

Mass Biometric Voter registration – Lessons from Kenya

By Ellen Dingani

ELECTIONS today are unarguably the most preferred way to elect leaders the world over. Credible, free and fair elections give legitimacy to elected leaders and as such if leaders fail to represent the interests of those who voted them into power, it is incumbent on voters to reject them through elections. Over the years we have seen the introduction of Information and Communication Technologies (ICTs) in the administration of elections. The introduction of Biometric Voter Registration and Biometric Voter Identification on e-day being is a new trend to most in African countries. Electronic voting is not yet so popular in Africa with the exception of Namibia which was the first African country to try electronic voting.

Recently, ZESN observed the Mass Voter Registration process in Kenya, where Kenyans were registering using the Biometric Voter Registration (BVR) system which Zimbabwe is about to adopt for the 2018 Elections. The learning missions to Kenya was an eye opener especially given that Kenya was doing the BVR exercise for the second time before a major election having done BVR prior to their 2013 elections.

Although the 2013 voter registration exercise proceeded relatively smoothly, problems emerged on election-day and these included the failure of the majority of the verification kits on polling day and the mobile phone transmission of results also broke down owing to a server system failure. The Independent Election and Boundaries Commission (IEBC) had set a voter registration target of 18.2 million for the 2013 elections but managed to register only 14.3 million (79% of target). Out of the 14.3 million registered voters, 12.2 million (85.90%) took part in the 2013 General Elections and 2 million (14.09%) did not turn out to vote. Local CSOs said on Election Day, the Electronic Voter Identification Devices (EVID) which uses fingerprint biometric to identify a voter failed to work in 52% of the polling stations. This led to accusations of rigging and contributed to the losing candidate, Raila Odinga rejecting the election results. His case was however ultimately rejected by the Supreme Court.

So unlike the Kenyans who have incorporated ICTs and Biometrics in some of the three critical electoral processes, i.e. registration, verification of voters and transmission of results, Zimbabwe has decided to take a small step and start with the voter registration using biometrics, a process which will culminate in a new voters' roll. If done properly, the new voter registration exercise will deal with a number of challenges that were noted in the previous elections in Zimbabwe such as the disenfranchisement of potential voters due to insufficient information on voter registration procedures and requirements, inadequate funding to the Commission and supporting stakeholders such as civic society, lack of adequate personnel and the slow processing of registration queues.

Clear baseline, targets and timelines critical

For planning purposes by all stakeholders, there is need for clear timelines and targets. The Independent Electoral and Boundaries Commission (IEBC) conducted a baseline study which enabled the Commission to set clear targets in terms of estimated number of people that would be registered per each county. For the recent Mass Voter Registration exercise, which ran from 16 January 2017 to 14 February 2017,

the IEBC's goal was to register 22 million voters, up from 15.8 million who had been registered as of June 30, 2016, that is an additional of about 6 million voters. The population of Kenya is about 47 million people. In addition to using the census data to draw their baseline and target, the Commission also relied on data from the National Registration Bureau which shows that nine million Kenyan adults have identification cards but are yet to register by the beginning of the 16 January 2017 MVR exercise. This information is available on the IEBC's website for easy access by all stakeholders and it is further broken down to county level.

| COUNTY CODE | COUNTY | TOTAL NO OF IDS ISSUED (1997 - NOV 2016) | PROJECTED DEAD WITH IDS 90-97% BETWEEN 1997- NOV 2016 | POTENTIAL VOTING POPULATION WITH IDS AS AT NOV 2016 | REGISTERED VOTERS AS AT MARCH 2013 | PROVISIONAL REGISTER AS AT DECEMBER 31, 2016 | POTENTIAL VOTERS WITH IDS NOT REGISTERED AS AT DEC 2016 | MVR II TARGET IS 67% THOSE WITH IDS NOT REGISTERED | COUNTY AREA IN SQ. KM (APPROX) | NUMBER OF CONST. IN COUNTIES | NUMBER OF CAVs IN COUNTIES | NUMBER OF REGISTRATION CENTRES IN THE COUNTY | NUMBER OF BVR KITS FOR MVR II |
|-----------------------------|---------------|--|---|---|------------------------------------|--|---|--|--------------------------------|------------------------------|----------------------------|--|-------------------------------|
| 1 | MOMBASA | 892 702 | 94 359 | 798 343 | 413 069 | 454 799 | 343 544 | 230 175 | 217 | 6 | 30 | 196 | 96 |
| 2 | KWALE | 442 804 | 46 804 | 396 000 | 175 572 | 208 338 | 187 662 | 125 733 | 8 270 | 4 | 20 | 415 | 122 |
| 3 | KILIFI | 815 768 | 86 227 | 729 541 | 336 410 | 386 618 | 342 923 | 229 759 | 12 407 | 7 | 35 | 542 | 194 |
| 4 | TANA RIVER | 154 876 | 16 370 | 138 506 | 79 641 | 96 675 | 41 831 | 28 027 | 35 376 | 3 | 15 | 243 | 112 |
| 5 | LAMU | 96 812 | 10 233 | 86 579 | 52 359 | 56 744 | 29 835 | 19 989 | 6 498 | 2 | 10 | 120 | 63 |
| 6 | TAITA/TAVETA | 254 675 | 26 919 | 227 756 | 114 189 | 125 720 | 102 036 | 68 364 | 24 898 | 4 | 20 | 276 | 124 |
| COASTAL REGION | | 2 657 637 | 280 912 | 2 376 725 | 1 171 240 | 1 328 894 | 1 047 831 | 702 047 | 87 666 | 26 | 130 | 1 792 | 711 |
| 7 | GARISSA | 207 991 | 21 985 | 186 006 | 115 236 | 124 870 | 61 136 | 40 961 | 45 751 | 6 | 30 | 262 | 208 |
| 8 | WAJIR | 196 938 | 20 816 | 176 122 | 118 245 | 126 156 | 49 966 | 33 477 | 55 841 | 6 | 30 | 360 | 219 |
| 9 | MANDERA | 202 434 | 21 397 | 181 037 | 120 923 | 125 156 | 55 881 | 37 440 | 25 800 | 6 | 30 | 265 | 198 |
| NORTH EASTERN REGION | | 607 363 | 64 198 | 543 165 | 354 404 | 376 182 | 166 983 | 111 878 | 127 392 | 18 | 90 | 887 | 625 |
| 10 | MARSABIT | 188 390 | 19 913 | 168 477 | 105 259 | 124 748 | 43 729 | 29 299 | 70 965 | 4 | 20 | 301 | 154 |
| 11 | ISIOLO | 103 955 | 10 988 | 92 967 | 54 587 | 59 724 | 33 243 | 22 273 | 25 336 | 2 | 10 | 144 | 70 |
| 12 | MERU | 972 991 | 102 845 | 870 146 | 489 590 | 542 575 | 327 571 | 219 472 | 5 127 | 9 | 45 | 951 | 240 |
| 13 | THARAKA-NITHI | 309 916 | 32 758 | 277 158 | 155 904 | 170 514 | 106 644 | 71 451 | 2 410 | 3 | 15 | 567 | 82 |
| 14 | EMBU | 480 150 | 50 752 | 429 398 | 227 638 | 245 024 | 184 374 | 123 531 | 2 586 | 4 | 20 | 517 | 105 |
| 15 | KITUI | 732 331 | 77 407 | 654 924 | 324 798 | 394 366 | 260 558 | 174 574 | 24 628 | 8 | 40 | 1 318 | 251 |
| 16 | MACHAKOS | 852 534 | 90 113 | 762 421 | 445 421 | 512 848 | 249 373 | 167 214 | 5 953 | 8 | 40 | 875 | 222 |
| 17 | MAKUENI | 429 663 | 46 855 | 382 808 | 298 474 | 342 344 | 220 164 | 147 912 | 7 877 | 6 | 30 | 862 | 176 |
| EASTERN REGION | | 4 269 930 | 451 332 | 3 818 598 | 2 101 671 | 2 392 143 | 1 426 455 | 955 725 | 144 852 | 44 | 220 | 5 535 | 1 302 |
| 18 | NYANDARUA | 468 541 | 49 525 | 419 016 | 256 425 | 283 205 | 135 811 | 90 994 | 3 108 | 5 | 25 | 350 | 144 |
| 19 | NYERI | 706 380 | 74 664 | 631 716 | 357 059 | 390 882 | 240 834 | 161 359 | 2 361 | 6 | 30 | 572 | 152 |
| 20 | KIRINYAGA | 435 186 | 45 999 | 389 187 | 265 567 | 291 020 | 98 167 | 65 772 | 1 205 | 4 | 20 | 315 | 102 |
| 21 | MURANG'A | 744 340 | 78 677 | 665 663 | 453 725 | 489 051 | 176 612 | 118 330 | 2 326 | 7 | 35 | 584 | 178 |
| 22 | KIAMBU | 1 477 657 | 156 188 | 1 321 469 | 863 199 | 947 595 | 373 870 | 250 493 | 2 449 | 12 | 60 | 551 | 266 |
| CENTRAL REGION | | 3 832 104 | 405 053 | 3 427 051 | 2 195 975 | 2 401 757 | 1 025 294 | 686 947 | 11 449 | 34 | 170 | 2 372 | 842 |
| 23 | TURKANA | 283 782 | 29 996 | 253 786 | 134 486 | 153 782 | 100 034 | 67 023 | 71 598 | 6 | 30 | 557 | 226 |
| 24 | WEST POKOT | 242 004 | 25 580 | 216 424 | 191 884 | 154 767 | 81 657 | 54 710 | 8 493 | 4 | 20 | 673 | 126 |
| 25 | SAMBURU | 128 996 | 13 635 | 115 361 | 61 150 | 69 386 | 45 975 | 30 803 | 20 183 | 3 | 15 | 272 | 105 |
| 26 | TRANS NZOIA | 486 259 | 51 398 | 434 861 | 245 092 | 274 479 | 160 382 | 107 456 | 2 504 | 5 | 25 | 310 | 131 |
| 27 | UASIN GISHU | 618 426 | 65 368 | 553 058 | 332 177 | 351 139 | 201 919 | 135 286 | 2 976 | 6 | 30 | 467 | 159 |

<https://www.iebc.or.ke/registration/?stats>

Electon date

The Kenyan elections are penciled for 8 August, 2017, a date that is provided for in the country's electoral legislative framework. Unlike in previous years, only the President could set the date of the General Election and decide when to dissolve Parliament. Before the current Constitution, this power was one of the political tools at the disposal of the incumbent President. Now the date set in the supreme law of Kenya, which stipulates that elections must be done on the first Tuesday of August during the fifth year of the reigning regime. Though Section 144(3) of the Constitution of Zimbabwe states that, the dates for a general election must be fixed by the President after consultation with ZEC, the Kenyan Supreme Law has gone a step further to provide for the specific day / date. On the IEBC website, there is even a countdown of hours, minutes and seconds left, before the 8 August elections.

Of interest again to note was the provision of clear timelines on all electoral processes and these are clearly spelt out in the legal framework and administrative regulations, something that Zimbabwe can take a leaf from.

Use of technology in elections

In Kenya the IEBC has three electronic systems which they use in the management of elections. These are the Biometric Voter Registration (BVR), Electronic Voter Identification (EVID) and the Result Transmission and Presentation System (RTS). The first two use biometric technology. The BVR uses BVR kits (camera, laptop, finger print scanner) which captures fingerprints, facial biometrics together with other information such as name, surname, sex, age, ward, county amongst others. These are then integrated in the second machine which is the Electronic Voter Identification Devices (EVID) which is used on polling day to identify voters. In our interactions with some CSOs in Kenya, they indicated that if the EVIDs work perfectly, all voters will have to physically present their biometric identification, there will not be the allegations dead voters and underage children which were rampant in Kenya's previous election. The third machine is the results transmission machine which was not very effective in the 2013 elections.



The BVR kit at one of the VR centres in NGONG – Kenya

The biggest challenge has been how to ensure a sustainable, appropriate, cost effective and transparent use of technology, particularly in African countries. In Kenya the Commission is now looking at the possibility of integrating the three electronic systems into one machine instead of having three different machines which all require special storage space and software upgrading at some point. Countries like Zimbabwe intending to incorporate technology in elections should make sure that they do not purchase outdated and expensive as well as difficult to maintain equipment. The market has moved on quite

tremendously and there is much more suitable and much cheaper equipment available. Zimbabwe should in future take a cue from these current debates globally about using integrated approaches to ensure sustainability and cost effective use of ICTs in elections.

Voters' Roll

Reports from CSOs indicated that in the previous elections, Kenya's voters' roll was one of the most contentious issues. In 2013, there was an outcry over the multiple voters' rolls that the Commission used for the elections. This and other problems mentioned earlier forced Kenya to overhaul its voter registration process. For the just ended MVR processes which concluded on 14 February local observer groups in Kenya had reported cases of double registration in a number of centers that were visited. Deliberate double registration is an offence in Kenya. The IEBC, a week before the close of the MVR, published a report which indicated that there were 78,752 cases of double registration, 21,149 of them were cases where individuals shared the same ID numbers and names. Civic society organisations in Kenya are demanding a continuous appraisal of how the issue was being dealt in order to enhance public confidence in the process.

In addition the Commission established an online platform where voters could easily check for their names. This innovation made enhanced the ease with which voters could inspect the voters' roll. This is one area that the Zimbabwe Electoral Commission (ZEC), should seriously consider implementing given the high levels of mobile technology penetration in Zimbabwe.

Apathy in process

The Commission had targeted to register an additional 6 million voters from the 15 million registered voters as of 2016, but from the statistics provided by the Commission a few days before end of the exercise indicated that there was a sense of apathy that gripped the country just as in the last exercises done in 2016.

Of the targeted 6 million potential voters during the MVR, by the time our team left Kenya (a few days before the MVR exercises ended), the IEBC had registered 2.1 million (35%) voters from 16 January 2017.

Some stakeholders who spoke to us indicated that there was a general feeling in the populace that the value of the vote was not translating into tangible benefits for the country and the citizenry. The socio, economic environment was also noted as one factor that has contributed to the voter apathy. During the time the ZESN team was in Kenya, Lecturers at Kenya's public universities and doctors had gone for more than seven weeks on an indefinite strike over poor remuneration, deepening a crisis in public services as the country heads towards elections.

Mass Voter Mobilization

Apart from being a right that a citizen should enjoy and exercise, registering as a voter makes citizens eligible to participate in the process of electing leaders of their choice. Parallel to the MVR, the IEBC was

also conducting voter education in all the counties in a bid to mobilise as many voters as they could. Political parties also played a key role in mobilizing the people, especially the young people, to go and register. On the other hand the IEBC has also set up registration centres in Universities as deliberate efforts to target the youth. CSOs role in voter mobilization and voter education activities were hamstrung by lack of resources.

The learning mission received reports that some political actors were interfering with the MVR exercise. Politicians from the ruling party were allegedly threatening to sack traditional chiefs in opposition strongholds who assist in mobilizing potential voters, while on the other hand threatening voters in the ruling party's strongholds with unspecified action if they did not register. One of the Lessons that Zimbabwe can learn from these reports is the need to strictly enforce the code of conduct for political actors to ensure that their contribution to electoral process is within the parameters set by the legislative framework. This will help ensure that the playing field remains level.



Part on the youth mobilization campaign: Kenyan President, Uhuru Kenyatta doing the 'swag' dancing with youth dance crew at state house in January 2017.

Conclusion

Just like in many African countries, some of the Kenyans have little confidence in both the elections and the IEBC. The electoral processes are hugely politicized and the recently appointed need to deal with a plethora of issues including building trust and confidence of the electorate and stakeholders to enhance the credibility and legitimacy of elections. Absence of trust and confidence can directly affect key electoral processes such as voter registration and turn-out on polling day.

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