the House or Bucopho committee.
- (5) The members of the Commission shall be appointed for a period not exceeding twelve years without the option for renewal
- (6) The chairperson, deputy chairperson and other members of the Commission shall possess the qualifications of a judge of the superior courts or be persons of high moral character, proven integrity, relevant experience and demonstrable competence in the conduct of public affairs.
- (7) The functions of the Commission shall be to-
 - (a) To oversee and supervise the registration of voters to ensure free and fair elections at primary, secondary or other level;
 - (b) To facilitate civic and voter education;
 - (c) To review and determine the boundaries of Tinkhundla areas for purposes of elections;
 - (d) To perform other in connection with elections or boundaries as may be prescribed;
 - (e) To produce periodic reports in respect of the work done.
- (8) Three members of the Commission including either the chairman or deputy chairman shall constitute a quorum.

(9) A member of the Commission shall not enter upon the duties of that Commission until that member has taken and subscribed the oath of allegiance and oath for the due execution of office that are set out in the Second Schedule

(10) The provision of this Constitution relating to the removal of judges of the superior courts from office shall, subject to any necessary modifications, qualifications or adaptations, apply to the removal from office of the chairperson and other members of the commission.

(11) The office of any member of the Commission shall become vacant where that member resigns or circumstances arise that would disqualify that member for appointment as such.

(12) If before the Commission has submitted its report under section 92 the office of the chairperson or any other member of the Commission falls vacant or the holder of that office becomes unable for any reason to discharge the functions as chairperson or member of the Commission the King shall appoint another person to be chairperson or member as provided under subsection (2).

(13) In the exercise of its functions under this Constitution, the Commission shall not be subject to the direction or control of any other person or authority.

(14) There shall be a Secretariat of the Commission provided by the Ministry responsible for elections.

