

Voter registration systems: Ensuring that voters vote – and nobody else

Fraud and violence on polling day is not always the most serious threat to free and fair elections. Experience has shown that more discreet and often more effective ways of rigging take place in the months leading up to the election. Tampering with voters' rolls can have a great impact on election results. The ability to ensure the fairness, transparency and robustness of a country's voter registration system is therefore a crucial component of a democratic system.

This chapter will follow the approach of the previous two chapters on electoral practices by, first, looking at the formal system put in place regarding who can vote, how eligible voters can register and check that they are properly registered, and whether the rules or practices of voter registration have the effect of creating unwarranted obstacles to certain groups among the population. Second, the chapter asks whether the laws and regulations of voter registration are respected in practice, or whether they are undermined in the attempt to benefit a particular political party or parties.

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4.1 Systems of voter registration

This section looks at the following questions: Who is entitled to vote and how can people who are entitled to vote ensure that they will be able to do so? Does the voter registration system include everyone who is entitled to vote, or is registration made difficult for certain categories of people? Are

some groups disenfranchised? This latter question is particularly important in countries such as Nigeria, Ethiopia and parts of Algeria, where voting tends to follow geographical and ethnic lines. If one region or ethnic group were to be discriminated against in the voter registration process, this would not only contradict democratic principles, but also create a seedbed of discontent along ethnic fault lines.

All the countries under review have, at least in theory, adequate rules regarding who can vote. Generally, voters must be at least 18 years of age and of “sound mind”, and no social, religious or ethnic groups are formally excluded from the voters’ roll. While some (for instance Algeria) allow citizens living abroad to vote and others (for instance Kenya and South Africa) do not, neither practice can be said to be inherently more democratic. While some would argue the more inclusive the system the better, others would counter that people who leave their country should not be allowed to decide for those who remain on how it should be run. It should be said though, that the tendency is for strong democracies to allow their citizens abroad to vote.

The eight countries vary in whether they require voters to show up in person to register ahead of every election or whether they use existing censuses and registers as the basis for their roll. Many have introduced a system where the voter only needs to register if his or her situation has changed since last election. All practices are perfectly compatible with democracy, and whether to choose one or the other depends on how good and up-to-date the information the state already has is regarding its citizens. For instance, in the Scandinavian countries with their strong and relatively intrusive state, voters do not need to register because the state already knows who they are and where they live, while in the United States, where the ideal is for the state machinery to be as small and keep as little information on its citizens as possible, voters must register in order to vote.

Whether they need to register or not, it is important that citizens are able to check and correct their registration details with relative ease. All eight countries under review have rules allowing political parties and ordinary citizens to do so (as well as query names that should not be on the list). However, it is not always made easy to do so in practice. In Nigeria’s

2003 election, organisational shortcomings meant that there was in practice no way in which to check the veracity of the voters' list.⁵⁵ In Uganda, the voters' list was displayed for too short a period and in some cases not at all. There have also been several failures to update the Ugandan voters' register. The same voters' register that was used for the Constituent Assembly elections in 1994 was used for the 1996 presidential and parliamentary elections, and the 1997–98 local council elections.⁵⁶ While voters who were not on the register were still able to get voter's cards, the ensuing discrepancy between the register and the cards created confusion over how many voters there really were in Uganda, thus making rigging easier and undermining the credibility of elections.

South Africa, on the other hand, is a paragon of easy voter access. For the 2004 election, it was possible for citizens to find out whether they are registered online at www.elections.org.za; by calling a toll-free number; by visiting any municipal election office during office hours; or at one of 17,000 voting stations during the two registration weekends in November 2003 and January 2004.

Having said that on most counts (listed above) the eight countries have adequate formal rules and systems of voter registration, there are nevertheless some problems. In several countries voters in rural areas have to travel far to register or check their registration. In Algeria, the rural Sahara and mountainous areas are sparsely populated and residents have to travel far to municipal centres to verify that they are registered on electoral lists. Most Berbers, who make up a quarter of the Algerian population, reside in these areas. To compound their disadvantage in the registration process, many Berbers do not speak or read Arabic or French, the official administrative languages. In north-eastern Kenya's arid and semi-arid areas, pastoralists are registered using mobile voter registration centres. Registration clerks follow the pastoralists to watering points in order to register them. However, if they fail to register during the designated registration period, pastoralists would have to travel long distances to the district headquarters to register.

55 NDI, *op cit.*

56 G B Tukahebwa, The legal and institutional framework of the 1996 presidential and parliamentary elections in Uganda, in S Makara, *et al.*, *Voting for democracy in Uganda: Issues in recent elections*, LDC Publishers, Kampala, 2003, p 37.

In South Africa, the voter registration system follows sound democratic principles. However, it is worth mentioning that the country's rules on who may vote have become increasingly restrictive over the last decade. While some form of proof of identity was enough to vote in 1994, voters in 1999 had to register beforehand and permanent residents were no longer allowed to vote. While citizens overseas were allowed to vote, no mechanisms were set up for them to register at the diplomatic stations. A December 2003 amendment to the Electoral Act made the registration rules for the 2004 election even stricter, not allowing most citizens living abroad to vote.⁵⁷ The amendment also disenfranchised prisoners serving a sentence without the option of a fine, but this was overturned by the Constitutional Court in March 2004. On the other hand, the logistics of registration improved from 1999 to 2004 – 2,000 more registration and voter stations in rural areas were created for the 2004 elections after it was shown that voters there had to travel further to register and vote than urban voters did during the 1999 election.⁵⁸

In Ghana, a minor problem is the time consumed by the registration process in some rural areas. Potential voters have to apply to be registered at their nearest registration centre during a limited period set aside for voter registration. Voters fill in a form and add their thumbprint. Voters may have to go twice to the registration centre, first to register and then on an appointed day, to take their picture and collect their card. This is particularly the case in rural areas – urban voters are generally able to register and receive the card on the same day. The limited number of cameras and other logistics created this situation, and a programme to equip the electoral commission for the March 2004 registration was hoped to alleviate the problem. Apart from this issue, the formal system of voter registration in Ghana works well, and seems equally fair to urban and rural dwellers in all regions. Registration centres are opened in all the more than 20,000 polling centres countrywide with sufficient registration materials and the requisite number of registration officials. It is also easy

57 Electoral Laws Amendment Act no 34 (2003), section 8(2)(f).

58 Electoral Institute of Southern Africa (EISA), South African IEC: Overview of the delimitation process and geographic information systems (GIS), www.eisa.org.za/WEP/southafrica_iec2.htm (accessed 9 March 2004).

for voters to check their registration details when the voters' lists are displayed at all 20,000 centres six months after the registration period. However, the next section will show that informal, illicit practices are undermining the results of the formal registration process.

In Kenya and Senegal, the problem does not necessarily lie within the remit of the electoral commission but with other government departments. In order to register, Kenyan and Senegalese voters need an official identification document, such as a national identity card or a passport. In Senegal, the production of identification documents tends to be disorganised and subject to manipulation. This has hampered the registration process, particularly of first-time voters who at the age of 18 need to get their first identity card before they can register to vote. The same is the case in Kenya, where the task of acquiring an identity document is slow, tedious and often tainted by corruption. Moreover, in the run-up to elections many people hurry to apply for identity papers at the same time, leading to congestion.

During the 1992 and 1997 elections in Kenya, voter registration was carried out only during a period of one or two months in the election year. The combination of a short registration period and the slow pace of issuing identity documents meant that many potential voters were not able to register within the required period.⁵⁹ For the 2002 election the problem was significantly reduced when the voter registration process became continuous.

Finally, in Nigeria, the voter registration system looks fine on paper but is fraught with problems in practice. This leads us to the next section on the *practice* of voter registration.

4.2 The practice of voter registration: from capacity problems to fraud

Only two of the countries under review can boast of few abuses and problems regarding how the voters' roll is compiled. In South Africa, there is broad consensus that the system is working well and contributing to

⁵⁹ Institute for Education in Democracy, *National electoral data book, Kenya 1963–1997* IED, Nairobi, 1997, p 13; Institute for Education in Democracy, Catholic Justice and Peace Commission, and National Council of Churches of Kenya, *Report of the 1997 General Elections*, IED, Nairobi, 1998, p 48.

strengthening the country's young democracy. In Ethiopia, there are no (known) major complaints with the formal system of voter registration or with how this system is working in practice. However, observers tend to agree that the reason for this is that the problem lies elsewhere: with more than half the seats up for election not contested at all (except by the government candidate), another quarter only contested by private candidates (not organised opposition parties) and the remainder often made hazardously difficult for the opposition to contest, it seems that the ruling parties are so assured of victory that they see no need to restrict voter participation.

Senegal's voter registration system fares relatively well, and has improved substantially in recent years; thanks to pressure and mobilisation by the opposition parties. Voter registration was at the heart of the opposition's campaign prior to the 2000 election. There was a sense that the sitting government did not want to update and audit the electoral register in order to get its own supporters additional voting cards and to avoid the electoral mobilisation of youth, considered as more prone to vote for the opposition. Over the course of 1999 and 2000, the government and opposition came to an agreement that the government would revise the register and hand it over for auditing by the *Front pour la Régularité et la Transparence Electorale* (FRTE), a gathering of most opposition parties, together with civil society organisations. The register was also made available online. Of the previous 3.5 million voters, only those who had actually fetched their voting cards in 1998 were counted (about 1.8 million). New voters were registered (about 1 million) and others were removed (about 170,000). In the end, the updated register identified 2,724,368 voters. It should be mentioned, however, that the debate has revived in recent months. The new government under President Wade has not yet delivered on its promise to replace the updated register by a new one, causing unease among some opposition parties.

Kenya's voter registration is marred by human error. The practice of manual field registration, and then the transfer of the information from manual files to computers, have led to an excessive number of mistakes making their way onto the final voters' roll. During the registration in 2002, a significant number of voters were disenfranchised when their

names were not found in the computerised voters' register even though they had registered and possessed voter cards. An average of ten people per polling station were barred from voting because of such mistakes.⁶⁰

In the remaining countries, fraud related to the voters' list has been a serious problem. In Algeria, the generally held belief is that turnout numbers are regularly inflated, and ballot boxes stuffed in the polling booths in military barracks and mobile voting stations. Most Algerians are also convinced that election figures are distorted during the counting process at provincial or district level. Such lack of confidence led to widespread voter apathy in the 1990s. The situation improved with the 2004 presidential elections, when 58 per cent of registered voters turned out to cast their ballots.

Voter registration in Ghana has also been mired in controversy because of suspicions over the accuracy of numbers. The number of registered voters has been unrealistic compared to the country's population, and the chairman of the electoral commission has admitted publicly that the voters' register is "bloated". In 2000, when new official census figures put the population at 18.5 million, the EC registered 10.7 million voters, exceeding 100 per cent of citizens of voting age. It has been alleged that unqualified individuals (particularly the under-aged) have been registered at the behest of political candidates. In order to deal with this recognised problem, the electoral commission has introduced a new system of registration with nationwide photo IDs for the 2004 election.

There are several problems with the Ugandan voters' roll. While the electoral commission is responsible for compiling, maintaining, revising and updating the voters' register,⁶¹ local council officials assist the commission officials in identifying people resident in their areas during the registration of voters. Local council officials are by law officials of the Movement. There do not seem to be cases where officials hinder known opposition sympathisers from registering. But they have been responsible for multiple registrations and the registration of minors. As mentioned before, the voters' register is often not properly displayed, and even in the cases where mistakes on the register have been reported, they have not

60 Institute for Education in Democracy, *Enhancing the electoral process in Kenya*, *op cit*, p 91.

61 Uganda's Constitution (1995), art. 61 (e).

always been corrected. As a result, the accuracy of the voters' list is undermined by missing names, multiple registrations, registration of minors, uncontrolled numbers of voters' cards in circulation, and the registration of people where they are not suppose to register.⁶² This has enfranchised people who are not eligible to vote and disenfranchised eligible voters. Some of this problem may be due to human error, but it has been so persistent and skewed in favour of particular candidates, that it has created the impression of being a calculated attempt to influence election outcomes, especially presidential elections.

A particular problem in Uganda is the registration of soldiers. For reasons of "national security" there is little control in this process. Soldiers are highly mobile and vote in whichever barracks they stay at the time of elections, irrespective of where they are registered. Add to this the existence of an unknown but large number of non-existing, "ghost" soldiers on the army payroll, and it becomes clear that the military vote is highly prone to fraud and manipulation.⁶³

Nigeria has the biggest voter registration problems among the eight countries under review. For the 1999 elections 53.16 million out of an estimated voter population of 60 million registered.⁶⁴ But the electoral commission admitted some serious lapses in the process, mostly caused by corrupt electoral officials who hoarded registration cards, engaged in double registration or sold registration cards to some politicians with the obvious intention of using them to rig the elections. This led to artificial scarcities of voters' cards in several places with the result that even a former military head of state, Major-General Muhammadu Buhari, was unable to register in the capital, Abuja.⁶⁵

For the 2003 elections, the electoral commission decided to computerise the voter register and record the fingerprints of those registered in order

62 Tukahebwa, *op cit*, pp 36-39; Republic of Uganda, *Report of the Select Committee on Election Violence*, pp 124-125.

63 An investigation of ghost soldiers is currently taking place. See O K Aliro and A B Atuhaire, Inyefunza to lead new investigation, *Monitor*, 3 December 2003, p 1.

64 Adewale Maja-Pearce, *From Khaki to Agbada: A handbook for the February, 1999 elections in Nigeria*, Civil Liberties Organisation, Lagos, 1999, p 35.

67 O Djebah, Hiccups in voters' registration, *The Guardian*, 19 October 1998.

to help eliminate fraud. However, while about 60 million voters had been expected to register, 70 million cards were actually printed. And despite having sent out 66 million cards six days into the ten-day exercise, many registration stations suffered serious shortages, and the registration period ended with millions of people not able to register despite queuing desperately in front of the registration centres. According to the commission chairman, there was “widespread hoarding of forms by lower-level officials, possibly in collusion with other unscrupulous persons for purposes other than those for which they are meant”. The commission also said there was massive “double, multiple and under-age registration” in many parts of the country.⁶⁶

Other irregularities included many instances where registration centres were moved without notice or closed before official closing time.⁶⁷ In some parts of the country, registration was not possible at all due to ethnic or religious clashes, killing hundreds of people during the preceding year. In mainly ethnic Ijaw areas in the Niger Delta, armed militants prevented voter registration in protest of what they considered an unfair delineation of constituency boundaries in favour of their ethnic Itsekiri rivals.

When the 2003 registration period was over – after being extended by the electoral commission for three days to deal with the backlog of prospective voters – the dire conclusion of the National Democratic Institute summed up Nigeria’s registration problem:

The total number of registered voters was implausibly high in many constituencies across the nation, and there is no check on the veracity of the registry itself. At many polling stations, the number of registered voters was not known. The fact that these numbers are not publicly known means it is not possible to calculate voter turnout.⁶⁸

66 IRIN, Nigeria: Focus on the problems of voter registration, in *United Nations Integrated Regional Information Network*, IRIN, Nigeria, 2002.

67 *Ibid.*

68 NDI, *op cit.*

Fraud and manipulation undermine democracy in too many of the countries reviewed in this study.

4.3 Conclusion

The voter registration systems of the eight countries under review cross the spectrum from solid and fair (South Africa) to malleable and chaotic (Nigeria). The situation in Nigeria shows how important a correct and transparent voters' list is, not only for the holding of free and fair elections, but also to ensure that voting does not turn into violence. While the problem is often one of resource shortages and human error, fraud and manipulation undermine democracy in too many of the countries reviewed in this study. Improving the voter registration system should be a priority for most of them.