



**INSTITUTE FOR EDUCATION IN DEMOCRACY**

"Peaceful Positive Change"

# **THE ELECTRONIC AND MANUAL VOTER REGISTRATION UNDERTAKEN BY THE IIEC IN KENYA PRIOR TO THE 2010 NATIONAL REFERENDUM**

## **A MONITORING REPORT**

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## **ACRONYMS AND ABBREVIATIONS**

CEC	-	Constituency Elections Coordinator
CBOs	-	Community Based Organizations
DRO	-	Deputy Registration Officer
DVA	-	Disabled Voters Association of Kenya
EVR	-	Electronic Voter Registration
EMBs	-	Electoral Management Bodies
IIEC	-	Interim Independent Electoral Commission
IEBC	-	Independent Elections and Boundary Commission
IREC	-	Independent Review Commission
IED	-	Institute for Education in Democracy
KLRC	-	Kenya Law Reform Commission
KSMH	-	Kenya Society of the Mentally Handicapped
MOJNCCA	-	Ministry of Justice, National Cohesion and Constitutional Affairs
NGOs	-	Non- Governmental Organizations
OMR	-	Optical Mark Reader

## **ACKNOWLEDGEMENTS**

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We greatly appreciate and thank the IIEC for having accredited us to monitor the voter registration processes in the selected constituencies and for the support and cooperation we received from the Constituency Election Coordinators, Deputy Registration Officers, Lead Clerks and Registration Clerks in the field.

We also duly acknowledge and appreciate the Constituency Voter Registration Monitors in the 15 constituencies whose diligence, commitment and hard work was instrumental in the collection and assemblage of data and information for this monitoring report. We are also very grateful to the Board of Directors and Members of IED for their continued support and guidance and for participating in the training of the Constituency Monitors. In particular, we wish to acknowledge the contribution of Ms. Jane Amiri (IED Director) for her participation and encouragement during the training of the Constituency Voter Registration Monitors.

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Peter Aling'o  
**Executive Director**

## 1. BACKGROUND

The Institute for Education in Democracy (IED) is a Non-Governmental Organization providing non-partisan leadership in the democratization and governance processes in Kenya and Africa through programmes in the Electoral Process, Civic/Voter Education, Research and Dissemination, and provision of technical assistance and support. IED's focuses on provision of non-partisan and gender balanced information and skills to empower citizens especially those from the marginalized areas including women and youth, to enable them participate effectively and efficiently in governance and democratic processes and to contribute towards the creation of positive political behaviour and culture

IED's mandate is premised on strengthening democratic governance through monitoring and observation of all aspects of the electoral processes. In this regard, IED has monitored and observed all general elections and most by-elections in Kenya since 1993. In addition, IED has audited the national register of voters for the years 2002, 2004 and 2007 to establish its accuracy and completeness. We have also monitored voter registration processes since 1993 to establish best practices, lessons learnt and existing gaps for informed interventions by relevant stakeholders.

Voter registration is an integral part of the electoral process during which individuals eligible to vote are identified and listed. An accurate and accepted voter's register is crucial to credible electoral process. Election officials must identify all eligible voters and create a register of their names and other information relevant to the voting process. It is a crucial display and test of the EMBs operational capacity and credibility. For registration to be fair, complete and inclusive, potential voters must be aware of the registration process and have reasonable opportunities to participate in it. Voter registration is carried with an aim of:

- Guaranteeing that those legally entitled to vote are able to do so
- Prohibiting ineligible people from voting
- Preventing people from voting more than once
- Providing an opportunity for claims and objections about voter eligibility
- Providing information about how many people are eligible to vote and how they are distributed around the country.

Voter registration provides citizens with an opportunity to exercise their democratic and constitutional rights and duties to undertake the following amongst others; choose a leader of their choice; vie in elections; safeguard their rights and freedoms as provided in the constitution, and; for political involvement

The laws governing elections and more specifically voter registration in Kenya are scattered in a number of statutes and regulations. These includes: the Constitution, the National Assembly and Presidential Elections Act (Cap 7 of the Laws of Kenya), the Local Government Act (Cap 265 of the Laws of Kenya), the Election Offences Act (Cap 66 of the Laws of Kenya), the Political Parties Act, the Public Order Act (Cap 56 of the Laws of Kenya), the Kenya Broadcasting Corporation Act (Cap 211 of the Laws of Kenya) and the Penal Code (Cap 63 of the Laws of Kenya). It is important to note that, IED in collaboration with Kenya Law Reform Commission (KLRC), the Ministry of Justice, National Cohesion and Constitutional Affairs (MOJNCCA), the IIEC, the State Law Office (Attorney General Office) and the Registrar of Political Parties have been working together to consolidate the electoral laws in one Act besides the Constitution. This initiative has so far resulted into the development of the Elections Bill 2009 which is yet to be finalized for presentation in Parliament for debate and enactment.

The National Assembly and Presidential Elections Act (Cap 7 of the Laws of Kenya) give powers to the Electoral Commission to prepare and maintain a register of voters in respect to all constituencies. The Act, following the amendment in 2002, under the *Statute Law (Miscellaneous Amendment) Act 2002*, provided for continuous registration of voters. Details of registration of voters are provided under Section 43 of the Constitution of Kenya and Section 34 of the National Assembly and Presidential Elections Act. These include:

- Being a citizen of Kenya who has attained the age of eighteen years; and
- Being ordinarily resident in Kenya either-
  - for a period of not less than one year immediately preceding that date; or
  - for a period of, or periods amounting in the aggregate to, not less than four years in the eight immediately preceding that date; and
  - has for a period of, or for periods amounting in the aggregate to, not less than five months in the twelve months immediately preceding that date, been ordinarily resident in the constituency in which he applies to be registered, or has for such a period or periods carried on business there, or has for such a period or periods been employed there or has for such a period or periods lawfully possessed land or residential buildings there.

Subsection 2 of Section 43 of the Constitution provides for disqualifications from registration as a voter which are:

- If under any law in force in Kenya, one is adjudged or otherwise declared to be of unsound mind; or;
- If one is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under a law in force in Kenya; or
- If one is detained in lawful custody; or
- If one is disqualified by the Act of Parliament on the grounds of his having been convicted of an offence connected with elections or on the grounds of his having been reported guilty of the offence by the court trying an election petition.

The law also mandates that one may register only once. Double/multiple registration is an offence, which attracts a possible jail term of not exceeding six months or a fine not exceeding Kshs. 5,000 or both.

The National Assembly and Presidential Elections Act obliges the Electoral Commission of Kenya (currently the IIEC) to prepare or cause to be prepared in such a manner and at such times as may be prescribed:

- Constituency registers in respect of all constituencies; and
- The principal register, being a combination of the constituency register, and such other registers, for the time being in existence, as the Commission may direct. The Commission is further obliged to cause all constituency registers to be opened for inspection by members of the public, for such period of time as it may deem appropriate for the purposes of rectification of particulars thereon. Upon expiry of the period of time for inspection and rectification of particulars aforesaid, the Commission is obliged to compile the principal register and:
  - Publish a notice in the gazette to the effect that such compilation has been completed; and
  - Cause to be transmitted to every registration officer, a copy of the part of that register relating to the constituency for which he/she is reliable to be kept in safe custody

The post-election violence witnessed in Kenya following the disputed presidential election results in 2007 was largely due to the poisoned political environment, historical injustices, poor governance structures and undemocratic electoral processes. The intervention by the international community through the Panel of Eminent African Personalities led by the former UN Secretary-General, Kofi Annan, enabled peace and normalcy to return. It also led to the signing of the National Accord and Reconciliation Act 2008 (the Peace Accord), that put in place a coalition government. Part of the provisions of the Peace Accord was to initiate and guide the implementation of the reform agenda for the country. Agenda 4 of the Peace Accord addresses long-term issues, including constitutional, legal and institutional reforms; land reforms; youth unemployment, poverty, inequity and regional development imbalances, consolidation of national unity and cohesion, and; impunity, transparency and accountability.

The formation of the Independent Review Commission on the 2007 General Elections (IREC) and the Commission of Inquiry into Post Election Violence (CIPEV) was part of the envisaged reforms. The IREC, recommended amongst other things, the restructuring of the then Electoral Commission of Kenya (ECK). In order to actualise the reform agenda, including some the IREC recommendations, the government enacted the Constitutional Amendment Act No. 10 of 2008<sup>1</sup>, which provided for the establishment of the Interim Independent Electoral Commission (IIEC) among others. The core mandate of the IIEC is undertake comprehensive electoral reforms, restructure electoral operations, rebuild and strengthen electoral institutions and rebuild the confidence of citizens in the electoral processes. The IIEC has so far successfully conducted seven by-elections, established an operational secretariat, compiled a new national register of voters, administered and managed a successful constitutional referendum. The IIEC has also put in place a modern system of collating election results and transmission which though has won the admiration of many stakeholders, is yet to be anchored in law.

As part of IED's mandate, we monitored both the electronic and manual voter registration processes in order to assess, document and avail data and information to inform the fresh voter registration exercise and the ultimate compilation of a new register of voters in Kenya. The monitoring exercise was part of our follow up on the Bridge training that IED in partnership with the IIEC conducted for the Regional and Constituency Election Coordinators. Monitoring of voter registration processes was intended to support the IIEC in the new registration exercise and to build citizens' confidence in the registration processes.

We monitored voter registration in 15 sampled constituencies out of the current 210 constituencies. The IIEC piloted voter registration in 18 constituencies namely; Kamkunji, Langata, Mvita, Malindi, Dujis, Wajira East, Isiolo South, Imenti Central, Mbooni, Nyeri Town, Kikuyu, Eldoret North, Nakuru Town, Ainamoi, Ikolomani, Webuye, Kisumu Town West and Bonchari. The choice of the 18 constituencies was done on the basis of population density, vastness of the area and the environmental hardships. Out of the 18 constituencies that IIEC piloted EVR, we sampled 8 constituencies namely; Langata, Mvita, Dujis, Mbooni, Kikuyu, Eldoret North, Ikolomani and Kisumu Town West. We monitored EVR in these constituencies for one month beginning 12<sup>th</sup> April to 11<sup>th</sup> May 2010.

On the other hand, out of the 192 constituencies that OMR voter registration was conducted we sampled 7 constituencies namely; Matuga, Manderu Central, Nithi, Ndia, Molo and Mt. Elgon. We monitored OMR in these constituencies for 24 days beginning 12<sup>th</sup> April to 5<sup>th</sup> May 2010. The table below shows a summary of the constituencies where we monitored voter registration processes; the

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<sup>1</sup> The Constitution of Kenya Amendment Act No. 10 of 2008

type of the voter registration that was undertaken in the constituency, and; duration of the monitoring exercise.

**Table 1: List of Sampled Constituencies for the Monitoring Exercise**

<b>CONSTITUENCY NAME</b>	<b>REGISTRATION SYSTEM</b>	<b>DURATION</b>
<b>Langata, Mvita, Dujis, Mbooni, Kikuyu, Eldoret North, Ikolomani, Kisumu Town West</b>	EVR	12 <sup>th</sup> April to 11 <sup>th</sup> May 2010 (30 Days)
<b>Matuga, Mander Central, Nithi, Ndia, Molo, Mt.Elgon, South Mugirango</b>	OMR	12 <sup>th</sup> April to 5 <sup>th</sup> May 2010 (24 days)

## **2. THE APPROACH**

IED's approach for the monitoring exercise involved recruitment, training and deployment of Constituency Voter Registration Monitors. As part of the preparations for the monitoring exercise, IED recruited 30(16 female and 14 male) Constituency Voter Registration Monitors, 2 in each of the 15 constituencies. The Constituency Monitors were trained and deployed on Friday 9<sup>th</sup> April 2010 to monitor, observe and report on both EVR and OMR voter registration processes. The Monitors were expected to report to the designated registration centres by 7.30 am, before the centre opened and remain there until the official closing time which was 5.00 pm. The Monitors utilized a monitoring checklist which was meant to guide their observation and the completed checklists were sent to IED on a weekly basis for verification and analysis. A copy of the checklist is attached as appendix 1.

In order to enhance and complement the Monitor's observation, IED undertook a field visit in one of the sampled constituencies namely; Kisumu Town West Constituency from 18<sup>th</sup> to 19<sup>th</sup> May 2010. During the field visits, IED team visited approximately 15 registration centres per day and documented their observations. The team also held discussions with the Constituency Election Coordinator and the Deputy Registration Officer regarding voter registration in the constituency. The reports from the Constituency Voter Registration Monitors and IED team report on the field visits informed the preparation of this monitoring report. We also undertook a desktop research and utilised media reports to gather more information on voter registration.

## **3. SUMMARY OF THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

Having participated in the monitoring of both EVR and OMR voter registration processes in approximately 780 registration centres and based on our observations during the field visit to Kisumu Town West Constituency, we wish to state that the IIEC conducted the voter registration process in an open and transparent way and in a technically sound manner. The IIEC registration officials were knowledgeable in the voter registration processes, with most of them adhering to the laid down procedures and processes for voter registration. Most of the eligible voters we interviewed commended and praised the electronic voter registration process and hoped that it would be introduced in all the constituencies.

During the monitoring exercise, we observed certain best practices as well as challenges, concerns and complaints as highlighted below.

## 1). BEST PRACTICES

**1.1. Performance of the IIEC during the fresh voter registration drive:** The monitoring exercise revealed that the IIEC performed very well in the new voter registration drive. The justification of this statement is based on two grounds. First, our analysis showed that 98% of the registration officials correctly followed the registration processes by ensuring that they registered only eligible voters who possessed authentic national identity card or passport. However, there were challenges on the part of the officials with regard to the identification of voters on the basis of residential details. The law requires that one be resident in a constituency for a period of five (5) months or own land or buildings or carry out business in the constituency in which they are registering. The IIEC officials faced challenges with regard to this requirement. This was compounded by the perception that voters could register anywhere for purposes of voting in the 2010 national referendum. This scenario led to huge double/multiple registrations of voters.

Second, most of the IIEC clerks adhered to the official opening and closing time for the voter registration which was 8.00 am to 5.00 pm. We noted that towards the last days of registration, the registration clerks extended the closing time up to around 6.00 pm to enable voters who were on the queue in the last minute to register. However, this was only possible during the days when there were no rains.

Third, the IIEC adopted the door to door registration methodology which ensured a wide reach of eligible voters. In addition, the idea of registering voters on week ends and especially reaching out to them in churches and mosques was commendable. Again, despite the late beginning, the IIEC was able to mount a vigorous publicity drive on voter registration through the print and electronic media, local FM radios, the provincial administration, schools administration, churches, mosques, road shows, and also used their own officials to disseminate voter education on registration. The IIEC had also developed a number of IEC materials that were disseminated by the clerks, DROs and CECs at the constituency level. These publicity strategies are in tandem with those that IED recommended in the Baseline Survey Report on designing a new voter registration system in Kenya which was conducted in November 2009. The survey showed that 55% of the eligible voters accounting to approximately 11 Million voters were not aware of the IIEC and its mandate<sup>2</sup>. These strategies were effective since the IIEC managed to surpass its voter registration target by over 2 million registered voters. The IIEC had targeted to register 10 million voters.

**Recommendations:** We recommend that the IIEC should come up with more effective strategies of identifying eligible voters on the basis of residential or business details information. This would curb double/multiple voter registrations and would ease the work of cleaning and updating the voters register.

We also recommend that the IIEC should continue and even boost the efforts in reaching out to eligible voters through proactive and innovative ways as demonstrated during the voter registration exercise. Proactive and innovative ways of reaching out to voters such as through churches and mosques etc demonstrated a resolve to seek out eligible voters rather than wait for them to show up at

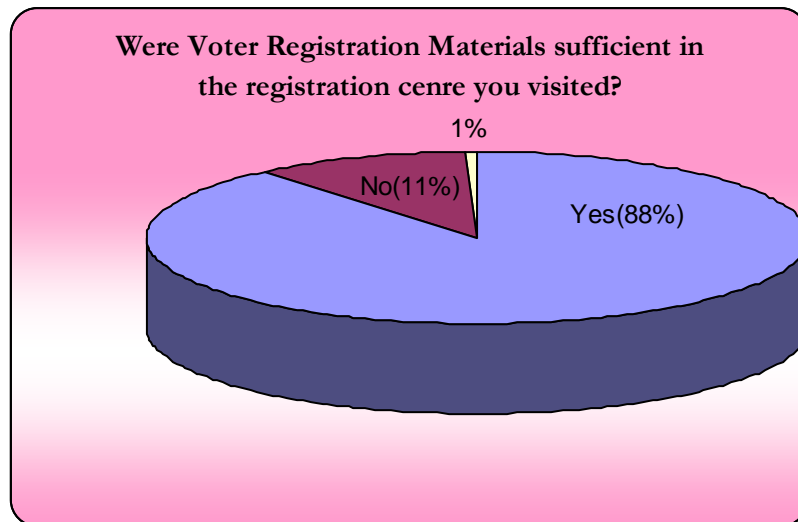
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<sup>2</sup> IED, 2010, Designing a New Voter Registration System in Kenya: A Recipe for Regaining Voters Confidence in the Electoral Processes, Pg. vii.

designated voter registration centres. Working over time and on weekends was also a demonstration of commitment on the part of the IIEC officials. We urge the IIEC to consolidate and institutionalise the demonstrated proactive and innovative ways of reaching out to voters in order to register them.

## 1.2. Voter Registration Materials

Figure 1: Presence of voter registration materials



We observed that 88% of the registration centres had adequate and functional voter registration materials such as the OMR forms, lamination papers, printing materials, stamps etc. This is a positive move and commendable work by the IIEC to ensure that most registration centres had the required materials for registration. However, there were concerns about the quality of these materials. A number of voters complained that the materials that the IIEC used particularly the OMR forms and the lamination porches were of poor quality. It was also observed though in a relatively few registration centres accounting to 11%, that the registration materials were inadequate and malfunctional. This was evidenced by failure of the EVR kit to function in some cases due to lack of power supply, faulty printers, faulty solar panel, inadequate printing materials, inadequate lamination porches and lack of lamination machines.

Inadequate voter registration materials in some of the registration centres impacted negatively on the registration exercise in the sense that voters could not be issued with voters' cards on the same day. There were also delays in the registration processes whereby voters had to wait for materials to be delivered to the registration centre for the registration to continue. Some of the centres that were reported to have inadequate registration materials included Kieganguro Primary School (008) in Nithi Constituency whereby on 15<sup>th</sup> April 2010 lamination materials were not available and voters had to come for their voters cards the following day. At St. Paul's Kyaume Primary School (135) and Utwiini Primary School (116) in Mbooni Constituency it was observed on 5<sup>th</sup> and 8<sup>th</sup> May 2010 that the printing materials for the voters' cards were inadequate. The registration clerks at these centres posted the voters details in the laptop but could not print the voters' cards. Voters had to wait for long hours for printing papers to be supplied to these centres. Also, there were logistical problems experienced especially in Northern Kenya (Turkana and North Horr) with regard to the distribution of registration materials.

**Recommendations:** We would like to recommend that when the IIEC is procuring voter registration materials it should do so in such a way that both quality and quantity are not compromised. Also, logistical contingency plans and resources should be put in place to ensure that materials reach all areas on time.

**1.3. Voters' perceptions and efficiency of the EVR Kit:** For the first time in the history of Kenya, voters were registered electronically. This was one of the initiatives on the part of the IIEC to modernise electoral processes and in particular voter registration in Kenya as recommended by the Kriegler Commission. Electronic Voter Registration is a system that uniquely identifies the voter by capturing the biometric features (face recognition and fingerprint). It is a precursor to electronic voting, a system that has been used in India, US, Australia, Belgium, Brazil, Canada and France among others. The IIEC had back ups for voter details captured electronically. These included the use of USBs and CDs. The Electronic Voter Registration (EVR) process was expected to cover over 1,400 registration centres and approximately capture 1.8 million voters' details. EVR uses biometrics for both face recognition and fingerprint using a special camera and a thumb print reader. Therefore, EVR is able to accurately identify registered voters which help in eliminating cases of voter fraud during elections. Apart from being highly accurate, the EVR system is faster and more efficient than manual voter registration process.

During the monitoring exercise, we interviewed a number of voters to gauge their perceptions and views on the electronic voter registration processes. Most voters were so excited over the new technology, praised it and hoped that it would be introduced in all the constituencies during the registration drives prior to the 2012 general elections. Indeed, their comments were very positive. Some of the comments were that the EVR is fast and captures voters' photo which ensures that one is recognized easily during voting. Indeed, the EVR captured more details of the voters compared to manual registration. Some of the voters details that were captured through EVR process included applicants full names, Gender, Date of birth, Postal address, Physical address, Photograph, Right and left thumb fingerprints, ID number or passport number, Constituency name and the registration centre name and number.

However, it is imperative to note that the foregoing observations only applied to the registration centres where the EVR kit was functional and operated well without hitches. Our observations show that the EVR process faced a lot of challenges in a number of registration centres especially on the first few days. These challenges ranged from lack of EVR kit at the designated registration centres on the first day causing some centres not to commence registration as scheduled on 12<sup>th</sup> April 2010; inadequate power supply caused by faulty solar panels and limited solar energy due to heavy rains; faulty printers; faulty cameras; inadequate printing materials; inadequate lamination machines, and; the failure of the thumb print scanner to scan thumb prints of old voters and those whose thumb prints are degenerated. Those who had degenerated finger prints, the scanner never captured finger print details and therefore their voters cards were printed without finger prints. Also, the EVR challenges affected the electronic voter registration exercise in the sense that in various registration centres voters had to wait for long periods for the battery to be charged, for the lamination porches to be delivered and in some cases registration centres were forced to close or to be relocated to other places due to lack of power to drive the EVR kit, hence disenfranchising voters. Few examples where some of the EVR challenges were experienced included:

- At Obambo Primary School registration centre (003) and Osiri Primary School (001) in Kisumu Town West Constituency where nobody was registered on 12<sup>th</sup> April 2010 when the EVR commenced due to late arrival of the EVR kit.

- At Lisuka Primary School registration centre (005) in Kisumu Town West Constituency where on 13<sup>th</sup> April 2010 nobody was registered due to a defective camera.
- At Township Primary School registration centre (047) in Eldoret North Constituency where on 23<sup>rd</sup> April 2010 the laptop went off at around 9.30 am and remained off for 2 hours thus disenfranchising some 11 eligible voters who went back and never returned to register on the same day.
- At Ndongoro Primary School registration centre (016) in Kikuyu Constituency where the finger prints scanner was not taking the finger prints of old men and women because they were damaged and therefore the cards were only printed with the voters' photos.
- At Kikowani Primary School registration centre (003) in Mvita Constituency where on 13<sup>th</sup> April the centre was closed for about three and half hours because the EVR kit went off due to lack of sufficient power charge.

**Recommendations:** We recommend that the IIEC should come up with advocacy strategies and methodologies to advocate and influence the government policies on electrification and especially policies related to the educational sector in order to have electricity installed in all primary schools in Kenya since primary schools constitute about 92% of the total polling stations/registration centres. This should be done as part of the preparations for the next general elections expected in 2012. Indeed, if this is effected, it will address the power problem which was the major challenge that faced the EVR registration process. It will also ensure more reliable lighting for purposes of voting and counting of votes in the next general elections.

The IIEC should also come up with plans to review and further study the EVR system in order to get more knowledge, skills and experiences on its operational efficiency and how it has worked in other countries. We would also recommend that the EVR kit be tested before it is delivered for use at any registration centre. Furthermore, we do recommend that once all these challenges are addressed, the IIEC should explore with stakeholders the viability of introducing and rolling out the EVR in the whole country and the prospects for voters to be allowed to vote electronically in next 2012 general elections.

**1.4. Utilization of the defunct ECK stationery.** We observed that the IIEC was quite economical in the sense that some of the stationery they used in the fresh voter registration processes were those that had been left by the defunct ECK. These materials included rulers, bags, books, T-shirts and caps. The IIEC logo was superimposed on the defunct ECK logo to avoid visibility. We take this as a good practice since it ensures that there is no wastage and it is very economical.

**1.5. Voter education and information:** We observed that voter education and information on the registration processes though effective, began late in most constituencies. Voter education and information in most constituencies did not begin before voter registration commenced on 22<sup>nd</sup> March 2010. They began and were intensified after voter registration had commenced. However, we would like to commend the IIEC for mounting vigorous voter education and information through publicity forums, adverts and debates on the requirements for voter registration, reasons for registering as a voter, where and how to register as a voter. We observed that the IIEC utilised both electronic and print media to disseminate voter education and information on voter registration. Information was also disseminated through IEC materials such as pamphlets and posters which were posted and distributed at the registration centres by the clerks. We also observed instances of one on one discussions and use

of schools, local church leaders, mosques, the provincial administration especially the chiefs, assistant chiefs, village elders to disseminate voter information. Road shows including edutainment were also utilised by the IIEC. Voter registration information was also well captured in the IIEC website which was regularly updated and this kept stakeholders informed on the issues as well as on the progress the IIEC is making towards reforming the electoral processes in Kenya. The voter education and information strategies may have contributed to the IIEC surpassing its target but may not have necessarily reduced voter apathy. This is because a number of voters we interviewed informed us that they were only registering to participate in the forthcoming constitutional referendum but they may not vote in 2012 general elections.

**Recommendation:** We recommend that dissemination of voter education and information on voter registration should be a continuous process since voter registration in Kenya is also continuous. This will provide an opportunity that can enable voter information to be disseminated effectively in order to reach many citizens especially those living in the marginalised regions. It will also ensure that information on registration both for EVR and OMR reach citizens on time in order to inform and enable them fast-track their decisions to register as voters.

**1.6. Registration of people with disability:** We observed that the IIEC made deliberate efforts to register eligible voters with disability. This was evidenced by the assistance that the IIEC officials accorded them during the registration process. For example, those who did not have left hand, had their right thumb finger prints taken and information recorded in the black book and those who had other forms of disabilities were accorded relevant assistance. We commend the IIEC for partnering with members of the Disabled Voters Association of Kenya (DVA) and the Kenya Society of the Mentally Handicapped (KSMH) to facilitate registration of approximately 3.6 million voters with disability. This initiative is commendable for it will help address issues related to the realization of the civil and political rights of people with disability in Kenya.

**Recommendations:** We recommend that the IIEC should continue to partner and to cooperate with organizations whose mandate is to advocate for and support the realization of the economic, social and political rights of people with disability.

Moreover, we recommend that IIEC put more efforts in converting the voter education materials into brail and other forms to ensure that they are reader and user friendly for people with disability.

## 2) CHALLENGES

### **2.1. Inadequate and untimely disbursement of funds for voter registration:**

Our discussion with key stakeholders in the electoral processes and media reports revealed that funds allocated by the government for purposes of conducting fresh voter registration were not adequate and were not timely disbursed to the Interim Independent Electoral Commission. Reports indicated that out of the total Kshs.4.95 billion the IIEC had budgeted for the countrywide voter registration exercise, only Kshs.1 billion had been received by the commencement date of voter registration on 22<sup>nd</sup> March 2010<sup>3</sup>. This accounted for 20% of the total funds required by the IIEC for the exercise. In fact, voter registration exercise began without adequate funds and the IIEC hoped that the remaining balance of Kshs.3.95 billion would be disbursed as the registration exercise progressed<sup>4</sup>. Out of the

<sup>3</sup> <http://www.standardmedia.co.ke/InsidePage.php?id=2000005607&cid=159&>

<sup>4</sup> Standard newspaper dated 13/3/2010: Lack of funds dogs IIEC as it embarks on voter registration by Stephen Makabila.

balance Kshs.3.95 billion, the government promised only Kshs.3 billion in the Supplementary Budget presented to Parliament in March 2010. This meant that there was a budgetary deficit of Kshs.0.95 billion. According to the IIEC reports, a total of approximately Kshs. 52 million<sup>5</sup> per day was used to register voters countrywide. This therefore meant that in 60 days (*20 days from 22nd March to 11<sup>th</sup> April manual registration alone, 28 days from 12<sup>th</sup> April to 9<sup>th</sup> May for both Manual and EVR, 12 days from 10<sup>th</sup> May to 21<sup>st</sup> May 2010 for EVR registration alone*) the exercise costed the IIEC a total of 3,120,000,000 to register 12,616,627<sup>6</sup> voters country wide. This meant that the cost for registering one voter was approximately Kshs. 247 which is \$3.08 at the exchange rate of 80 Shillings per dollar.

A case study conducted by the Pew Centre on the States located in Washington, D.C which is a nonprofit organization that applies a vigorous, analytical approach to improve public policy, inform the public and stimulate life indicated that voter registration costs are difficult to determine due to variations in state laws and the manner in which election administration responsibilities are divided between the state and local election officials<sup>7</sup>. The case study was conducted by the Pew Centre on the states with the assistance of Oregon state and local elections officials. Oregon is a state in the pacific North West region of the United States. The study found out that more that \$8.8 Million, a cost of \$ 4.11 per active registered voter or \$ 7.67 per voter registration transaction (adding new or updating existing voter records) was used in 2008 to register 2,008,957 voters. The main issues regarding voter registration costs have to do with the type of registration system(permanent versus *ad hoc*, automatic versus show-up update); institution responsible for voter registration (the EMB or a separate agency); and degree of resilience in cost assessment (easily identifiable versus diffuse costs). Therefore, as IEBC plan to roll out EVR voter registration through out the country the viability of such a huge undertaking in regard to available resources should be well analysed for informed decision making.

Inadequate and untimely funds for voter registration impacted negatively on the registration processes with regard to procurement of adequate and timely registrations materials. This also impacted on the registration period which most citizens viewed as short and as a result, requested the IIEC to extend the same. The IIEC could only extend the manual voter registration for only 4 days due to financial and time constraints while the EVR voter registration was not extended at all.

**Recommendations:** We recommend that the government should fund the electoral commission adequately to enable it execute its constitutional mandate effectively and efficiently. Indeed, it is the responsibility of the government to ensure that funds needed for purposes of carrying out electoral operations are availed. The need for the government to take full responsibility for funding of electoral operations is very crucial if the new Independent Elections and Boundary Commission (IEBC) has to succeed in the administration and management of elections in 2012 as well as in the finalization of the boundary delimitation.

The government should also ensure that funds to facilitate the implementation of the electoral commission activities and other electoral operations are availed on time.

It is also incumbent upon the electoral commission to rationalise electoral operations expenses in order to ensure maximum results and benefits to Kenyans at minimal costs. Public funds come from and belong to the tax payers who are already burdened by high costs of living and therefore would be unhappy to see very costly electoral operations. Furthermore, competing priority demands on government for public funds such as free primary education, health care and sanitation, hunger

<sup>5</sup> <http://www.capitalfm.co.ke/news/Kenyanews/Kenya-voter-registration-extended.html>, last visited 21<sup>st</sup> October 2010

<sup>6</sup> Kenya gazette notice dated 23<sup>rd</sup> August 2010, Final Declaration of Referendum Results

<sup>7</sup> The Real Cost of Voter Registration; An Oregon Case Study

alleviation, disaster related and other humanitarian needs and infrastructure development, require that the electoral commission should rationalise and prioritise electoral expenses.

## ***2.2. Poor relationship between the IIEC and the Ministry of Education as well as other private owners of the registration centres***

It was observed that the IIEC's working relationship with the Ministry of Education and other private owners of the registration centres is not very good. This is evidenced by reported cases whereby the IIEC registration officials were not allowed to use electricity in the government schools when the solar panels failed. In other instances, the registration clerks were not allowed to conduct voter registration in the private premises gazetted as registration centres since the owners claimed that they had not been notified by the IIEC on the registration processes. Few examples included:

- At M.O.W Sports ground (014) in Langata Constituency where no registration took place on 12<sup>th</sup> April 2010 due to lack of solar panels and the M.O.W Sports ground administration refused to offer the IIEC clerks power. The registration was postponed until the next day, 13<sup>th</sup> April 2010.
- Langata West Primary School (005) in Langata Constituency was closed on 12<sup>th</sup> April 2010 because the EVR kit arrived at 2.30 pm and registration started at around 3.00 pm. The kit came without a solar panel which was necessary to power the computer systems. The computer systems operated for only 30 minutes due to low battery power and went off. Attempts to persuade the teacher on duty to allow them to use school's power were fruitless as the teacher completely refused to do so. The registration clerks were forced to negotiate with the school's administration to give them power. Voters who were waiting to be registered were agitated due to the delay in the registration process and the negotiation process. Fierce verbal exchanges and physical confrontation was noted before the process ended at 6.00 pm. The following day, 13<sup>th</sup> April 2010, the IIEC registration officials moved to Uhuru Gardens Primary School where they continued to register voters designated for Langata West Primary School. This inconvenienced many voters and it is possible that some could have missed out on the registration as a result of the relocation of the registration centre.
- At Lohana Hall Registration Centre (010) in Mvita Constituency, no registration took place from 12<sup>th</sup> April 2010 up to 16<sup>th</sup> April 2010 since the owner of the premise claimed that he had not been issued with a letter from the IIEC requesting for the premise to be used as a registration centre. Voter Registration at this centre began on 16<sup>th</sup> April 2010, four days later after the IIEC intervened.
- At Borehole Primary School (040) in Mandera Central Constituency, the IIEC registration officials were not allowed to register anybody at the centre since it is a private property. The registration clerks were forced to leave the premises. However, the CEC intervened and the officials were relocated to another area which was not accessible to voters. This disenfranchised some voters.
- At Sachangw'an Primary School (109) in Eldoret North Constituency where on 7<sup>th</sup> May 2010 the centre was closed because school had opened and there was no room available for the IIEC registration official to register voters. The IIEC officials moved to the nearest shopping centre to look for alternative room.

- The Kenya Water Institute (020) registration centre in Langata Constituency was closed for 2 days since the administration claimed that they had not been notified by the IIEC that voter registration was to be conducted at the institute.
- The Animal Farm registration centre (016) in Langata Constituency was closed for 1 day since the centre's administration claimed that they had not been notified by the IIEC that the voter registration was to be conducted at the place.
- It was also observed that after schools opened in May 2010, the IIEC registration clerks had a hard time looking for alternative places to register voters e.g. churches, school corridors despite the rainy and cold weather.

**Recommendations:** We recommend that the IIEC should partner with credible organizations such as IED to undertake a comprehensive audit of all polling stations/registration centres in Kenya to identify those that are still in existence and their ownership (whether public or private) and, those that the private owners may want to discontinue being used as polling stations/registration centres. The audit will also analyse the state of each station and centre including the resources available such as power water, mobile telephone network, access roads etc and make recommendations to the IIEC for further action. This audit process would support interventions that would address some of the challenges that the voter registration officials experienced during the registration. It will also reduce the number of voters who were disenfranchised through relocation or late opening of the registration centres.

We would also like to recommend that the IIEC should strengthen its relationship and collaboration with government institutions and departments such as the Ministry of Education and others involved in collection and compilation of demographic data in order to have a timely and a standardised strategy for information sharing and mutual cooperation.

### ***2.3. Double/Multiple registrations***

It was observed that the parallel running of both EVR and OMR voter registration processes created an opportunity for double registrations especially after the closure of the manual voter registration. This was particularly evidenced from voters who were eager to have their photos and finger prints biometrics captured notwithstanding the fact that their designated constituencies had manual voter registration. Also, there was an apparent misconception that a voter who is registered under the electronic voter registration system would be entitled to electronic voting. Indeed, a number of voters thought that once they were registered electronically, they were entitled to vote anywhere electronically. Therefore, this made some voters to register more than once and anywhere. Double/multiple voter registrations were also caused by voters' ignorance and dishonesty, confusion on the constituency boundaries and residential details of voters as alluded earlier. Reports on double/multiple registrations were noted in Matuga and Kisumu West Constituencies to mention but a few.

**Recommendations:** We recommend that the IIEC should put up an effective mechanism of identifying double/ multiple voter registrations. We also urge the IIEC to continuously appeal to citizens not to register more than once and offer amnesty to those who are registered more than once.

We also urge citizens to maintain honesty and integrity in the voter registration process and return extra voters cards to the registration centres where they registered. Integrity, transparency and accountability in elections require citizens to take their civic responsibilities seriously and to play their role positively and effectively.

## **2.4. Scanning of Optical Mark Recognition (OMR) forms and compilation of voters' register**

The OMR forms allow one to define check box regions on scanned images. The OMR scanning entails a process through which the presence of a marked area is spotted. Rather than writing, persons are supposed to darken the area in an attempt to denote the answers. After that, the sheet is automatically weighted up by the scanning device. With the use of OMR equipment, some ray of light is shone onto the documents to enable the scanner to detect the marked area while light is reflected on the unmarked area. An OMR scanner then processes the forms directly into the required database<sup>8</sup>. The advantages of using OMR scanner are that it is fast in the sense that it can go through the sheets at a very high speed. It has a capacity of interpreting about 7,000 pages per hour. The scanner is also very accurate in the sense that it does away with the transcription inaccuracy. The method is also cost effective in the sense that different administrative tasks are performed quickly and accurately with less initial and ongoing outlay.

After the close of manual voter registration, OMR forms have to be scanned to ensure that the information was posted in the database. The scanning of the OMR forms took place throughout the seventeen regions in Kenya namely:

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<sup>8</sup> <http://data-entry.outsourcing-services-india.com/omr-optical-mark-recognition.php> last visited 19/10/2010

- |                         |                          |
|-------------------------|--------------------------|
| 1. Wajir Mandera        | 10. Nyeri Region         |
| 2. Garrisa Ijara        | 11. Nyanza Central       |
| 3. Upper Eastern        | 12. Nyanza South         |
| 4. Lower Eastern        | 13. Kakamega             |
| 5. South Rift           | 14. Bungoma              |
| 6. Central Rift         | 15. S.W Coast(Mombasa)   |
| 7. North Rift           | 16. Upper Coast(Malindi) |
| 8. Central Eastern      | 17. Nairobi              |
| 9. Central Region Thika |                          |

Scanning for the Nairobi region was done at the Kenya Institute of Administration which also acted as the national centre for compiling the voters' register. The IIEC recruited and trained regional document management clerks in the 17 regions. The role of the document management clerks was to:

- Receive and record the files containing OMR forms from the field
- Sort the OMR forms per Constituency, Registration centres and date of registration
- Feed the scanner with the OMR forms according to specified quantities
- Clear the scanned OMR forms from the Scanner output tray
- Arrange the scanned OMR forms and label them clearly per Constituency, Registration Centres and date of registration
- Arrange the layout and work flow of the physical scanning area
- Ensure that scanned OMR forms are securely stored<sup>9</sup>

The scanning process included taking voters details from the registration centre, verifying the details for quality check to ensure that the forms are fully and correctly filled. These forms are then collected and taken to the scanning centre, which in the case of Nairobi was the Kenya Institute of Administration (KIA). The document management clerks of IIEC were entrusted with scanning and

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<sup>9</sup> <http://www.kenyajoblink.com/job/339/document-management-clerks-60-at-iiec/>

verifying data of approximately 12.3 million voters since the close of the manual registration. Although KIA was meant to be a scanning and verification centre for Nairobi region, all registers for the entire country were verified there. Reports from one of the IIEC clerks indicated that they were scanning 150,000 forms a day. After verifying if the information scanned is the one contained in the forms, the data summary is then transferred into a single database which is cleaned of multiple registrations.

The extraction of information from the OMR forms involved three major stages namely:

- **Document management:** This included physical counting, arrangement of the OMR forms and preparing them for scanning, and archiving after they have been scanned. This was done with the understanding that the forms may be needed later and therefore the retrieval process should be easy.
- **Scanning:** This involved feeding the OMR into the scanner. The scanner, which reads the optical marking, then reconstructs the shading in to text. At this point text files are created.
- **Verification:** This was a very tedious process of comparing the scanned image and the text generated. This process ensures that the scanner has extracted the correct information. If it has not the verifiers/clerks manually enter missing information. When all this is done the register is generated which is taken to the field for inspection by members of the public after which all missing names are reintroduced in the register and corrections made.

Our observations of the scanning of the OMR forms and the subsequent compilation of the voters' register showed that the IIEC faced several challenges. One of the major challenges the IIEC faced was related to the strict timelines based on the backdrop of many forms that they had to scan (for approximately 12.3 million voters). The clerks worked late through weekends and public holidays. This led to fatigue and likelihood of errors being made. Secondly, some of the OMR forms were of poor quality and were not usable/readable e.g. OMR forms that were not printed on both sides. One of the observations is that manual voter registration should be accorded ample time so that a small and manageable number of OMR forms can be scanned on a daily basis to enhance standards, quality and professionalism.

**Recommendations:** We would like to recommend that the IIEC should adopt a more efficient and effective strategy for the compilation of the voters' register such as gradual build up and consolidation of the voters' register instead of waiting until all the field data collection is completed.

Also, manual voter registration system should be given ample time to allow all the processes involved to be undertaken in a systematic, structured and professional manner. This will eliminate some of the errors that are still persistent in the national register of voters.

In addition, the IIEC should develop tools for collecting data on voter registration by gender and age and also ensure consistency in collecting data related to voters' residential addresses. It is also important for the IIEC to also focus on information related to educational or literacy level of voters during the time of voter registration. Such information will help the IIEC to manage voters who may require assistance during voting and more particularly it will help the IIEC to determine genuine illiterate voters and identify fraudsters during voting.

### ***2.5. Effects of weather on the registration process***

Both manual and electronic voter registration processes commenced during the rainy season. As a result, the heavy rains experienced in several parts of the country impacted negatively on the

registration processes in a number of ways. The rainy season affected the supply of the solar power that was meant to power the EVR kit in centres where there was no power. The rainy weather especially the resultant floods after heavy rains also delayed the arrival of voter registration materials and the EVR kit. Also, the rains affected the opening and closing of registration centres whereby some centres opened late or closed early due to heavy rains. This is evidenced by the following examples.

- At Chepkemel Primary School (055) in Eldoret North Constituency the EVR kit failed in the afternoon of 25<sup>th</sup> April 2010 due heavy rains.
- The registration centre at Kianjagi Primary School (011) in Nithi Constituency was closed for about 3 hours because of heavy rains.
- At Mutaho Primary School (012) in Ikolomani Constituency heavy rains delayed the distribution of registration materials on 17<sup>th</sup> April 2010 until after 10.00 am.
- The registration centre at Kiambwe Youth Polytechnic (043) in Ndia Constituency remained closed from 8.45 am to 1.00 pm daily due to heavy rains.
- The registration centre at Kiandangae Primary School (029) in Ndia Constituency remained closed for almost 5 hours daily due to heavy rains.
- In Kikuyu Constituency and in other constituencies where EVR was being piloted, heavy rains reduced the amount of solar energy expected to charge the batteries hence affecting the performance of the EVR kit on voter registration.
- The registration centre at Ogongo Primary School (44) in Kisumu Town West Constituency remained closed on 3<sup>rd</sup> and 11<sup>th</sup> May 2010 due to heavy rains. The EVR kit could not reach the centre due to muddy road.

**Recommendations:** We would like to recommend that the IIEC should be more flexible with regard to timelines set for voter registration. This would allow the officials to register voters who could not register during the official duration set for voter registration due to natural causes such as rains or due to other reasons. We noted that the IIEC only extended the OMR manual voter registration for 4 days but the EVR voter registration was not extended, yet it is the latter that was worst hit by the rainy weather.

## ***2.6. National Identity (ID) cards and voter registration process***

Reports from our Constituency Monitors showed that lack of ID cards continue to disenfranchise significant number of eligible voters. This affected five categories of voters as follows.

First, are the youth who had turned eighteen years and had applied to be issued with identification cards yet by the time voter registration was being undertaken, they had not received them. Therefore this category of voters possessed waiting cards. Second, there were those voters who had lost their ID cards and had reported to the police and therefore possessed a police abstract at the time of voter registration. Third, there were voters who had surrendered their ID cards to the hospitals as a proof of their commitment to pay hospital bills and therefore during the registration exercise their ID cards were still held in hospitals. Fourth, there was the group that possessed the old generation ID cards who at the beginning of voter registration exercise were not allowed to register using those cards. They were only allowed to register after the government lifted the ban on the use of the old generation ID cards.

Finally, there was a group from the marginalised regions especially in the North Eastern Province who are required to undergo a thorough vetting process to establish their nationality before they are approved to apply for ID cards. The vetting is undertaken by vetting committees that comprise of the District Officer, District Registrar of Persons, District Intelligence Officer, District Criminal Investigation Department Officer and sometimes Immigration Officers, Area Chief and local elders. This group faces serious challenges in getting ID cards in situations where the vetting committees are corrupt and inept.

The lifting of the ban on the use of the old generation cards by the President came on 21<sup>st</sup> April 2010, which was 31 days after the OMR registration process had started. The OMR registration drive commenced on 22<sup>nd</sup> March 2010 and was expected to end on 5<sup>th</sup> May 2010, although the IIEC extended the period by 4 days. With regard to the EVR registration, the lifting of the ban came after 9 days of EVR registration commencement. The EVR process started on 12<sup>th</sup> April 2010 and ended on 21<sup>st</sup> May 2010.

Our observations indicate that even though the directive to lift the ban the use of the old generation ID cards was applauded mostly by approximately 1 million voters who possess them and other stakeholders, the directive did not come on time hence most voters who had these ID cards could not register at the beginning of the registration process. Also, we noted that even after the lifting of the ban, this information took some time to trickle to the grassroots level and to reach the registration clerks who had to wait and get clarification from their seniors on whether to start registering voters who had old generation ID cards or not.

In several registration centres many voters raised questions as why they were not being allowed to register using police abstracts or ID waiting cards. Indeed, one of our recommendations in the baseline survey that IED conducted prior to the commencement of the voter registration was that the IIEC needed to consider the use of ID waiting cards for voter registration and also to lobby and influence the Minister for Immigration and the Registrar of Persons to decentralize, fast track and streamline the ID cards issuance process<sup>10</sup>. Some of the voters we interviewed were of the opinion that the Ministry of Immigration in conjunction with Registrar of Persons should mount a mass ID registration and issuance drive at the polling stations before any voter registration exercise begins.

Some of the observations we made in regard to above challenges were noted at the following registration centres:

- At Shimanyiro Primary School (016) in Ikolomani Constituency, there were a lot of complaints that the youth lacked ID cards.
- At Kanyariri Primary School (019) in Kikuyu Constituency, those who had police abstracts and waiting cards were complaining and demanding to know why they could not be allowed to register with these documents.
- The registration clerks at Ngure Primary School (020) in Kikuyu Constituency received a call on 21<sup>st</sup> April 2010 at 2.00 pm authorizing them to use the old generation ID cards. This is when they started to allow voters with old generation ID cards to register.

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<sup>10</sup> IED, 2010, IED, 2010, Designing a New Voter Registration System in Kenya: A Recipe for Regaining Voters Confidence in the Electoral Processes, Pg. viii.

- On 24<sup>th</sup> April 2010, voters at Ndintune Primary School (027) in Nithi Constituency were still not being allowed to register using old generation ID cards yet the directive on the lifting of the ban on the use of the old generation ID cards was issued on 21<sup>st</sup> April 2010.
- On 21<sup>st</sup> April 2010, voters at Ngaita Primary School (021) in Nithi Constituency were still not allowed to register using the old generation ID cards.
- A number of voters at Shirika Primary School registration centre (045) in Eldoret North Constituency did not have ID cards and claimed that the same had been retained in hospitals due hospital bills.
- In Kisumu Town West Constituency, some voters who had police abstracts wanted to know why they were not being registered. Some wanted to know whether they can be registered using alternative documents such as driver's license.
- In Mt. Elgon Constituency especially at Cheptais Division, it was observed that majority of voters did not have ID cards owing to the violence after the 2007 general elections.

**Recommendations:** We recommend that the Ministry of Immigration in conjunction with Registrar of Persons and other relevant stakeholders should mount a two months civil registration drive at all the polling stations/registration centres in Kenya prior to commencement of voter registration. The officials should collaborate with the provincial administration, Registrar of Births and Deaths to identify Kenyan citizens who are eligible to be issued with identity cards. Furthermore, ID cards should be issued on the same day of registration in order to avoid long waiting.

We also recommend that the IIEC should as part of the continuous voter registration institutionalise cooperation and working partnership with the Ministry of Immigration and Registrar of Persons to ensure that voter registration officials are stationed at the places and points where citizens go to register to be issued with ID cards so that these citizens are registered as voters immediately as they come to collect their ID cards.

Just as we recommended in our Baseline Survey Report, we would like to emphasise that there is need to establish an Integrated Population Registration System (IPRS) in order to come up with a single identification document. This will address duplication of efforts by various government ministries and departments involved in the registration of citizens, address insecurity issues, reduce electoral fraud and will be cost effective. However, in order for this to be realised, relevant government ministries and departments involved in the registration of citizens will need to cooperate and share information.

## ***2.7. Voter importation***

Our observation showed that there were many issues related to voter importation which was mainly due to the perception among voters that they could register and vote anywhere with regard to the national referendum in 2010 and transfer later for purposes of the 2012 general elections. There was also confusion among voters that if registered electronically, they would vote anywhere they wished. Consequently, a number of voters who had not registered manually after the manual voter registration ended, rushed to constituencies that had EVR registration to register there thinking that they would still vote in their residential constituencies electronically. Further, there was confusion with regard to constituency boundaries. In Kenya, there is no mechanism for regulating movement of people from one constituency to another. Therefore this provides an opportunity whereby a citizen who works in a certain constituency but lives in a different constituency has options of registering in any of the two constituencies.

This is of great concern given that the IIEC could not verify the voters' data at the registration centres to identify those who could have registered more than once. It was also a challenge for the IIEC to identify those who registered in constituencies where they had not ordinarily lived for more than five months in that constituency, or had for such a period or periods carried on business there, or had for such a period or periods been employed there or had for such a period or periods lawfully possessed land or residential buildings there as stipulated in Section 43 of the Constitution. Detecting imported voters and managing voter importation was therefore observed as a major challenge to the IIEC. What this means is that IIEC will be required to come up with effective strategies and mechanisms for detecting multiple registrations and imported voters before it displays the register for inspection.

**Recommendation:** We recommend that the IIEC should enhance its partnership and collaborative initiatives with the provincial administration, community opinion leaders, chiefs, assistant chiefs, village elders, urban residential groups and associations in the identification of eligible voters in terms of residential qualifications.

### ***2.8. Participation of women in the registration process***

Our observation revealed that the participation of women in the new voter registration drive was low compared to that of men. There are several factors that contributed to this, which included voter apathy among women who were the greatest victims of the 2007 post election violence. For example, at Arina Primary School (61) in Kisumu Town West Constituency, our monitors reported that out of every 8 women voters they interviewed two said that they were forced to take voters cards by their husbands. The women indicated that they were not willing to vote due to the effects of the post election violence. In some instances, women perceive political processes to be male dominated affairs and therefore shy away from active participation in political processes. Other factors especially in the pastoralist communities, included social factors such as men keeping the identification documents for their wives and only releasing them at their own thus affecting women's participation in the electoral processes. In fact, an analysis of daily records of voter registration from our monitors in 93 registration centres across the country showed that women participation in the just concluded voter registration drive accounted for approximately 39% compared to 61% participation for men.

**Recommendations:** We recommend that the IIEC should partner and collaborate with different organizations including the CBOs, NGOs and other organizations whose mandate is to empower women in order to enhance their participation in the electoral and democratic processes. This partnership should be able to undertake an analysis of factors that hinder women from participating effectively in the electoral process and be able to come up with effective strategies and methodologies for sensitizing and reaching out to women and men alike especially those from the pastoralist communities.

Special civic/voter education programmes and communications strategies should be designed focusing on women to enable as many of them as possible to be reached. We would like to appeal to the government to reduce some of the requirements for ID cards acquisition and renewal especially on the part of women.

### ***2.9. Voter Apathy***

It is important to note that even though the IIEC surpassed their voter registration target by over 2 million voters, this is not an indication that there is no voter apathy amongst citizens. Our observations revealed that voter apathy still persists especially in areas which were worst hit by the 2007 post election violence such as Molo, Eldoret, Mt. Elgon to mention but a few. In fact, most of the voters we interviewed indicated that they are just registering to be able to participate in the constitutional

referendum of 2010 but they will just keep their votes and not participate in the 2012 general elections. Some cited poor performance of the grand coalition government in delivery of services, corruption and failure to resettle the internally displaced persons (IDPs). Some of the evidence for voter apathy was noted at the following places:

- At A.I.C Moi's Bridge Primary School in Eldoret North Constituency, voters were really complaining about the effects of 2007 post election violence.
- In Kikuyu Constituency most voters interviewed revealed that they would only vote during the national referendum in 2010 but will not vote in the next general elections.
- At Barsombe Primary School (016) in Eldoret North Constituency, a man refused to allow his wife and daughter to register because he had lost his brother during the 2007 post election violence.
- At Ndiriti Primary School (032) in Ndia Constituency, there was low voter registration turn out due to voter apathy caused by election violence and insecurity issues related to the Mathira massacre. Majority of the voters interviewed said that they do see any reason to register as voters because the government had not provided security.

**Recommendations:** We recommend that the IIEC in partnership with other organizations should mount vigorous civic/voter education across the country before and after the national referendum in 2010.

**ANNEXES**

***Annex 1. Monitoring tool***

**Introduction**

As part of our initiatives to support the on-going electoral reforms being undertaken by the Interim Independent Electoral Commission, IED is monitoring both Electronic and Optical Mark Reader Voter Registration processes in order to document best practices, challenges and lessons learned for informed interventions. The ultimate aim for monitoring the registration processes is to enhance voters’ confidence in the electoral processes particularly in the compilation of a new voters register for the referendum and the 2012 general elections.

Therefore, you are being sent to the registration centre to observe the process of registering voters. On ..... you should go to the registration centre assigned to you. You should arrive there at 7.30 am before the registration centre opens and remain there through out the day until the time the centre closes (5.00pm). On this form you should document all your observations. Remember that the IIEC registration officials are in charge of the registration process. Do not disrupt registration. If you are concerned that an individual is wrongly being turned away or wrongly being permitted to register, you should bring this respectively, to the attention of the individual in charge of the centre. Completed forms should be sent to IED office on a weekly basis.

*Please write clearly in dark blue or black ink.*

<b>1. Name of the Monitor</b>	
<b>2. Telephone Number of the Monitor</b>	
<b>3. Physical Address of the Monitor</b>	
<b>4. Postal address of the Monitor</b>	
<b>5. Constituency Name and Code</b>	
<b>6. Registration Centre’s Name and Location</b>	
<b>7. Registration Centre’s Number</b>	
<b>8. Date you visited the registration centre</b>	Time:.....Day.....Date..... Month: .....
<b>9. Was the registration centre open when you arrived?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>10. If, <u>Yes</u> what time did the registration centre open?</b>	Time: .....
<b>11. When was the registration centre originally scheduled to open?</b>	Time .....

12. On what date did the registration centre first open?	Day.....Date.....
13. Name of the IIEC Officials in charge of the registration centre	1..... 2.....
14. Is the Voter Registration Centre accessible to all eligible voters?	Yes <input type="checkbox"/> No <input type="checkbox"/>
15. How many people are expected to register at this centre? (projected number)	
16. How many voters have been registered at the centre since the centre opened?	
17. How many people registered during the day you observed registration?	
18. Were voter registration materials sufficient in the registration centre you visited?	Yes <input type="checkbox"/> No <input type="checkbox"/>
19. If <u>No</u> , what was missing or not working well?	
20. What procedures were being used by the IIEC Officials to register voters electronically (EVR)? <i>(Use additional paper if necessary)</i>	List the procedures
21. What procedures were being used by the IIEC Officials to register voters manually (OMR)? <i>(Use additional paper if necessary)</i>	List the procedures
22. Did the Election Officials correctly follow all registration procedures?	Yes <input type="checkbox"/> No <input type="checkbox"/>
23. If <u>No</u> , which procedures were not followed? <i>(Use additional paper if necessary)</i>	
24. Did you witness any attempt to bribe or intimidate any prospective voter or registration official, in or around the registration centre?	Yes <input type="checkbox"/> No <input type="checkbox"/>
25. If <u>Yes</u> , describe the circumstances? <i>(use additional paper if necessary)</i>	

26. Did the registration officials register someone whom you thought was ineligible?	Yes <input type="checkbox"/> No <input type="checkbox"/>
27. If Yes, what was the cause of ineligibility and how many such ineligible persons were registered?	Cause:..... ..... Number..... .....
28. Was anyone not allowed to register who you thought was eligible?	Yes <input type="checkbox"/> No <input type="checkbox"/>
29. If yes, what documents did he/she have and how many such eligible persons were not registered?	Documents..... ..... ..... Number..... ....
30. Kindly list the requirements for voter registration that were being considered for one to register in this constituency.	
31. Were there cases of voter importation in this constituency this day?	Yes <input type="checkbox"/> No <input type="checkbox"/>
32. How many people with disability did you witness register at the voter registration centre you visited? How did they register?	Number How they registered.....
33. What Voters details were captured through Electronic Voter Registration?	
34. Were voters being issued with voter's card the same day?	Yes <input type="checkbox"/> No <input type="checkbox"/>
35. Approximately how long did it take a voter to complete electronic voter registration process and be issued with a voter's card?	
36. What Voters details were captured through the Manual Voter Registration process (OMR)?	

37. Approximately how long did it take a voter to complete the OMR registration form and be issued with a voter's card?	
38. Were old voters' cards being collected?	Yes <input type="checkbox"/> No <input type="checkbox"/>
39. Were there people who were registered more than once in this centre?	Yes <input type="checkbox"/> No <input type="checkbox"/>
40. If <u>Yes</u> , how many and what are their details? <i>(use additional paper if necessary)</i>	
41. Has the registration centre been forced to close for any reason?	Yes <input type="checkbox"/> No <input type="checkbox"/>
42. If <u>Yes</u> , why has the centre been forced to close? <i>(use additional paper if necessary)</i>	
43. If Yes, how long has the centre been closed?	
44. Were there representatives of political parties or Civil Society Organizations present at the registration centre?	Yes <input type="checkbox"/> No <input type="checkbox"/>
45. If Yes, which political parties or CSO's? <i>(use additional paper if necessary)</i>	
46. Were any formal complaints/dispute lodged about the registration process?	Yes <input type="checkbox"/> No <input type="checkbox"/>
47. If <u>Yes</u> what complaint/dispute were filed? <i>(use additional paper if necessary)</i>	
48. <i>Has there been Voter Education on Registration of voters' conducted in this constituency?</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
49. If <u>Yes</u> , who has been conducting voter education and what are some of the training materials and methodologies they were using?	
50. Monitor signature and date	

*Annex 2: List of the sampled constituencies*

<b>CONSTITUENCIES WHERE WE MONITORED EVR</b>	<b>CONSTITUENCIES WHERE WE MONITORED OMR</b>
Langata	Matuga
Mvita	Mandera Central
Dujis	Ndia
Mbooni	Nithi
Kikuyu	Molo
Eldoret North	Mt.Elgon
Ikolomani	South Mugirango
Kisumu Town West	