

## 8 Analysis of inclusiveness of the RoV

### 8.1 National distribution of registered voters by county

The voting age population (VAP) is composed of persons aged 18 and above. The Commission has used various sources to determine the Voting Age Population. The main source being the population projections based on the 2009 Census which they have used as the target for voter registration.

	IEBC targets	IEBC RoV	Variance	Achievement
NRB	25,323, 059	19,646,673	5,676,386	77.58%
KNBS	25,212,055	19,646,673	5,565,382	77.93%

Source: IEBC, KNBS, IEBC, KPMG Analysis

The current estimates based on those projections currently stands at 25,212,055. The Independent Electoral and Boundaries Commission (IEBC) has also used estimates based on the NRB figures as at November 2016 which stood at 25,095,292 to plan for MVR II<sup>175</sup>. KPMG managed to obtain the latest figures from the NRB for purposes of this assignment which estimated the voting age population at 25,323, 059 based on the number of IDs issued to persons aged 18 years and above. The Commission RoV has 19,646,673 registered voters. To arrive at the VAP estimates, the various institutions factor in death estimates from the CRS<sup>176</sup> which provide records based on registered and expected numbers calculated on the basis of coverage rates<sup>177</sup>.

Our analysis of the register of voters shows that the top five counties with the largest number of registered voters include Nairobi county at 2,258,479 (11.50%), followed by Kiambu County at 1,185,243 (6.03%), Nakuru County at 953,949 (4.86%), Kakamega County at 745,382 (3.79%) and Meru County at 702,331(3.57%).

Amongst the lowest five counties, Lamu County leads with the lowest number of registered voters at 69,698 (0.35%) of the total number of registered voters, followed by Isiolo County at 75,677(0.39%), Samburu County at 82,844 (0.42%), Tana River County at 118,563 (0.60%) and Marsabit at 141,792 (0.72%).

The high number of registered voters amongst the top five may be due to the location and proximity to urban areas, where the population growth is mostly attributed to migration into those areas. The counties amongst the bottom five are mostly arid and semi-arid areas. The low number of registered voters may be attributed to migration out of these areas as a result of the ongoing drought, cultural values, and low civic education amongst others. MVR I and MVR II also took place during the period of drought when most of the communities may have migrated in search of pasture and water for their animals.

<sup>175</sup> Refer to Annexure 129 - CEO MVR II ID Baseline Data – 12 Jan 2017

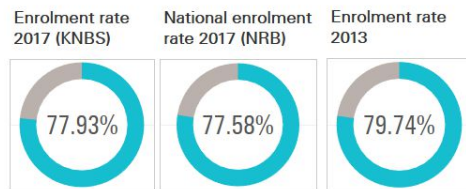
<sup>176</sup> Kenya Vital Statistics Reports (2013, 2014 and 2015 Editions)

<sup>177</sup> Refer to Annexure 130 – Death Statistics – 2016s

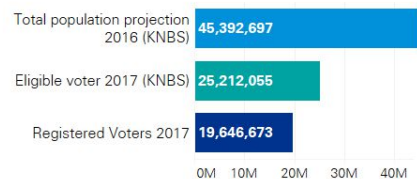
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Figure 31 - Illustration of the overall summary of the national distribution of registered voters per county

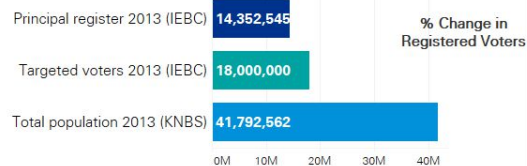
## National Coverage



### 2017 statistics

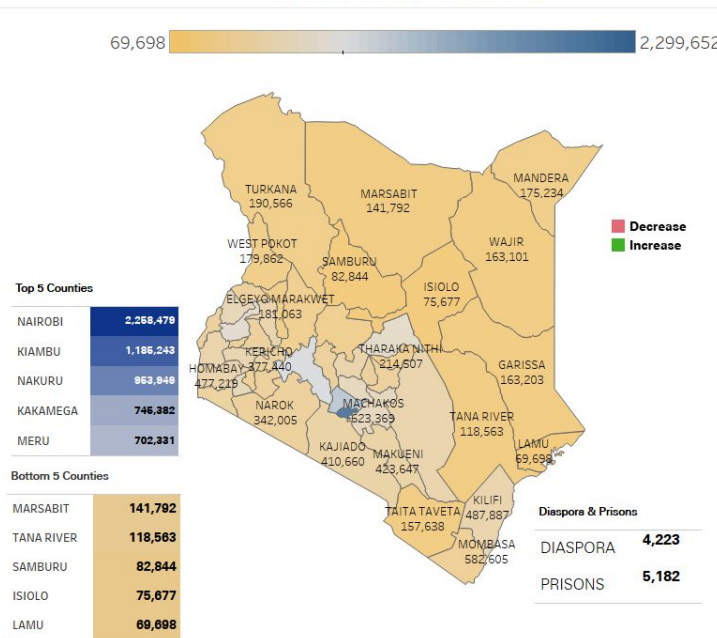


### 2013 statistics



Registered voters 2017 (IEBC)	Eligible voters 2017 (KNBS)	Issued ID's (NRB)	Principal register 2013 (IEBC)
19,646,673	25,212,055	25,323,059	14,352,545

### National Coverage of Voters 2017



## Enrolment rate by county

	Registered Voters 2017	Enrolment Rate 2017	Principal register 2013 (IEBC)	Enrolment Rate 2013
BARINGO	230,728	63.84%	173,653	67.05%
BOMET	324,583	68.34%	252,358	74.14%
BUNGOMA	559,989	62.60%	410,462	64.03%
BUSIA	352,433	72.83%	251,305	72.46%
ELGEYO MA.	181,063	75.46%	134,568	78.01%
EMBU	312,576	93.08%	227,296	94.44%
GARISSA	163,203	40.27%	115,202	39.66%
HOMABAY	477,219	76.12%	325,826	72.52%
ISIOLO	75,677	81.19%	54,462	81.53%
KAJIADO	410,660	91.85%	304,346	94.98%
KAKAMEGA	746,382	69.00%	567,460	73.30%
KERICHO	377,440	77.12%	290,458	82.81%
KIambu	1,185,243	111.90%	861,829	113.88%
KILIFI	487,887	67.58%	336,132	64.97%
KIRINYAGA	353,139	102.81%	265,290	107.76%
KISII	546,564	72.92%	412,945	76.87%
KISUMU	539,006	85.96%	385,820	85.41%
KITUI	474,840	64.16%	324,673	68.77%
KWALE	282,037	66.71%	174,443	57.57%
LAIKIPIA	247,341	95.24%	173,905	93.44%
LAMU	69,698	106.52%	52,346	110.58%
MACHAKOS	623,369	87.23%	445,096	86.91%
MAKUENI	423,647	73.63%	298,221	72.32%
MANDERA	175,234	26.26%	120,768	25.25%
MARSABIT	141,792	74.86%	104,615	77.07%
MERU	702,331	79.60%	487,265	77.06%
MIGORI	388,147	65.06%	283,862	66.39%
MOMBASA	582,605	95.34%	408,747	93.34%
MURANG'A	593,769	96.85%	452,841	103.05%
NAIROBI	2,258,479	110.31%	1,728,801	118.16%
NAKURU	963,949	91.12%	695,318	93.02%
NANDI	347,186	70.88%	263,254	74.99%
NAROK	342,005	61.79%	262,738	66.23%
NYAMIRA	280,622	71.15%	219,358	78.65%
NYANDARUA	337,774	87.08%	255,984	92.09%
NYERI	461,434	102.28%	356,380	110.22%
SAMBURU	82,844	56.87%	61,114	58.54%
SIAYA	457,663	83.53%	311,919	79.43%
TAITA TAVETA	157,638	85.13%	113,862	85.80%
TANA RIVER	118,563	75.92%	79,455	70.99%
THARAKA N.I.	214,507	90.26%	155,487	91.29%
TRANS NZOIA	340,843	64.00%	244,640	64.09%
TURKANA	190,566	34.25%	132,885	33.32%
UASIN GISHU	450,845	77.51%	330,630	79.31%
VIHIGA	271,785	75.33%	202,822	78.44%
WAJIR	163,101	37.85%	118,091	38.27%
WEST POKOT	179,862	53.93%	120,986	60.62%

### 8.1.1 Distribution of registered voters across age bands

KPMG analysed the distribution of registered voters across age and gender to confirm whether the registration rates are consistent with the number of issued IDs according to NRB data. The data used for analysing inclusiveness of the voters across age bands was based on the NRB data of voting age population (VAP) with active new generation IDs in circulation against the registered number of voters across the various age groups, and then compared with the data from KNBS<sup>178</sup> projected population numbers for 2016<sup>179</sup>. We have then prorated the age groups based on the KNBS statistical abstract 2016 which provides the population by age and gender as at 2009 to obtain the proportionate distribution by age group. Based on this, KPMG found that the percentage of persons aged 18 years and above stood at 50.41% of the total population representing a figure of approximately 22,882,601 as voting age population.

The choice of the age bands has mirrored the age bands as provided by KNBS and also taken into consideration the varying needs of the different age bands. We have segmented the age groups into 18 -19 year olds, representing the youth who have just acquired their IDs, the 20–24 year olds who are most likely in higher institutions of learning, the 25 -29 year olds who have just started working and the 30-34 year olds who are more mature youths. We have also segmented the adults into two main categories of 35-64 years olds and the over 65.

It is worth noting that there is a variance between the projected population numbers provided by the Commission and KPMG. The Commission projects the population numbers at 46,974,055 million and KPMG projections based on KNBS 2015 numbers projected by one year to 2016 at 45,392,695 million. The KPMG number is consistent with the KNBS economic survey report 2017<sup>180</sup> figure of 45.4M. These variances are summarized in the table below:

Table 4: Distribution of voters across age bands

Age Band	Registered Voters (the Commission )	% of Total registered voters	Voting Age Population (NRB Issued IDs)	% of Total issued IDs	Voting Age Population( KNBS projections )	% of Total projected Population
18-19	205,606	1.05%	503,789	1.99%	1,873,555	8.19%
20-24	2,700,027	13.74%	3,755,268	14.83%	4,439,079	19.40%
25-29	3,076,324	15.66%	3,797,477	15.00%	3,763,992	16.45%
30-34	3,111,347	15.84%	3,477,844	13.73%	2,962,075	12.94%
35-39	1,983,994	10.10%	2,531,286	10.00%	2,361,448	10.32%
40-44	2,076,344	10.57%	2,508,923	9.91%	1,735,422	7.58%
45-49	1,573,704	8.01%	1,869,810	7.38%	1,496,310	6.54%
50-54	1,085,055	5.52%	1,245,466	4.92%	1,124,162	4.91%
55-64	1,981,400	10.09%	2,418,154	9.55%	1,535,071	6.71%
>65	1,852,872	9.43%	2,871,081	11.34%	1,591,490	6.96%
NS			343,961	1.36%		

<sup>178</sup> Refer to Annexure 131 – Inclusivity Tests based on Population Statistics – KPMG Data Work Stream

<sup>179</sup> Statistical Abstract (2010,2011,2012,2013,2014,2015 and 2016 Editions)

<sup>180</sup> Economic Survey 2017 Edition (KNBS)

**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
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Total	19,646,673	100.00%	25,323,059	100.00%	22,882,601	100.00%
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Source: the Commission, NRB, KNBS

\*NS: Not Specified

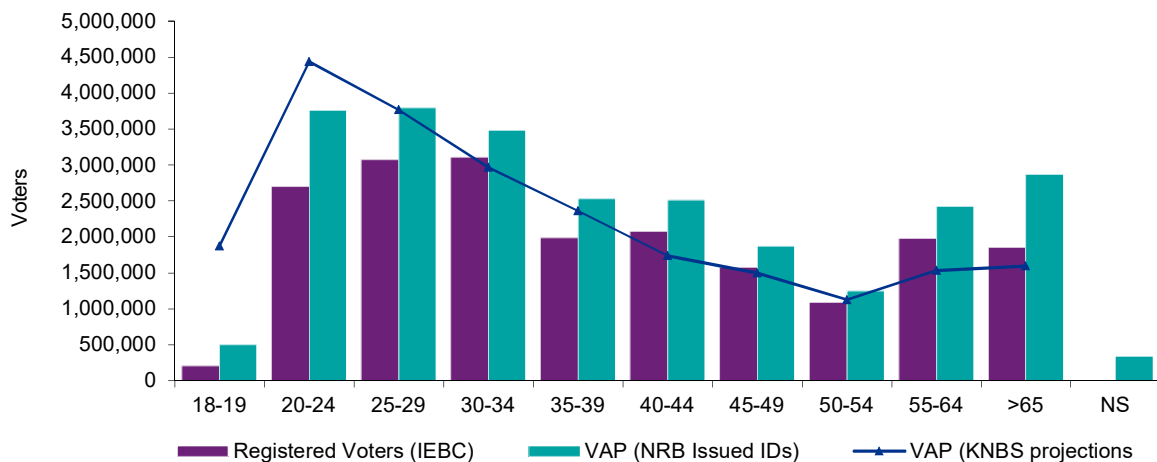
The variance between the 18 -19 year olds against the number of issued IDs and the projected population numbers by KNBS indicate that the voter registration amongst this age group is still very low. Considering that this age group represents 8.19% of the total projected population, only 1.99% appear to have IDs, and consequently 1.05% are registered as voters. This makes this age group a special interest group that will require the Commission's focus.

The 20 - 24 year olds show an improvement in enrolment, but still remain below the eligible voters based on issued IDs by NRB and the population distribution of that age group. 25 - 34 year olds are the best in class in the age groups amongst the youth. There is a remarkable improvement in the percentage of the number of registered voters compared to the percentage number of IDs issued and the percentage projected population distribution for 2016. 35 – 59 year olds stabilize where the number of registered voters vis a vis the number of IDs issued and the population projections are almost at par, with a slight percentage variance from the eligible voting population based on IDs issued.

Of particular interest are the over 65 year olds, where the number of registered voters is higher than the projected population by KNBS, but lower than the NRB issued IDs. The variance between the number of issued IDs and the registered voters compared to the projected population over 65 show some disparity. The possible explanations for the disparity could be that (i) the number of deceased persons over the age of 65 are still in both the NRB register of issued IDs and the voters register and have not yet been removed, and (ii) the possibility that the population estimates of the number of persons aged over 65 are underestimated.

The figure 32 below shows that correlation between the number of registered voters across age groups, the number of IDs issued according to NRB and the KNBS population projection for 2016. Overall we noted that the number of registered voters is far lower than the eligible voting age population across all age groups.

Figure 32 - Correlation between the number of registered voters, NRB issued IDs and KNBS population projection



Source: the Commission Voter's register.

### ***Overall voter enrolment rate***

The enrolment rate is an assessment of the total number of eligible voters as projected by the Commission based on the population census data against the number of registered voters per county.

The figure below provides a comparative analysis of the enrolment of registered voters per county for 2013 and 2017. The enrolment rate is derived from the number of eligible voting population against the number of registered voters for each county and compared to 2017.

In terms of enrolment across the country<sup>181</sup>, Kiambu County had the highest enrolment rates at 111.90%, followed by Nairobi County at 110.31%, Lamu at 105.52%, Kirinyaga at 102.81% and Nyeri at 102.28% amongst the top five. Mandera County has the lowest enrolment rate at 26.26% followed by Turkana County at 34.25%, Wajir at 37.85%, Garissa at 40.27% and West Pokot at 53.93% amongst the bottom five. The bottom five are areas that were affected by drought and conflict. The commission needs to put in mechanisms to address the low enrolment rates specifically experienced in the counties listed in the bottom five.

#### ***8.1.1.1 Change in enrolment rates across counties***

The change in enrolment rates attempts to compare the enrolment rates of 2013 and 2017. Figure 31 below is derived by analysing the differences between the 2013 enrolment rates and 2017 enrolment rates.

Overall across the country, the enrolment rates between 2013 and 2017 have seen a remarkable drop of 37.54%. Kwale county is the most improved county with an improvement of 9.14% followed by Tana River county at 4.93%, Siaya at 4.09%, West Pokot at 3.31% and Kilifi at 2.61% amongst the top five. The bottom five are led by Nyeri at negative (7.94%), followed by Nairobi County at (7.85%), Nyamira County at (7.50%), Muranga at (6.21%) and Bomet at (5.80%).

Of concern are the areas with relatively large populations of registered voters which also exhibit the largest drop in enrolment rates. The Commission needs to investigate what the causes for the reverse progression in enrolment rates are so as to enable the commission to put in place remedial measures before the trend worsens. The overall impact of such negative progression in populated counties could have deeper implications in terms of voter numbers.

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<sup>181</sup> Refer to Annexure 132 – County Baseline on Population Data - IEBC

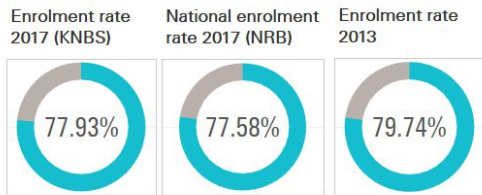


# Independent Electoral and Boundaries Independent Audit of the Register of Voters Government

Figure 33 - Illustration of the national enrolment rate



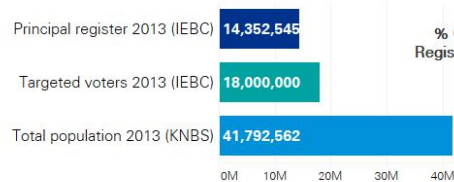
## National Enrolment Rate



### 2017 statistics

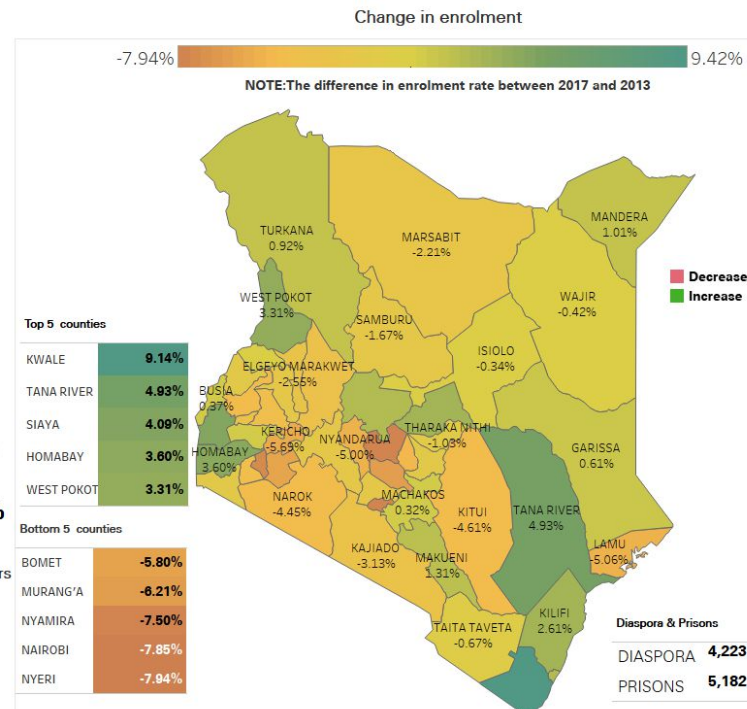


### 2013 statistics



26.95%  
% Change in  
Registered Voters

Registered voters 2017 (IEBC)	Eligible voters 2017 (KNBS)	Issued ID's (NRB)	Principal register 2013 (IEBC)
19,646,673	25,212,055	25,323,059	14,352,545



## Enrolment rate by county

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MAKUENI	423,647	73.63%	298,221	72.32%
MANDERA	175,234	26.26%	120,768	25.25%
MARSABIT	141,792	74.86%	104,615	77.07%
MERU	702,331	79.60%	487,265	77.06%
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MURANG'A	593,769	96.85%	452,841	103.05%
NAIROBI	2,258,479	110.31%	1,728,801	118.16%
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SAMBURU	82,844	56.87%	61,114	58.54%
SIAYA	457,663	83.53%	311,919	79.43%
TAITA TAVETA	157,638	85.13%	113,862	85.80%
TANA RIVER	118,563	75.92%	79,455	70.99%
THARAKA NI.	214,507	90.26%	155,487	91.29%
TRANS NZOIA	340,843	64.00%	244,640	64.09%
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WAJIR	163,101	37.85%	118,091	38.27%
WEST POKOT	179,862	53.93%	120,986	50.62%

## 8.1.2 Inclusiveness of women in voter registration

### 8.1.2.1 Contextual framework

Any credible democratic framework is premised on the principal of human rights including the granting and exercise of the political rights of both men and women<sup>182</sup>. Women constitute half of the world's population and comprise 50% of the labour force. However, they still remain underrepresented in the electoral process. According to the Women in Parliament; beyond numbers report by the Institute of Democracy and Electoral Administration (IDEA), democracy by definition cannot afford to be gender blind. Democracy must strive towards equality and representation of both women and men in decision making processes and in the opportunities to achieve both these goals.

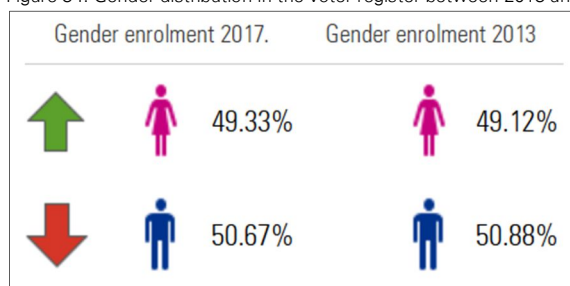
Any country's constitutional and legal framework should guarantee equal civil and political rights to every person on a non-discriminatory basis<sup>183</sup>. A wide variety of laws can affect the participation of women in all aspects of an election. These include election laws and laws relating to political parties, gender equality, gender-based violence, citizenship, personal status, family and identity documents.

According to FIDA, on its assessment of the international legal framework, Kenya has a solid international foundation for the protection and enhancement of women's rights as women pursue representation and leadership. It is however yet to fully meet its obligation as duty bearer by putting in place policies or law that give impetus to women's participation in political life and aggressively address discrimination" (Federation of women lawyers (FIDA) Kenya, 2013)

### 8.1.2.2 Distribution of voters across gender

The gender distribution of total registered voters for 2017 in the country is at 49.33% to 50.67% for women and men respectively, a slight change from 2013 of 49.12% to 50.88% of women to men respectively.

Figure 34: Gender distribution in the voter register between 2013 and 2017



Source: the Commission voter register.

The figure overleaf shows the distribution of registered voters by gender. The analysis shows that women are under-represented compared to men compared to the KNBS and NRB population gender ratios.

<sup>182</sup> Refer to Annexure 133 – Gender equality and election management bodies: a best practices guide - USAID

<sup>183</sup> Election Campaign financing Act of 2013

## Independent Electoral and Boundaries Independent Audit of the Register of Voters Government

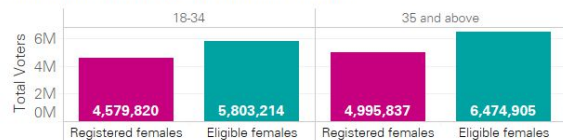
Figure 35 - Illustration of the distribution of registered voters by gender (2017 Gender Index)

### Distribution of Registered Voters by Gender

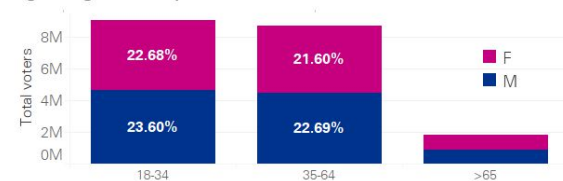
#### Gender balance comparison

Gender	2017 RoV	KNBS	NRB
	49.33%	50.43%	49.72%
	50.67%	49.57%	50.28%
Gender Index	0.97	1.02	0.99

#### Females registered vs eligible females (NRB)

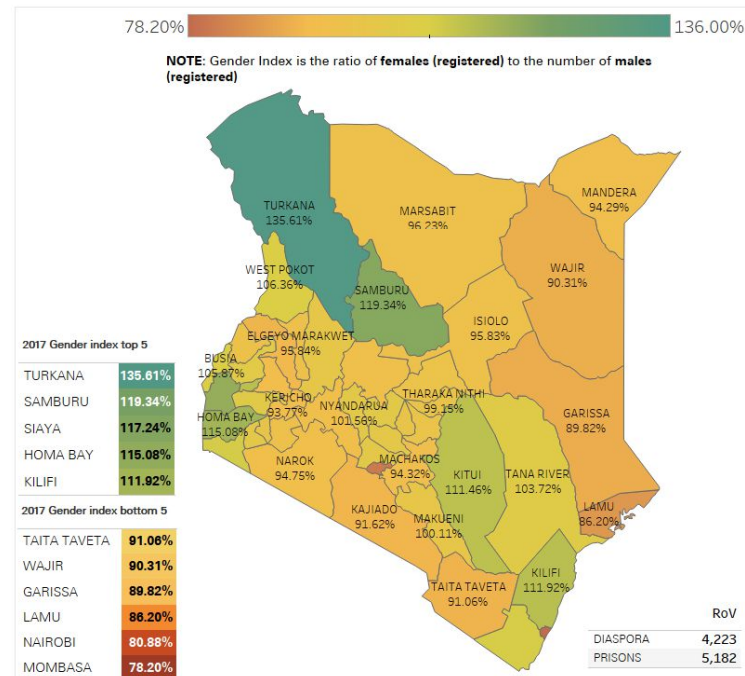


#### Age and gender comparison



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#### 2017 Gender index



#### 2017 Gender index

		% of RoV 2017 Females in RoV
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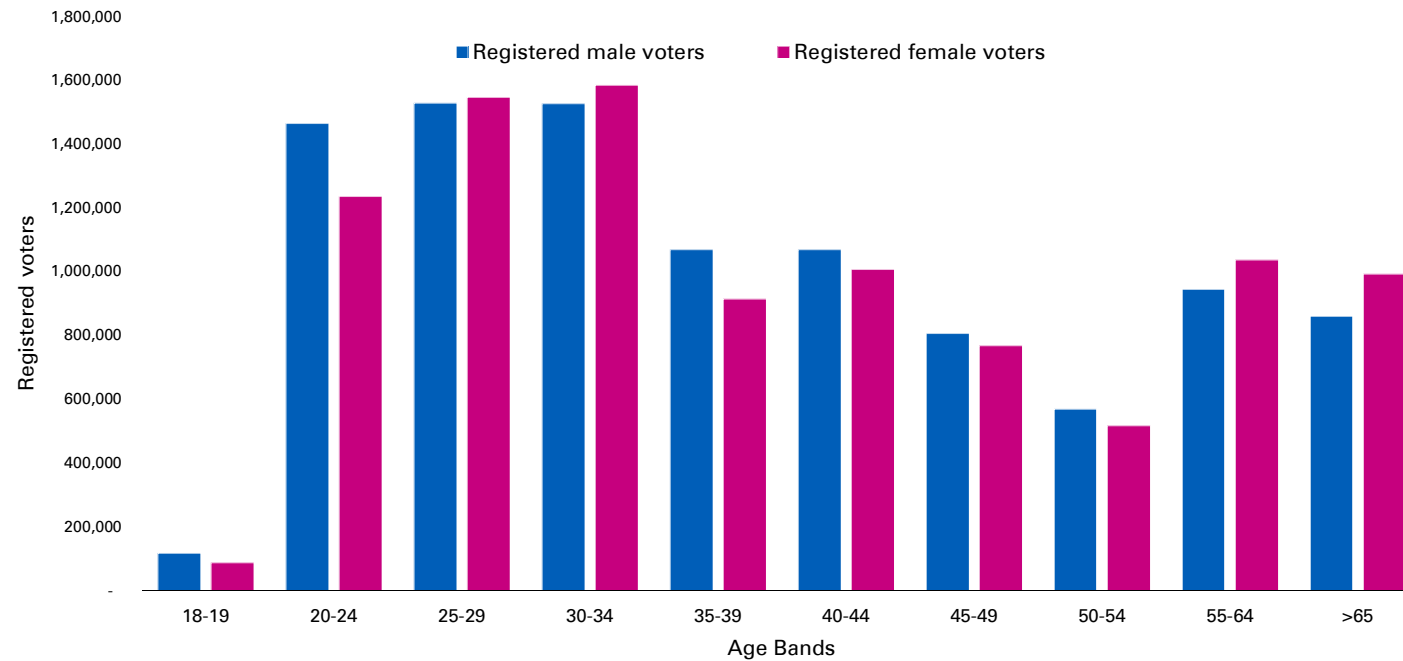
The figure 36 overleaf provides a graphical representation of the registered voters across gender and age. The majority of the population falls between the age groups 18 – 34. The biggest gender disparity is noted in the age groups 20 – 24 and 35 – 39.





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Independent Audit of the Register of Voters  
Government

Figure 36: Graphical representation of distribution of registered voters across age and gender



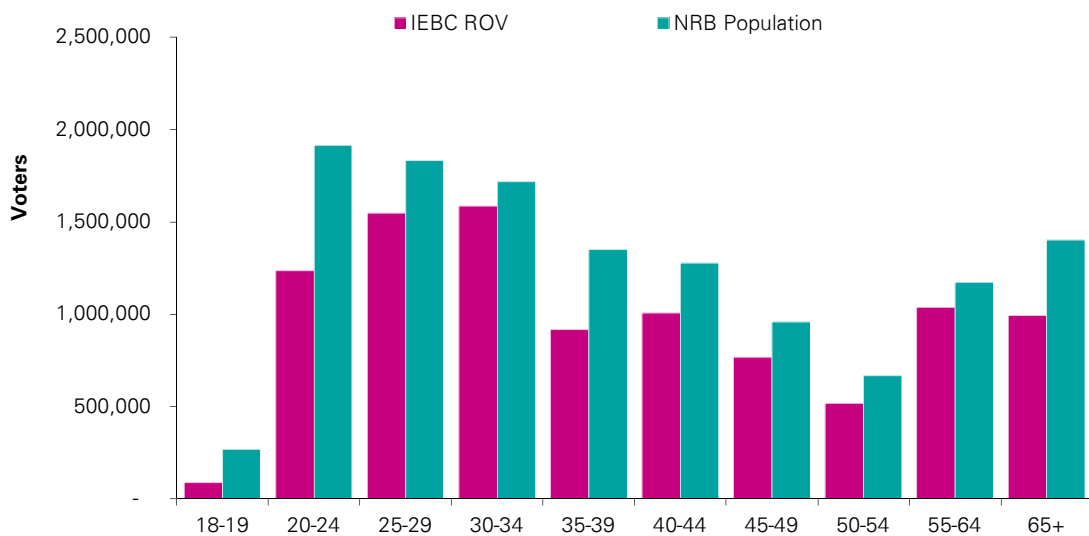
### 8.1.2.3 Enrolment rate by gender across age groups

To understand the voter registration rate across the gender, we have analysed the number of registered males and females against the voting age population with IDs data from NRB.

In terms of gender index, the top five counties are Turkana County (1.36), followed by Samburu (1.19), Siaya (1.17), Homa-Bay (1.15) and Kilifi (1.12). The bottom five (5) counties are Mombasa (0.78), Nairobi (0.81), Lamu (0.86), Garissa (0.90), Wajir (0.90) and Taita Taveta (0.91).

KPMG note that the gender index in Nairobi and Mombasa, the two major urban areas in Kenya, is considerably low. Of concern is Nairobi County which has the largest concentration of voters and the lowest gender index. Based on the 2009 KNBS Census and the current projections, the distribution of male to female voters was 51.15% to 48.85%. In the 2017 RoV, the distribution of male to female voters is 55.28% to 44.72%. It is important for the Commission to understand the factors contributing to the low levels of registration of female voters in these areas and put in sufficient remedial measures.

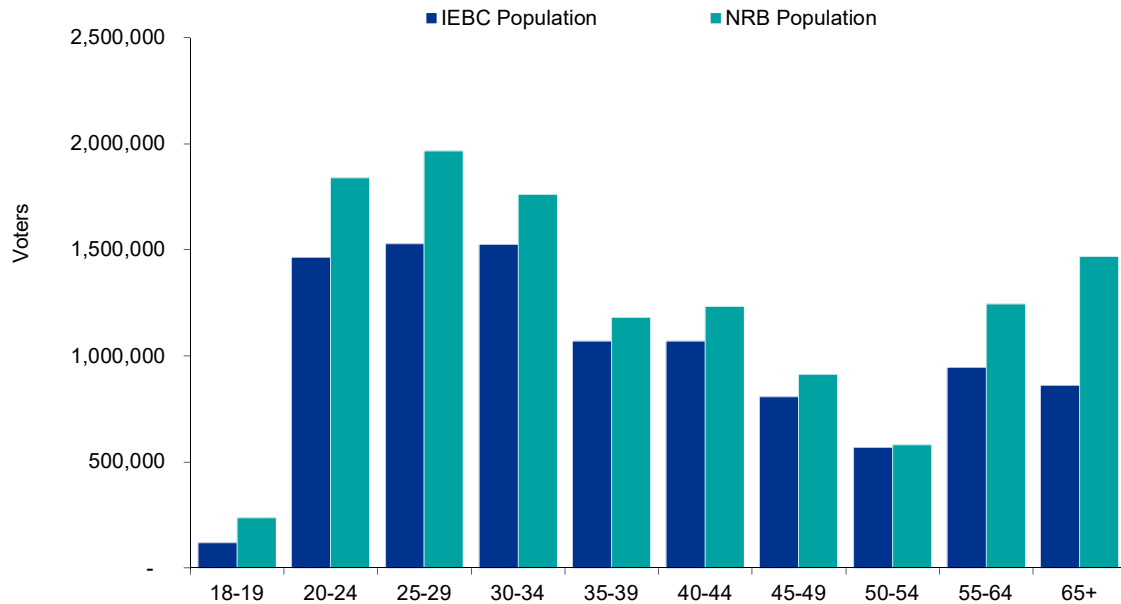
Figure 37 Total registered voters across age groups



Source: the Commission, NRB

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Government

Figure 38: Enrolment of Male voters across age groups



Source: the Commission, NRB

#### 8.1.2.4 Factors affecting the inclusiveness of women in voter registration

There are many obstacles to equal participation of women in elections, including gender stereotypes, psychological and traditional barriers, and inequalities in education, training and allocation of resources<sup>184</sup>. Amongst some of the factors which may affect enrolment rates by women are:

- Cultural and social barriers that discourage women from participating in politics; patriarchy.
- Women's low self-esteem and self-confidence reinforced by certain cultural patterns which do not facilitate women's access to political careers.
- Lack of media attention to women's contributions and potential which also results in the lack of a constituency for women.
- Lack of coordination with and support from women's organisations and other NGOs.
- Gender-based violence.
- Inadequate institutions for the protection and enforcement of women's political rights.
- Inadequate civic education directly aimed at women as a target group by the Commission.

<sup>184</sup> Refer to Annexure 134 - Summary of challenges faced by Article 100 groups (IEBC)

### 8.1.2.5 *Strategies to increase the participation of women in the voter registration process.*

#### ***Voter outreach***

- a) **Adopt and implement actions to address the specific voter education needs of women.** The Commission should identify any groups of women that may have distinct voter education needs and address them by involving gender experts in the planning process, development of voter and civic education materials and ensure a budget line for women's voter education.
- b) **Adopt and implement the draft social inclusion policy.** The draft social inclusion policy developed by the Commission in conjunction with special interest groups should be adopted.
- c) **Develop stakeholder partnerships.** Civil society organisations, political parties and the media in Kenya play a significant part in the delivering all types of messages because of their access to the women and minority groups. The commission should develop strategies to work closely with these organisations.
- d) **Media and Messaging.** The media holds great influence in enhancing the perception of women's leadership. The media should highlight gender issues that inform the public on the status of women in Kenya including their rights, challenges and their achievements. Moreover, media should ensure gender responsiveness and balanced reporting between women and men by portraying how current issues markedly or disproportionately affect women.
- e) **Develop targeted campaigns and provide training to various stakeholders on the specific needs of women.** In particular, the Commission should identify target groups and plan for strategic delivery of gender sensitization electoral training such the security personnel and local the Commission staff to ensure that gender issues are integrated into their electoral operations.
- f) **Utilise assessments, surveys and other information gathering tools** to assess the ideal way to reach women through targeted voter education outreach

#### ***Voter registration system and process***

The Commission should make certain that the practical aspects and details of the electoral processes do not indirectly discriminate against women. Requirements such as the removal of hijab for Muslim women when capturing facial images, priority for pregnant and nursing mothers and women with disability.

## 8.1.3 **Participation of the Youth**

### 8.1.3.1 *Contextual framework*

The youth constituency in Kenya is too large to remain on the margins of the democratic process. The total eligible voting population as provided by NRB of the youth in Kenya accounts for 45.55% of the voting age population.

Realizing young people's right to participate and be included in democratic processes and practices is vital to ensure the achievement of internationally agreed development goals and to



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Independent Audit of the Register of Voters  
Government

refresh the development agenda<sup>185</sup>. Their participation in the electoral process is important in the affirmation of their support as well as in the acquisition of a stake in the system and appreciation of their role in influencing politics and policy<sup>186</sup>.

Opportunities for youth to engage in governance and participate in political and decision-making processes depend largely on the political, socioeconomic, and cultural contexts where social norms in many parts of the world result in multiple forms of discrimination against youth<sup>187</sup>. Both formal and informal engagement of youth can be understood as political participation, and both are beneficial for a vivid and resilient democracy and should be supported.

Some of the other more compelling reasons to vote other than the fact that they present a large segment of the electorate include<sup>188</sup>:

- Voting is the only form of participation in which a citizen has an equal say.
- The youth tend to have political interests that differ from the older voters. Voting ensures that their interests are taken into account.
- By voting from a young age, the habit of voting is inculcated in the youth setting the foundation for future participation in voting.

#### 8.1.3.2 Youth Index

The youth index is a representation of the number of registered youth (18-34) compared to the number of registered adults (above 35). KPMG analyse the registration of youth voters across the counties. Mandera County has the highest youth index, followed by Nairobi County, Kisumu County, Wajir County and Garissa County have the same youth indices. Muranga, Makueni, Kirinyaga, Nyeri, Vihiga and Kitui have the lowest gender index.

The Commission needs to examine the bottom five very closely to understand why the Youth Index for the counties is low. This will enable them to target those counties better in voter education.

Figure 37 overleaf provides an illustration of the registered youth distribution by county. Registration numbers show that the youth are severely underrepresented across ages 18 – 34. The Commission needs to formulate strategies to engage the youth populous.

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<sup>185</sup> Refer to Annexure 135 – United Nations World Programme of Action for the youth to the year 2000 - UN

<sup>186</sup> Refer to Annexure 136 - Draft Policy on Social Inclusion in Electoral Processes (IEBC)

<sup>187</sup> Refer to Annexure 137 – Youth political participation

<sup>188</sup> Refer to Annexure 138 - African Youth Charter - AU

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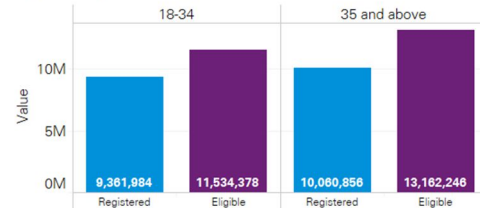
Figure 39: Illustration of the registered youth distribution by county (Overall Youth Index)



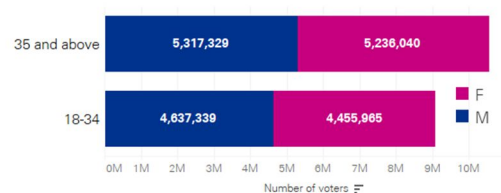
## Registered Youth Distribution by County

Age	2017 RoV	KNBS	NRB
18-34	46.28%	55.16%	48.20%
35 and above	53.72%	44.84%	51.80%

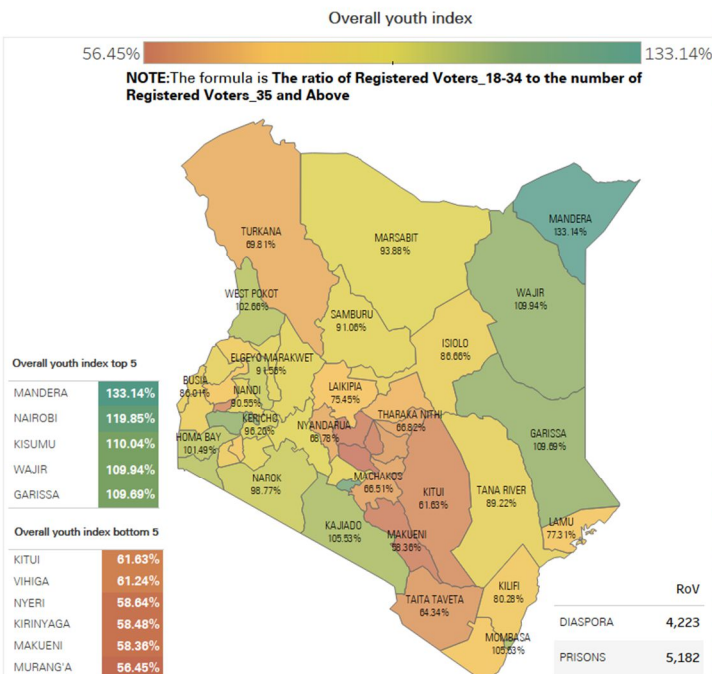
Registered youth vs eligible



Gender distribution by age



Registered voters 2017 (IEBC)	Eligible voters 2017 (KNBS)	Issued ID's (NRB)	Principal register 2013 (IEBC)
19,646,673	25,212,055	25,323,059	14,352,545



## Overall youth index

	RoV	Registered 18-34 as a % of RoV	Registered 35 and above as a % of RoV
BARINGO	230,728	47.68%	52.32%
BOMET	324,583	47.71%	52.29%
BUNGOMA	559,989	46.86%	53.14%
BUSIA	352,433	46.24%	53.76%
ELGEYO MARAKWET	181,063	47.80%	52.20%
EMBU	312,576	39.44%	60.56%
GARISSA	163,203	52.31%	47.69%
HOMA BAY	477,219	50.37%	49.63%
ISILO	75,677	46.43%	53.57%
KAJIADO	410,660	51.35%	48.65%
KAKAMEGA	745,382	43.47%	56.53%
KERICHO	377,440	49.03%	50.97%
KIAMBU	1,185,243	47.46%	52.54%
KILIFI	487,887	44.53%	55.47%
KIRINYAGA	353,139	36.90%	63.10%
KISII	546,564	45.78%	54.22%
KISUMU	539,006	52.39%	47.61%
KITUI	474,840	38.13%	61.87%
KWALE	282,037	43.47%	56.53%
LAKEURIA	247,341	43.01%	56.99%
LAMU	69,698	43.60%	56.40%
MACHAKOS	623,369	39.94%	60.06%
MAKUENI	423,647	36.85%	63.15%
MANDERA	176,234	57.11%	42.89%
MARSABIT	141,792	48.42%	51.58%
MERU	702,331	41.79%	58.21%
MIGORI	388,147	50.66%	49.34%
MOIMBASA	582,605	51.35%	48.65%
MURANG'A	593,769	36.08%	63.92%
NAIROBI	2,258,479	54.51%	45.49%
NAKURU	953,949	48.44%	51.56%
NANDI	347,186	47.52%	52.48%
NAROK	342,005	49.69%	50.31%
NYAMIRA	280,622	43.66%	56.34%
NYANDARUA	337,774	40.75%	59.25%
NYERI	461,434	36.96%	63.04%
SAMBURU	82,844	47.66%	52.34%
SIAYA	457,663	46.06%	53.94%
TAITA TAVETA	157,638	39.15%	60.85%
TANA RIVER	118,563	47.15%	52.85%
THARAKA NIT...	214,507	40.05%	59.95%
TRANS NZOIA	340,843	45.10%	54.90%
TURKANA	190,566	41.11%	58.89%
UASIN GISHU	450,845	49.63%	50.37%
VIHIGA	271,785	37.98%	62.02%
WAJIR	163,101	52.37%	47.63%
WEST POKOT	179,862	50.66%	49.34%
DIASPORA	4,223		
PRISONS	5,182		

# Independent Electoral and Boundaries Independent Audit of the Register of Voters Government

Figure 40 - Illustration of the registered youth distribution by county (Youth Gender Index)



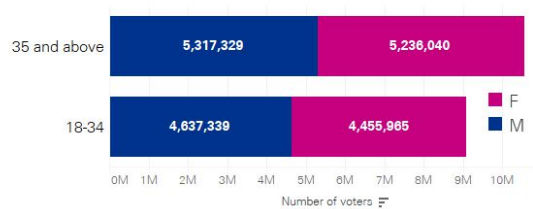
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35 and above	53.72%	44.84%	51.80%

Registered youth vs eligible



Gender distribution by age

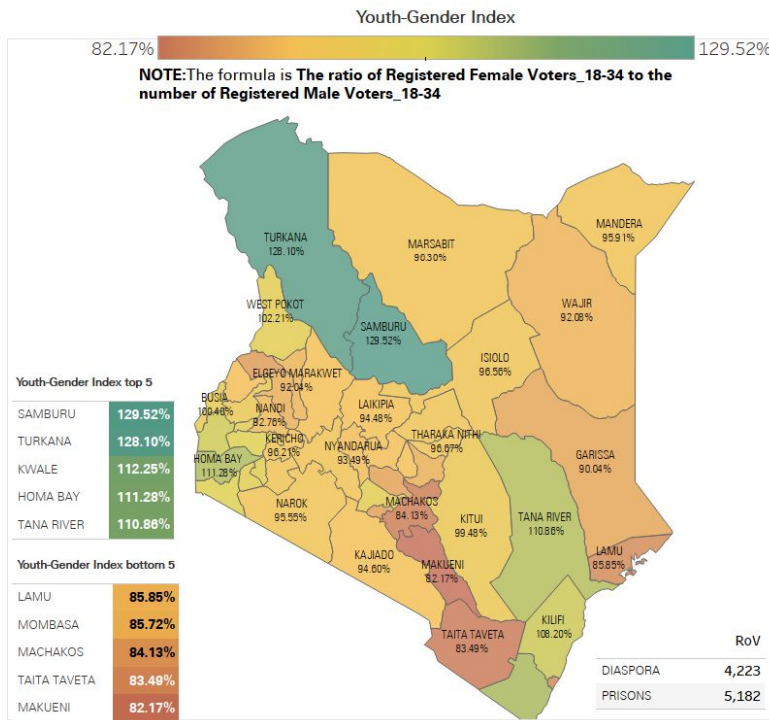


Registered voters 2017 (IEBC)	Eligible voters 2017 (KNBS)	Issued ID's (NRB)	Principal register 2013 (IEBC)
19,646,673	25,212,055	25,323,059	14,352,545

## Youth-Gender Index

RoV Youth 2017	Female Youth as a % of Total Youth in RoV
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BARINGO	110,015	48.60%
BOMET	154,870	48.84%
BUNGOMA	262,386	48.36%
BUSIA	162,964	50.10%
ELGEYO MA.	86,541	47.93%
EMBU	123,286	47.79%
GARISSA	85,372	47.38%
HOMA BAY	240,376	52.67%
ISIOLO	35,135	49.12%
KAJIADO	210,858	48.61%
KAKAMEGA	324,012	49.88%
KERICHO	185,063	49.04%
KIAMBU	562,535	50.64%
KILIFI	217,265	51.97%
KIRINYAGA	130,312	48.58%
KISII	250,212	50.52%
KISUMU	282,381	50.98%
KITUI	181,064	49.87%
KWALE	122,590	52.89%
LAIKIPIA	106,369	48.58%
LAMU	30,389	46.19%
MACHAKOS	248,993	45.69%
MAKUENI	156,133	45.11%
MANDERA	100,070	48.96%
MARSABIT	68,657	49.06%
MERU	293,529	49.12%
MIGORI	196,647	51.04%
MOMBASA	299,141	46.15%
MURANG'A	214,232	47.25%
NAIROBI	1,231,192	47.21%
NAKURU	462,097	48.99%
NANDI	164,984	48.12%
NAROK	169,942	48.86%
NYAMIRA	122,532	50.88%
NYANDARUA	137,642	48.32%
NYERI	170,564	48.39%
SAMBURU	39,484	56.43%
SIAYA	210,813	51.86%
TAITA TAVETA	61,719	45.50%
TANA RIVER	55,904	52.57%
THARAKA N.I.	85,920	49.15%
TRANS NZOIA	153,737	46.96%
TURKANA	78,346	56.16%
UASIN GISHU	223,736	47.80%
VIHIGA	103,229	50.54%
WAJIR	85,410	47.94%
WEST POKOT	91,113	50.55%



#### *8.1.3.3 Factors affecting voter registration amongst the youth*

- Tedious processes in applying for and acquiring identity cards thus hindering/ discouraging youth participation during the voter registration and election period.
- The lack of an automatic information system to alert applicants when to pick up processed identity cards exacerbates the situation<sup>189</sup>.
- Lack of utilisation of appealing platforms focused on engaging the youth on voter education programmes.
- Failure to use the grass-root organisations as well as resident youth in the Commission programmes resulting in the failure of the youth to identify with the Commission.
- The use of propaganda against youthful candidates; creating a false perception that youth cannot be entrusted with political leadership. Consequently resulting in lack of interest amongst the youth because they do not see themselves in the process in terms of youthful representation and therefore will not actively engage.

#### *8.1.3.4 Recommendations on enhancing youth involvement in the electoral process*

The Commission should consider engaging in multifaceted programmes and think creatively about how to bring youth on board. Specifically, the Commission needs to start taking a more proactive approach to engaging with youth as voters, electoral candidates and electoral managers. This, in turn, requires the Commission to engage more effectively with key partners on youth-related issues.

Other strategies the Commission should employ include:

##### ***Targeted voter registration exercises for the youth***

- Target the youth through specially designed information and education campaigns such as advertisements, pamphlets, radio, TV, visits to schools and universities and youth events.
- Develop interactive online tools to reach out to computer-literate young voters such as social media, blogs and online tools.
- Implement entertaining methods and multimedia strategies to catch the attention of youth. For example, the Australian Electoral Commission sponsors 'Enrol to Vote Weeks', 'Rock Enrol' concerts and radio programmes, and a 'Famous People Vote Too' campaign.
- Include youth on electoral management body advisory boards, as poll station workers and election observers.
- Locate registration facilities in places frequented by young people e.g. schools and universities etc.
- Explore alternative methods of voter registration such as online registration or by mail or fax.

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<sup>189</sup> Refer to Annexure 139 - Summary of challenges faced by Article 100 groups (IEBC)



#### ***Civic and voter education***

- Integrate voter education curriculum for schools as part of the social studies curriculum and ensure youth involvement in all phases of voter education campaigns.
- Encourage continuous youth participation and civic education in schools and universities through Youth-led CSOs and encourage them to visit national parliament.
- Promote young people's skills and capacities to participate actively in democratic practices, including in local, national, and global processes (leadership trainings, etc.)
- Making first time voting a special rite of passage. The Commission should make special efforts to reach the newly enfranchised voters through targeted messaging etc.

### **8.1.4 Inclusiveness of persons with disabilities**

#### ***8.1.4.1 Contextual framework***

The concept of "one person one vote" is fundamental to democracy. The inclusion of persons with disabilities is fundamental to the democratic process of any country and must be respected. Because persons with disabilities face numerous challenges in participating in the electoral process, it is imperative that mechanisms are put in place to ensure that they are included<sup>190</sup>.

#### ***8.1.4.2 Geographical distribution of registered PWDS across the country.***

The estimated number of PWDS in Kenya (KNBS) is 3.5% of the total population, approximated at 1,612,404 based on the current projection of the Kenyan population of 46,974,055 by KNBS. Because there is no register of persons with disabilities in Kenya, We based our assumptions on the 3.5% estimate. The number of PWDs in the voter register is 143,812 accounting for only 0.73% of the total number of registered voters, and 20.9% of the expected number of registered voters with disabilities.

Figure 39 overleaf shows the analysis of registered PWDs per county. Kakamega has the highest number of PWDs as registered voters at 8,078 followed by Siaya county (7,648), Homa Bay county (6,794) and Nairobi (5,545). The counties with the lowest PWDs registered are Elgeyo Marakwet (687), Isiolo (725), Bomet (983), Laikipia (1,000) and Samburu (1,118). It is important for the commission to take into account the distribution of PWDs across the counties and put in sufficient measures to ensure the inclusion of PWDs.

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<sup>190</sup> Refer to Annexure 140 - Baseline survey on the accessibility of the electoral processes to persons with disabilities in Kenya (January 2013) - Action Network for the Disabled (ANDY)

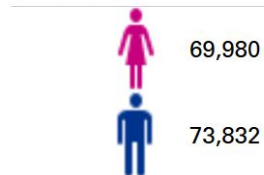
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Figure 41: Geographical spread of registered PWDs in the country

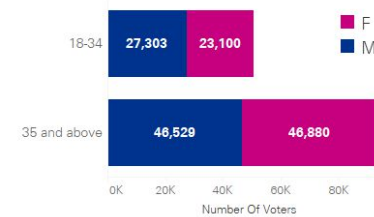


### Registered persons with disabilities

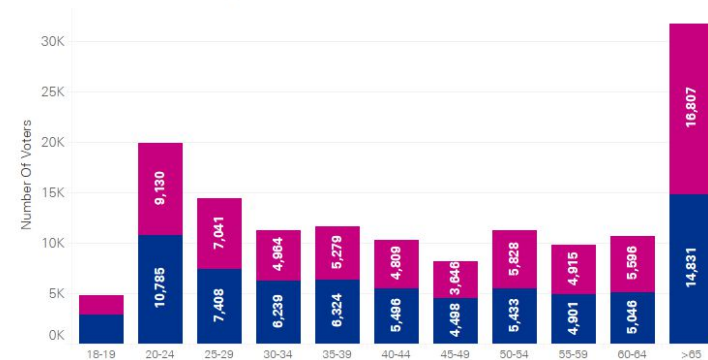
Gender representation  
(persons with disabilities)



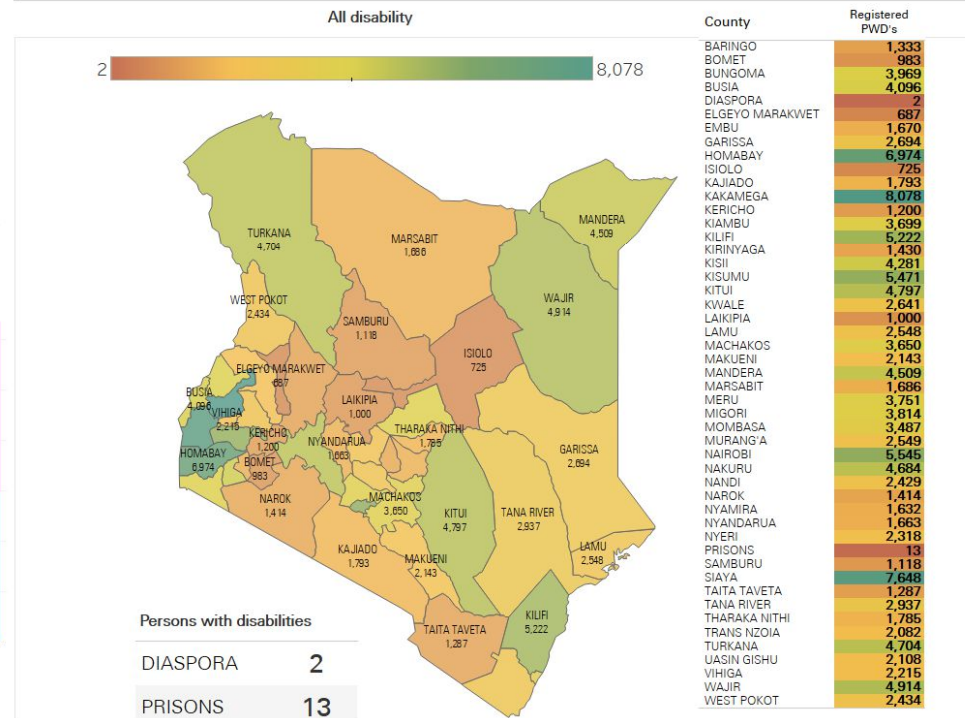
Disability by age group



Persons with disabilities-age distribution



Registered voters (persons with disabilities)	Registered voters 2017 (IEBC)	Eligible voters 2017 (KNBS)	Issued ID's (NRB)	Principal register 2013 (IEBC)
143,812	19,646,673	25,212,055	25,323,059	14,352,545



#### **8.1.4.3 Factors affecting the participation of PWDs in voter registration process**

The following challenges were identified based on focus group discussions (FGDs) held between the Commission and Persons with Disabilities (PWDs). The factors affecting the participation of PWDS can be categorised broadly in five types:

##### **Architectural and physical barriers**

Architectural and physical barriers are one of the most challenging factors affecting the registration of persons with disabilities. Most of the registration centres in the country are located in public institutions such as schools, churches etc. These places are not always conducive for persons with disabilities. Some of the notable issues include:

- Lack of proper sanitation facilities for use by PWDs when queuing/voting. Sanitation is a critical issue for PWDs and therefore lack of well-suited facilities may result in PWDs avoiding the electoral process altogether.
- Difficult terrain, long distances and the lack of mobility aids.
- Buildings with staircases and steps etc.

##### **Attitudes and culture**

This refers to the beliefs, assumptions and actions or inactions of election officials when dealing with people with disabilities. In particular, Persons with invisible/hidden disabilities (these are disabilities that are not evident to the naked eye) are usually overlooked during the electoral processes.

##### **Information and communication**

- Lack of statistical and other data regarding PWDs in Kenya limits the ability of the Commission in preparing adequately for them. The Commission started collecting data on PWDs during the last completed MVR II exercise. The registration form provides an opportunity for self-declaration of the type of disability broadly classified under Visual impairment, hearing impairment and physically challenged.
- The general lack of disaggregated data on gender, age and geographical location is a major factor in voter registration of PWDS since the Commission cannot adequately prepare for them.
- Lack of access to information by PWDs. The Commission does not use braille material for the visually impaired, or sign language interpreters for those with hearing impairments.
- The failure of political parties to employ sign language and braille in their rallies/ campaign activities and written party manifestos. This leads to exclusion of PWDs as they are not able to make informed choices.
- Lack of awareness by the general public of PWDs, needs.

### ***Legal and policy and regulatory environment***

Lack of a policy framework to address Article 81(c) of the Constitution of Kenya with regards to the fair representation of PWDs. Additionally, Article 90(2) gives the Commission the responsibility for the conduct and supervision of elections for party lists' seats.

- Lengthy registration process and delays in getting disability identity cards from the National Council for Persons with Disabilities.
- There are no established mechanisms of consultation between the government and PWDs and their organisations/representatives. The approach is ad hoc resulting in minimal advancements in the political rights of PWDs<sup>191</sup>.

### ***Socioeconomic status of many people living with disabilities.***

Violence and/or the threat of violence against PWDs whether as contestants or voters e.g. Persons with Albinism.

#### ***8.1.4.4 Recommendations on improving the inclusiveness of PWDs in voter registration process***

In providing recommendations to the Commission, KPMG take cognisance of the differences and disparities amongst persons with disabilities. Persons with disabilities are not uniform and face unique challenges. KPMG also take cognisance of the fact the election administration and outreach must be consistent with the principles of accessibility, individual autonomy, inclusion, respect for inherent capacity and dignity of people, privacy while casting a ballot, and also in assistance in voting at the request of the electors.

### ***Accessibility***

All the polling centres and registration centres should be on an accessible ground and well secured.

- For PWDs with permanent disabilities, serious illness or infirmity, develop mechanisms for alternative registration methods apart from in person voting, such as introduction of early voting (by mail or in person) and mobile polling for those in hospitals, rest homes, senior centres and other care facilities.
- For PWDs with physical mobility issues, ensure that registration centres are on accessible ground possibly on the ground floor at all times.
- For PWDs with hearing challenges – provide sign language interpretation services.
- For visually impaired PWDs- provide magnifying glasses, large size printing of ballots at registration places.
- For all PWDs, ensure that they are aware of their right or opportunity to obtain assistance from a person of their choice as stipulated in the Elections Act.
- Ensure that plans are in place to transport PWD's and elderly to their relevant ward to register. This is mainly by encouraging family and friends to assist in transport as well as the Commission staff.

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<sup>191</sup> Refer to Annexure 141 - Summary of challenges faced by Article 100 groups (IEBC)



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Independent Audit of the Register of Voters  
Government

***Carry out targeted campaigns for the PWDs***

- Create voter education manuals which are accessible even for the disabled such as braille.
- Ongoing awareness raising at the village level about disability rights to impact community attitudes towards persons with disabilities.
- Persons with disabilities and their family members should be specifically educated about the importance of their participation in voter registration and of exercising their political rights.
- Displaced Persons Societies (DPSs) should accommodate severely disabled people who cannot register to vote on their own.
- Assistants, support and assistive materials should be accessible to persons with disabilities.
- Mainstreaming voter registration in the formal education curriculum (long term).

***The role of the media***

- Ensure maximum use of the media by ensuring there are sign interpreters on the voter sensitization campaigns.
- Ensuring inclusive media for all PWDs and reasonable accessibility before and during election for PWDs.

***Collaborations/partnerships and stakeholder management.***

Create engagements and partnerships with the Government, Disabled people societies and PWD's NGO's to ensure:

- Development, implementation and effectiveness of the social inclusion policy.
- Revision of electoral regulations and implementation guidelines from the disability perspective.
- Advice on voter education materials accessibility.
- Options and advice on accessibility related to institutional mainstreaming.
- Strengthening the capacity of the Commission on disability inclusiveness in elections.
- Displaced Persons Societies should closely work with the NRB to make sure persons with disabilities are able to obtain a National ID card.
- Displaced Persons Societies engage in the planning and implementing of the electoral process or at least in the voter registration process. Persons with disabilities should be included as registration officers.
- Capacity building to improve the Commission and election officer training on how to facilitate and accommodate persons with disabilities.
- DPSs should work closely with local authorities to identify barriers that might be faced by persons with disabilities and suggest better solutions.
- Raising awareness of voter registration should take place before the registration date and different means of communication should be used to reach persons with disabilities (consider TV, radio, posters and door-to-door).

***Data on PWDs***

- Map to ensure a wide coverage and provide baseline data for planning.

## **8.1.5 Inclusiveness of Diaspora in voter registration**

### ***8.1.5.1 Contextual Framework***

The right to vote for citizens residing outside the country is enshrined in the constitution in Clause 1(e) under article 82<sup>192</sup>, which requires parliament to enact legislation to provide for the progressive realisation of citizens residing outside Kenya, and the progressive realisation of their right to vote.

Despite of the fact that there exists a legal framework in terms of electoral law for citizens living abroad, the cabinet, the high court and the Commission have all stressed the progressive aspect of the legislation throughout preparations for the upcoming general elections. Currently voting by citizens residing outside the country is limited to only five countries (Uganda, Tanzania, Rwanda, Burundi and South Africa) where the voting will be manual and Kenyan voters will be required to cast their ballots in person.

### ***8.1.5.2 The voter registration process for Diaspora***

The registration exercise for this year's elections was conducted from the 20th of February to the 6th of March 2017. The registration took place in Bujumbura in Burundi, Arusha and Dar es Salaam in Tanzania, Kigali in Rwanda and Pretoria in South Africa. The qualifications for being a voter in diaspora are the same as for citizens living within the country.

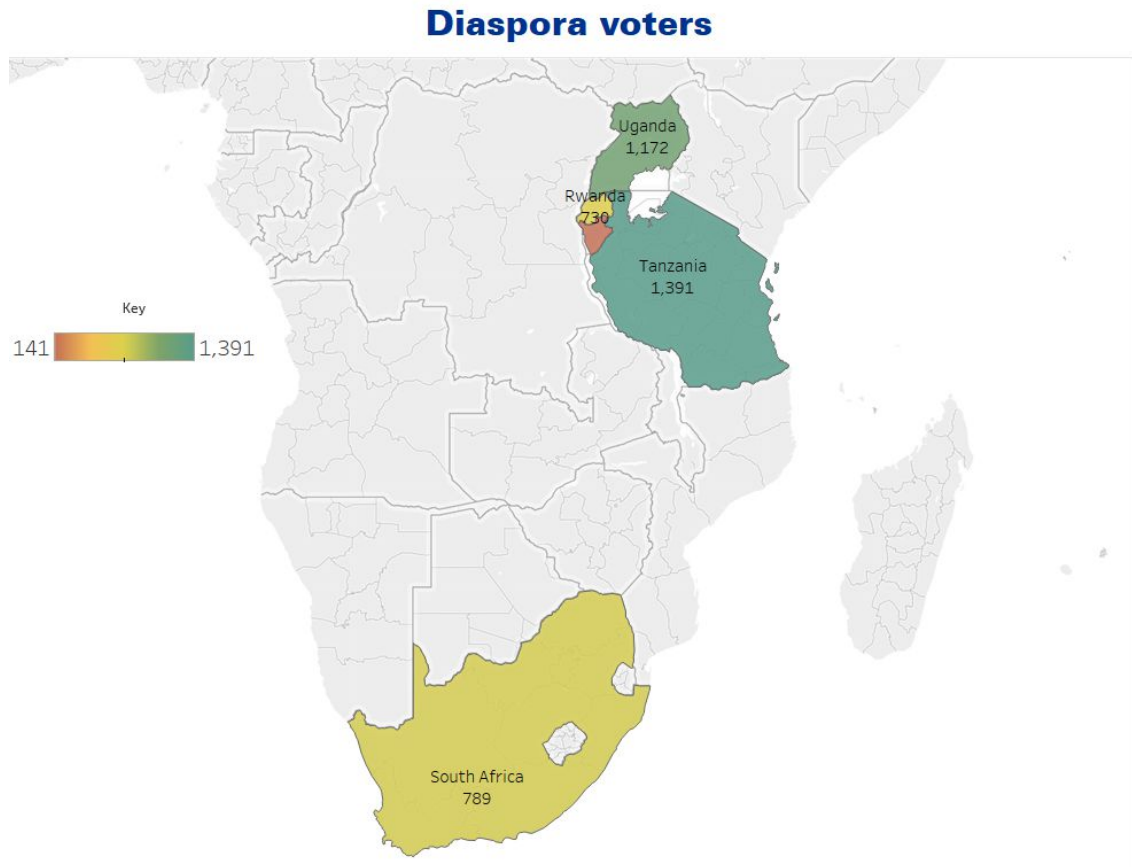
The proposal is to have Kenyan embassies abroad as designated places for registration of voters and voting in the future.

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<sup>192</sup> The Constitution of Kenya

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Independent Audit of the Register of Voters  
Government

Figure 42: Diaspora voting centers



### 8.1.5.3 Findings

The number of registered Diaspora voters for 2017 elections currently stands at 4,223 across the five countries. According to the Ministry of Foreign Affairs<sup>193</sup>, the total diaspora population is projected at 3 million persons.

The Commission managed to register 1,521 new voters living in East and South Africa in the two weeks drive that ended on March 6. A majority of voters were registered in South Africa at 665, Tanzania with 361, Uganda at 247, Rwanda at 201 and Burundi at 47 as summarised in the table below:

Table 5: No of registered voters in Diaspora

Constituency Code	County Assembly Ward	Number of Stations	No of registered voters (Female)	No of registered voters (Males)	Total number of Registered Voters
291	Dar es Salaam	1	378	689	1067
292	Arusha	1	124	200	324

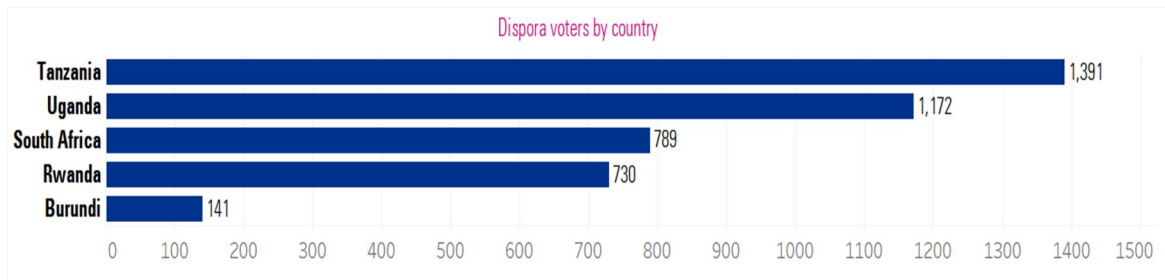
<sup>193</sup> Refer to Annexure 142 - Kenya Diaspora Policy, June 2014 – Ministry of Foreign Affairs

**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

Constituency Code	County Assembly Ward	Number of Stations	No of registered voters (Female)	No of registered voters (Males)	Total number of Registered Voters
294	Rwanda	1	232	498	730
295	Burundi	1	52	89	141
296	S. Africa	1	356	433	789
			1,533	2,690	4223

Source: the Commission register

Figure 43: Distribution of the Diaspora across countries



#### 8.1.5.4 Factors limiting voter registration in Diaspora

- There is lack of data on the actual number of people living in the diaspora. The election operations plan 2015 – 2017 and the draft diaspora policy cites the lack of data as a major challenge in voter registration of citizens living outside the country.
- There is a general lack of awareness among people living in the diaspora on electoral laws leading to low compliance rate.
- Logistical and operational challenges:
  - The reliability of postal systems in other countries may be an issue.
  - Officials at out of country polling sites are more likely to make mistakes compared to central election administration officials.
  - The populations of Diaspora citizens is spread across many different countries causing challenges in the distribution of materials, staff and transmission of results.
  - Time zones: The different time zones in different countries may cause logistical challenges
- The methods of voting: The method of voting in Kenya is “in person voting” which may be a deterrent to voter registration in the Diaspora.
- Cost: of Diaspora voting costs five to ten times more than in country voting. IFES, 2012 “out of country voting: a brief overview”
- Coordination with host Countries: There are no consistent policies, practices or standards to guide host governments on foreign electoral activities being conducted in their territories. Therefore, planning for external electoral activities requires extensive negotiations and agreements with host countries.

#### 8.1.5.5 *Strategies to increase the registration of Diaspora*

The Commission should work closely with the Ministry of Foreign Affairs and International Trade and DIS and Registration of Persons as well as build partnerships with stakeholders to implement the provisions of the Constitution of Kenya. The Commission, in collaboration with the Ministry of Foreign Affairs should update the voters' database for Kenyans abroad as per their elections operations plan 2015-2017.

The Commission should study alternative types of diaspora voting methods to ascertain their viability in the enhancement of the participation of the Diaspora voters. Options such as voting by post, voting by proxy, voting by fax, voting via the internet and special voting should be considered.

#### 8.1.6 **Inclusiveness of Prisoners in voter registration**

##### 8.1.6.1 *Contextual frame work*

There is a general misconception within the public and possibly local election authorities on the rights of the people in jails and prisons to vote. Indeed until the resolution by the supreme court in 2012, it was not very clear whether the prisoners had the right to participate in the electoral process or not. More often than not, even the detainees themselves do not realise that they have a right to vote.

The issue of participation of prisoners in the electoral process has always been contentious. Many countries in the world still do not allow prisoners to vote. In the USA, only two states, (Maine and Vermont) allow prisoners to participate in the electoral process.

The right of the prisoners to vote is enshrined in the constitutional provisions of Article 38 which provides every citizen with the right to make political choices, the right to free and fair and regular elections based on universal suffrage and the free expression of the will of the electors and the right without unreasonable restrictions to be registered as a voter, to vote by secret ballot in any election or referendum and to be a candidate for public office, of office within a political party of which the citizen is a member and if elected to hold office.

Article 83 provides the qualification for registration as a voter at elections or referenda and further determines that administrative arrangements for the registration of voters

"Article 83(3) imposes on the IEBC a duty to take positive or affirmative steps to ensure that the right to vote is for all Kenyans is realised. The mere fact of providing registration centres for prisoners cannot be adequate to "facilitate the right to vote." This argument does not take into account the fact that prisoners are vulnerable persons in society. They do not have access to information, documentation and means to voluntarily register as votes like other free citizens let alone access to websites and other electronic media. The duty to facilitate voting means that the IEBC must co-ordinate with other institutions to ensure that the right to vote is realised at least within the context of what can be realised within the realm of prison. Nothing has been placed before the Court to demonstrate that, in fact, the IEBC liaised with the Prison authorities to facilitate actualisation of the right of prisoners to vote. This is why providing registration centres in prisons, of itself, does not promote and fulfil the right of prisoners to vote."

*Justice David Majanja*  
*Ruling on Petition 574 of 2012*



**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

and the conduct of elections shall be designed to facilitate and shall not deny an eligible citizen the right to stand or vote for election.

The ruling by Justice Majanja on petition number 574 of 2012, in a public interest petition filed to determine the issue of whether prisoners have the right to vote under the constitution and whether this right has been violated by the respondents, set a precedence when the judge ruled that:

- That prisoners are, subject to Article 83 (1) of the Constitution entitled to be registered as voters and have the right to vote under Article 38(3) (a) and (b) of the Constitution.
- That the Independent Electoral and Boundaries Commission has the obligation to observe, respect, protect, promote and fulfil the rights and fundamental freedoms of prisoners and more particularly to facilitate their right to register to vote and to vote.
- That the Commission put in place measures to ensure that prisoners who are registered to vote are able to vote in first General Election.
- That the Commission put in place and implement measures to facilitate the right of prisoners to register to vote and vote in future elections and referenda.

#### **8.1.6.2 Voter registration of Prisoners**

The Commission resolved to gazette prisons as registration centres. The dates for the registration of the prisoners was set for the 20<sup>th</sup> to the 27<sup>th</sup> of February 2017. The registration exercise took place in 117 prisons country wide. The requirements for the registration of the prisoners were no different from the rest of the population. The prisoners who registered as voters will only vote for a presidential candidate of his or her choice at the prison in which they are registered as voters.

According to KNBS based on data received from the Kenya Prisons services there were 80,446 prisoners held in correctional facilities across the country in 2016. This number accounts for about 0.32% of the total eligible voters based on KNBS estimates of the eligible voting population. Only 5,182 which is about 10% of the total prison population is registered in the current the Commission database, accounting for 0.03% of the total number of eligible voters in correctional facilities.

#### **8.1.6.3 Factors contributing to low voter registration numbers of prisoners**

##### **Lack of IDs**

One of the major hindrances to voter registration of prisoners is the lack of IDs. Out of the total prison population of 49,867 eligible voters, 30,358 lack registration documents. The lack of registration documents can be attributed to many factors such as prisoners not having acquired IDs before incarceration, others have lost or misplaced them, others may not have used their actual IDs or do not want to be identified, while a lot of them claim to have left them at home or given them to relatives for safe custody.

**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

Table 6: Prisoners data as at February 2017

Dataset	No of persons
Number of prisoners with IDs	5 922
Number of prisoners remanded with IDs	2 246
Number of convicted prisoners with IDs at home	5 696
Number of remanded prisoners with IDs at home	5 615
Number of prisoners with no registration documents	30 358
Number of prisoners in the voters register	5 182

Sources: Kenya Prisons Service, World Prisons Brief, KNBS, the Commission

### ***Lack of awareness***

There is a general lack of voter education and awareness on the rights of the prisoners in the electoral process. Most times even the prisoners themselves are not aware of this right and therefore do not advocate for it.

#### ***8.1.6.4 Strategies to enhance the inclusiveness of the prisoners in the voter register***

##### ***Enhance voter education in prisons***

The Commission should develop mechanisms to provide voter education to the prisoners on their voting rights. In order to be successful, the Commission should build alliances with other government agencies involved with the prison population to disseminate voter education. It could consider working with formerly incarcerated persons in voter education since they understand the system very well.

##### ***Provide access to IDs***

Over 30,000 eligible voters in prisons are currently locked out of the electoral process due to lack of registration documents. This accounts to over 61 % of the total prisons population. These figures do not include the number of persons in remand whose cases are yet to be determined.

The Commission should therefore partner with the registrar of persons and the Kenya prisons service to enable the inmates to have access to registration documents. In cases where the prisoner has left his registration document at home, the Commission should encourage the families and relatives to drop the IDs off. Currently, the number of prisoners (both convicted and remanded) with IDs at home stands at 11,300.

##### ***Provide access to voter registration to people in remand.***

People in Remand awaiting determination of their cases tend to be overlooked during the voter registration process. The Commission should establish mechanisms to allow people in remand to register as voters. About 7,800 remanded prisoners are excluded from the electoral register.

***Provide adequate resources to cater for registration***

The Commission should work with the Kenya Prisons Service to determine sufficient budgetary allocations for voters in prisons during each voter registration cycle. A ballpark figure to work with is 80,000. This figure is an approximation based on an average of observed prison numbers as captured in the KNBS reports for the 2008 – 2012. Whilst it is almost impossible to accurately project future prison occupancy rates, KPMG reckon that an average based on historic conviction numbers provides a most optimal planning metric.

**8.1.6.5 *Pertinent issues arising on prisoner's registration as voters***

Whilst the constitutional right of the prisoners to register and to vote is undisputed, logistical arrangements relating to the participation of the prisoners may require special considerations and perhaps additional regulations governing their participation.

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*"Citizenship is not a right that expires upon misbehaviour."*  
*Justice Earl Warren: Trop v. Dulles*  
*(1958)*

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Questions such as:

- Are the prisoners allowed to vie for positions as a constitutional right?
- What happens to the prisoners who are registered in prison but will be released before August?
- What happens to the ones who have registered as voters before incarceration?
- What happens to prisoners who are rotated within prisons?
- What measures are in place to ensure that the prisoners vote without undue influence?

**8.1.7 Conceptual framework**

In assessing inclusiveness in the voter registration process and the voter list, KPMG has taken into account principles of inclusiveness which require that voter lists are compiled on the basis of non-discrimination. Special attention has been given to women, the youth, Persons living with disabilities (PWDs), prisoners and Diaspora.

In our enquiry of the practices geared towards inclusiveness, KPMG have attempted to assess whether the voter registration provisions set out to either facilitate or discourage political participation by any of the special interest groups.

KPMG held interviews with the Commission senior management in particular, the office of voter education, the office in charge of staff training, the planning office and registration officers from Makadara, Kajiado, Kamukunji and Westlands. KPMG have also reviewed the following documents provided by the commission including:

- Draft policy on social inclusion in electoral processes (PSIEP)
- Voter education curriculum<sup>194</sup>
- Development of a gender and social inclusion policy (GSIP) for the Commission.

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<sup>194</sup> Refer to Annexure 143 – Voter Education Curriculum (IEBC)

**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

- The source book<sup>195</sup>
- The diaspora policy
- The electoral laws of Kenya.
- The constitution

The assessment focused mainly on three broad areas namely: Voter registration system and processes, voter education for voter registration and staffing and logistics.

#### *8.1.7.1 Voter registration system and process*

An assessment of the voter registration process from the perspective of inclusiveness indicated that the voter registration process was simple, transparent and inclusive. Discussions held with the registration officers from Kamukunji, Makadara, Kajiado and Westlands and visits to the respective constituencies to understand the process of registration confirmed that the process provided no disadvantages that would have disenfranchised any group.

A review of the training manuals and the curriculum also noted a lot of emphasis on the guidelines with regard to handling of women with children, pregnant women and persons with disabilities. There were posters and booklets placed around the registration centres showing the process of registration in English and Swahili. The posters and voter education materials were gender neutral and did not specifically target any special interest groups. The illustrations on the booklets were fairly inclusive depicting women, persons with disabilities, prisoners, women with children and pregnant women.

The requirements for voter registration can be considered fairly straight forward. Ideally, having a national Identity card is supposed to be a straight forward process. Therefore the requirement of having a national ID can be considered a reasonable requirement. However, the limitation of the registration to only an ID and valid PPs could be construed to disenfranchise some people in the population such as:

- Persons who have lost their ID and have not yet received their replacement.
- Persons who have waiting cards.
- Persons in the diaspora whose PPs may have expired.
- Persons in the military – discussions with regard to including military personnel is still ongoing.

The current voter register is disaggregated in terms of gender, age and persons with disabilities. The commission started recording persons with disabilities during the MVR II exercise which took place from the 8<sup>th</sup> to the 27<sup>th</sup> February 2017. Persons with disabilities are also disaggregated according to three major disabilities.

In terms of displaced persons, the Commission makes arrangement for the registration of all persons in the country who are eligible to vote. The regional staff are empowered to reach out and flag out people who might be disenfranchised such as the IDPs, the homeless, fishermen and nomadic persons.

The timelines on voter registration are prescribed in the Election Act of 2011 Article 5 (1). The voter registration exercise is continuous and is carried out in the constituency offices. Mass

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<sup>195</sup> Refer to Annexure 144 – Voter Education Policy (IEBC)

**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

voter registrations are carried out once in a while to boost the numbers. Discussions with the senior management indicate that many Kenyans wait to register as voters during the Mass Voter registration exercises as opposed to going to the constituency to register. The Mass voter registration (MVR) exercises are usually highly publicised with majority of eligible voters turning up to register.

In terms of statistical information obtained from the Commission statistical office, it shows that the commission monitors the voter enrolment on a global perspective. Based on NRB data on issued IDs and KNBS population projections, the Commission works out the voting age population and compares with the enrolment. It then sets out the targets for the mass voter registration exercises usually at 67% of the eligible voting population.

The commission holds monthly thematic meetings with NGEC, AG's office, KENOPA, UDPK, Handicap International, national persons living with disability to discuss matters of inclusiveness. In January 2017, the commission through its voter education office held focus group discussions with the Asian, Nubian community, PWDS, and women. In January 2017, the commission through its voter education office held focus group discussions with the Asian, Nubian community, PWDS, and women. A report from the focused group discussions highlighting issues that affect women's participation in the electoral process was produced. The findings contributed greatly to the draft Social Inclusion Policy. The Commission should allocate adequate resources well-in-advance to address the special needs of minority groups.

***Key issues and recommendations***

KPMG noted that the commission has no way of ascertaining whether a person has been declared of unsound mind, has declared bankruptcy or has been convicted of an election offence. These are self-declaration exercises where most people may not be very willing to declare their status.

Registration of voters should not be limited to registration at centres where the person intends to vote, but rather one should be able to register from anywhere in the country regardless of where one intends to vote. This will reduce the logistical complications that the commission has to go through following the eligible voters.

The register should be inclusive of all forms of disability. The registration forms should be designed to include additional fields where the person can tick the form of disability and provide additional details including what form of assistance they would require during voting.

Knowledge about the continuous voter education by the public is limited. The commission should educate the public on the fact that the voter registration exercise is continuous to avoid the last minute rush and inconvenience characterised by long queues during the mass voter registration exercises.

The Commission should revise its stakeholder management process to broaden the geographic scope of its outreach programs and champion for the gazetment and legislation of the draft Social Inclusion policy<sup>196</sup>.

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<sup>196</sup> Refer to Annexure 145 – Draft Policy on Social Inclusion in Electoral Processes (IEBC)



#### **8.1.7.2 Voter education for voter registration**

The Commission has general voter education material<sup>197</sup> and processes targeted at the general population. There are no targeted electoral education campaigns by the Commission. The electoral education materials are produced to target the overall population<sup>198</sup>. The educators are however trained to be sensitive to minority groups. Most of the education materials and messages reviewed by the KPMG team allude to the concept of inclusion of women, the elderly and the disabled through the depiction of such person in illustration contained in the voter materials.

However, the language used by the Commission in most of the voter education material reviewed by KPMG is English<sup>199</sup>. This has the potential of locking out illiterate persons who might not fully understand the gist of the messages communicated in booklets and posters<sup>200</sup>.

#### **Key Issues and Recommendations**

The constitution of the working groups should be enhanced to include representation from all marginalised groups according to Article 100 of the Constitution of Kenya.

Develop customised voter education materials targeted at various segments such as women, the elderly, the disabled and the illiterate e.g. braille for the visually impaired. Additionally, the voter education material should contain targeted messages emphasizing the benefits of civic engagement through voting for first time voters.

Publish the voter education content through an array of languages such as Kiswahili and other ethnic languages to ensure the inclusion of illiterate or semi-illiterate applicants.

Distribute the voting education media through a variety of channels such as online media and vernacular radio stations to increase the adoption of segments such as the youth and illiterate voters in rural areas.

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<sup>197</sup> Refer to Annexure 146 - Voter Registration Facilitators Guide (Edition1)

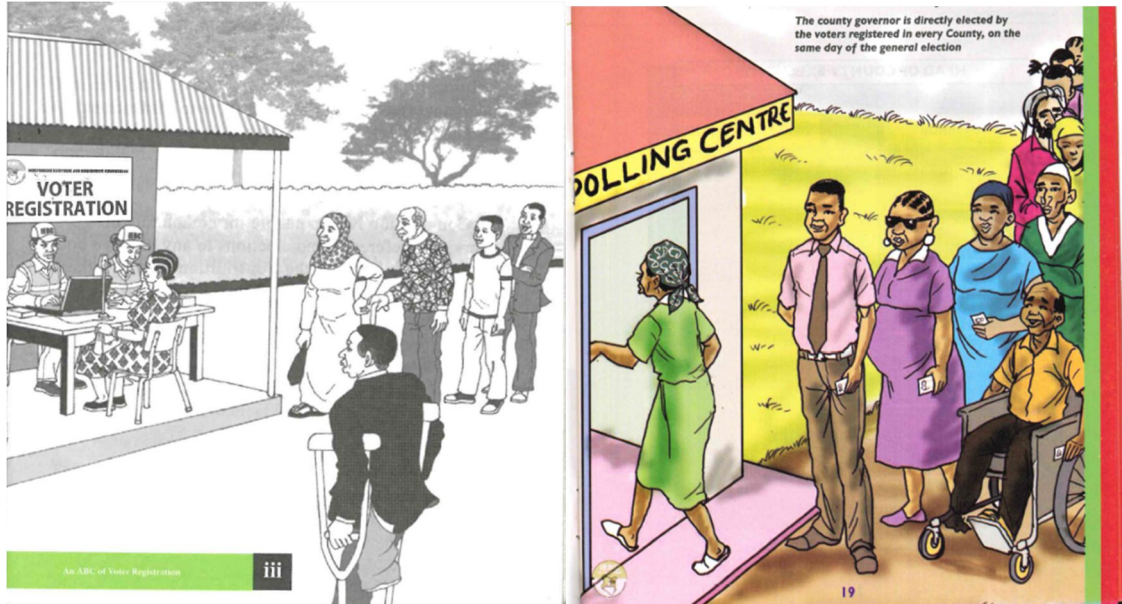
<sup>198</sup> Refer to Annexure 147 – Handbook on Elective Positions (IEBC), Independent Candidates and the Constitution (Katiba Institute)

<sup>199</sup> Refer to Annexure 148 - Voter Education Policy

<sup>200</sup> Refer to Annexure 149 – Voter Registration Quick Guide

**Independent Electoral and Boundaries  
Independent Audit of the Register of Voters  
Government**

Figure 44. Sample voter education material



### 8.1.7.3 Staff and logistics

Chapter 12 of the commission's HR policy manual within the commission seeks to ensure that at least 30% gender representation is observed to avoid a dominance of either gender. There is however no specific policy that expressly encourages the recruitment of women in particular. A review of the staffing structure indicates that the female gender is represented across the organisation across all cadres of staff. The recruitment policy is very clear on ensuring adherence to the 30% gender rule.

The registration centres in the country are located in public places such as schools, churches etc. These locations are fairly accessible to all persons intending to register including women, persons with disabilities and other special interest groups. The Commission conducts its voter registration exercise between 8 am and 5 pm.

In terms of the Commission staff, the commission effect transfers and relocations after a comprehensive assessment of the needs of female staff on a case by case basis to ensure minimal disruption of family lives especially for female voters with young families. In the recent staff transfer, the commission developed a criteria for staff transfers which took into account several factors to minimise disruptions to families.

The voter registration system in Kenya is a continuous voter registration exercise. This is enshrined in the constitution and the electoral laws of the country<sup>201</sup>. Increased voter and civic education to ensure that eligible voters clearly understand timelines and requirements for voter registration.

The Commission works with the security apparatus in the country to ensure that there is adequate security during voter registration<sup>202</sup>. There is need for the commission to ensure that

<sup>201</sup> Refer to Annexure 150 – Handbook on Kenya's electoral laws and systems

<sup>202</sup> Refer to Annexure 151 – IEBC Press Statement – Resolutions with respect to voter registration

**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

additional security is given to special interest groups during voter registration especially in areas notorious for insecurity.

***BVR Kits Distribution Formula***

- A BVR kits is expected to register about 30 people per day.
- The continuous voter registration is factored in the distribution of BVR kits per constituency, with each constituency office having at least two employees, Registration Officer (RO) and an Assistant Registration Officer (ARO).
- The BVR kits distribution formula is based on a unit area and population<sup>203</sup>:

Distribution of BVR Kits using the area of County Assembly Wards (CAWs)<sup>204</sup>:

Sq.Km	Number of Kits
0 -10	3
11 - 30	4
31 -100	5
101 - 500	6
501 – 2,000	7
2,001 – 5,000	8
>5,000	10

Source: the Commission

***Key Issues and Recommendations***

The requirements for selecting a voter registration centre proposes that the centre be accessible and ideally located on the ground floor. This is however not always possible because the Commission uses third parties such as the ministry of education, churches, halls etc. to provide locations. The Commission has no control over the locations and can only issue guidelines.

The trainings on gender sensitivity should be enhanced and rolled out on an ongoing basis to ensure the proper handling of applicants for both the continuous and mass voter registration exercises.

The Commission should conduct an awareness campaign to sensitise women on the conduciveness and responsiveness of registration centres and preferential treatment accorded to minority groups and other disadvantaged members of society such as elderly folks.

The Commission provides mobile voter registration to various remote areas, particularly targeting the pastoral groups. They have used interventions such as providing watering points for the pastoralists. The Commission officials target them at the watering holes for registration.

The commission should provide additional mobile registration centres to ensure that all remote parts of the country are covered and increase awareness of the existence of mobile registration centres through media channels such as radio to increase utilisation by transient communities such as pastoralists.

<sup>203</sup> Refer to Annexure 152 – CAW Baseline Kits allocation for MVR II 2017 (IEBC)

<sup>204</sup> Refer to Annexure 153 – Proposed BVR Kits Distribution Plan for 2017 (IEBC)

**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

Sensitisation of voters on the option of Continuous Voter registration in various the Commission constituency offices to avoid challenges that arise as a consequence of last minute voter registration.

Revision of allocation formula to include all relevant variables. Striking a delicate balance between all possible variables such as allocated number of days for Mass Voter Registration (MVR), MVR target, county area, population literacy levels among others. Based on the data presented in the table above, the Commission should consider the option of concentrating the greatest number of kits in areas with the greatest unregistered but eligible population.

Clear communication of BVR kits allocation formula to the public and all stakeholders in Kenya's electoral process to avoid negative perceptions in the media as witnessed in the run-up to MVR II.

## **8.1.8 Comparative analysis of African countries performance**

### **8.1.8.1 Enrolment of voters across countries in Africa**

The Institute for Democracy and Electoral Assistance (IDEA) ranks African countries based on voter registration levels of the voting age population. This is an indicator of the inclusiveness of a voter registration process and can be used to form a basis for benchmarking with leading countries. Additionally, the Electoral Institute for Sustainable Democracy in Africa (EISA) maintains a record of both presidential and parliamentary elections for African countries. Using data from these two (2) bodies, KPMG analyse the enrolment rates in voter registration amongst African countries according to the last elections held in those countries.

#### **Key Observations**

The general observation regarding the registration rate amongst African countries shows that registration is over 100% for many countries. In fact, most of the African countries have a registration rate of over 90%. Angola tops with an enrolment of 114%, followed Lesotho at 107%, Ghana at 105%, Namibia at 102%, Seychelles and Chad at 101%. Amongst the bottom five starting with the lowest are Swaziland, Somali and Congo which do not have data, followed by Libya, Djibouti, Ivory Coast and Cameroon at 37%, 39%, 47%, 49% and 61% respectively. Kenya ranks at number 31, with a 78% registration rate based on 2017 figures from the Commission.

It is interesting to note that most of the countries have very high registration rates that surpass the voting age population estimates. The most plausible explanation for that can be attributed to the general lack of data in most of these countries contributing to the under/over estimations of population numbers. Reasons such as under or overestimation of death figures, flawed census programs, selective citizenry involvement in civic affairs, amongst others contribute to the skewed figures. The top five countries listed above all superseded the projected registration numbers.

The comparative table below has countries that held their parliamentary election in 2011, which may not be the best parameter in terms of comparability considering that parliamentary elections in Africa typically follow a five (5) year cycle. Some countries have not held parliamentary elections for over five years due to varying circumstances. For instance, in Chad elections were last held in 2011 because the 2016 elections were postponed due to budgetary

**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

constraints. In Sierra Leone there was no official reason provided for the postponement of elections whilst in Senegal, elections were delayed as a consequence of constitutional amendments.

***Key Learning Points***

In terms of the voting process, South African law provides for those voters with physical infirmities or disabilities, or pregnancy, to apply for a special vote. This includes home visits by electoral officials on a designated day and time. A Universal Ballot Template is available for the use of visually impaired voters who wished to vote unaided. Registered voters who would be away from their registered voting district due to service as election officers or security forces for the elections, are also able to apply for a special vote. India allows online and postal voter registration in addition to onsite registration.

In terms of voter eligibility criteria, Ethiopia allows the use of alternative identification documents including any identity card or PP, driver's license, a residence certificate, military discharge document and refugee card issued by the UNHCR.

Figure 43 provides an illustration of the comparative analysis of enrolment rates across Africa.

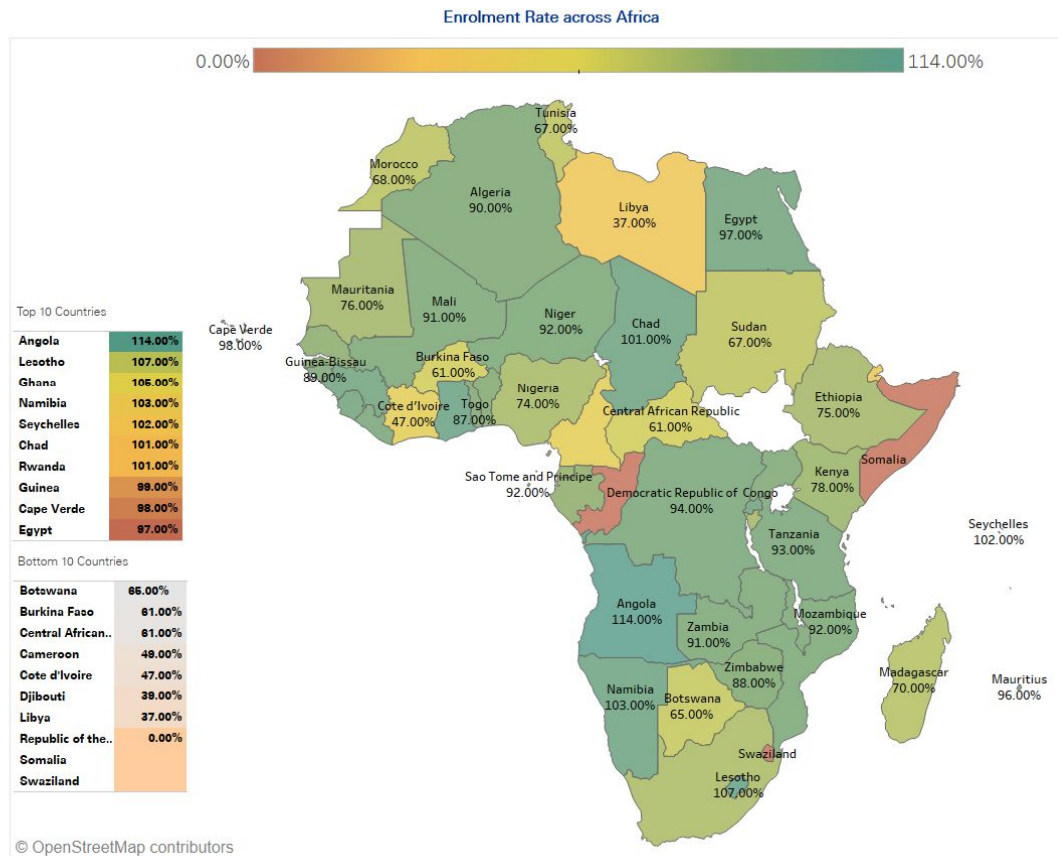


## Independent Electoral and Boundaries Independent Audit of the Register of Voters Government

Figure 45 - Illustration of the comparative analysis of enrolment rates across Africa

## Enrolment Rate across African Countries

Country	Year	Enrolment Rate	Rank
Angola	2012	114.00%	1
Lesotho	2015	107.00%	2
Ghana	2016	105.00%	3
Namibia	2014	103.00%	4
Seychelles	2016	102.00%	5
Chad	2011	101.00%	6
Rwanda	2013	101.00%	6
Guinea	2013	99.00%	8
Cape Verde	2016	98.00%	9
Egypt	2015	97.00%	10
Sierra Leone	2012	97.00%	10
Mauritius	2014	96.00%	12
Democratic Repu..	2011	94.00%	13
Liberia	2011	94.00%	13
Tanzania	2015	93.00%	15
Mozambique	2014	92.00%	16
Niger	2016	92.00%	16
Sao Tome and Pri..	2010	92.00%	16
Malawi	2014	91.00%	19
Mali	2013	91.00%	19
Zambia	2016	91.00%	19
Algeria	2012	90.00%	22
Guinea-Bissau	2014	89.00%	23
Uganda	2016	89.00%	23
Zimbabwe	2013	88.00%	25
Togo	2013	87.00%	26
Benin	2015	86.00%	27
Senegal	2012	83.00%	28
Gabon	2011	82.00%	29
Equatorial Guinea	2016	80.00%	30
Kenya	2017	78.00%	31
Mauritania	2013	76.00%	32
Burundi	2015	75.00%	33
Ethiopia	2015	75.00%	33
Nigeria	2015	74.00%	35
South Africa	2014	73.00%	36
Madagascar	2013	70.00%	37
Comoros	2015	69.00%	38
Morocco	2016	68.00%	39
Sudan	2015	67.00%	40
Tunisia	2014	67.00%	40
Botswana	2014	65.00%	42
Burkina Faso	2015	61.00%	43
Central African Re..	2016	61.00%	43
Cameroon	2013	49.00%	45
Cote d'Ivoire	2016	47.00%	46
Djibouti	2013	39.00%	47
Libya	2014	37.00%	48
Republic of the C..	2012	0.00%	49
Somalia	2016	0.00%	49
Swaziland	2013	0.00%	49





**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

The table below provides an overview of the overall voter registration enrolment of African countries.

Table 7: Comparative analysis of voter enrolment in Africa

No	Country	Election Type	Year	Voter Turnout	Total votes	Registration	Enrolment	VAP Turnout	Voting age population	Total Population
1	Angola	Parliamentary	2012	62.80%	6,124,669	9,757,671	114%	71.60%	8,554,966	22,685,632
2	Lesotho	Parliamentary	2015	46.60%	563,972	1,210,079	107%	49.80%	1,133,101	2,073,000
3	<b>Ghana</b>	<b>Parliamentary</b>	<b>2016</b>	<b>67.60%</b>	<b>10,614,718</b>	<b>15,712,499</b>	<b>105%</b>	<b>70.90%</b>	<b>14,974,531</b>	<b>26,908,262</b>
4	Namibia	Parliamentary	2014	72.00%	893,643	1,241,194	103%	74.00%	1,207,703	2,198,406
5	Seychelles	Parliamentary	2016	87.60%	63,017	71,932	102%	89.00%	70,792	93,186
6	<b>Rwanda</b>	<b>Parliamentary</b>	<b>2013</b>	<b>98.80%</b>	<b>6,285,353</b>	<b>6,392,867</b>	<b>101%</b>	<b>99.40%</b>	<b>5,918,583</b>	<b>12,661,733</b>
7	Chad	Parliamentary	2011	56.60%	2,734,280	4,830,885	101%	57.30%	4,774,767	11,852,462
8	Guinea	Parliamentary	2013	63.50%	3,311,175	5,211,965	99%	63.00%	5,256,768	11,176,026
9	Cape Verde	Parliamentary	2016	65.90%	229,337	347,828	98%	64.50%	355,717	553,432
10	Egypt	Parliamentary	2015	28.30%	15,206,000	53,786,000	97%	27.50%	55,382,461	88,487,396
11	Sierra Leone	Parliamentary	2012	79.30%	2,141,482	2,701,299	97%	76.80%	2,786,886	5,485,998
12	Mauritius	Parliamentary	2014	74.40%	697,231	936,975	96%	71.20%	978,887	1,331,155
13	DRC Congo	Parliamentary	2011	59.10%	18,911,572	32,024,640	94%	55.60%	34,036,859	71,712,867
14	Liberia	Parliamentary	2011	71.60%	1,288,716	1,798,930	94%	67.40%	1,912,402	3,786,764
15	<b>Tanzania</b>	<b>Parliamentary</b>	<b>2015</b>	<b>62.70%</b>	<b>14,574,957</b>	<b>23,253,982.00</b>	<b>93%</b>	<b>58.30%</b>	<b>24,994,742.00</b>	<b>51,045,882.00</b>
16	Niger	Parliamentary	2016	66.30%	5,020,167	7,574,958	92%	61.30%	8,196,838	18,638,600
17	Mozambique	Parliamentary	2014	48.80%	5,316,936	10,886,195	92%	44.90%	11,850,615	24,692,144



**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

No	Country	Election Type	Year	Voter Turnout	Total votes	Registration	Enrolment	VAP Turnout	Voting age population	Total Population
18	Sao Tome and Principe	Parliamentary	2010	88.50%	70.136	79.296	92%	81.70%	85.885	175.808
19	Zambia	Parliamentary	2016	56.00%	3,752,879	6,698,372	91%	51.20%	7,331,669	15,510,711
20	Malawi	Parliamentary	2014	70.10%	5,234,506	7,470,806	91%	64.00%	8,173,669	17,377,468
21	Mali	Parliamentary	2013	37.20%	2,543,378	6,829,696	91%	34.00%	7,487,808	15,968,882
22	Algeria	Parliamentary	2012	43.10%	9,339,026	21,645,841	90%	38.70%	24,130,650	35,406,303
23	Uganda	Parliamentary	2016	67.60%	10,329,131	15,277,198	89%	60.40%	17,110,660	38,319,241
24	Guinea-Bissau	Parliamentary	2014	88.60%	686.876	775.508	89%	79.10%	868.713	1,693,398
25	Zimbabwe	Parliamentary	2013	57.49%	3,377,276	5,874,115	88%	50.80%	6,647,779	14,546,961
26	Togo	Parliamentary	2013	66.10%	2,011,203	3,044,332	87%	57.70%	3,484,413	7,154,237
27	Benin	Parliamentary	2015	65.90%	2,946,042	4,470,000	86%	56.70%	5,196,462	10,448,647
28	Senegal	Parliamentary	2012	36.70%	1,968,852	5,368,783	83%	30.30%	6,504,093	12,969,606
29	Gabon	Parliamentary	2011	34.30%	255.57	745.645	82%	28.20%	905.06	1,534,000
30	Equatorial Guinea	Parliamentary	2016	92.70%	301.799	325.548	80%	74.60%	404.85	759.451
31	Kenya	Parliamentary	2013 & 2017	85.90%	12,330,028	14,352,533.00	***77.89%	55.60%	***25,212,055	***45392694
32	Mauritania	Parliamentary	2013	73.90%	878.693	1,189,105	76%	56.40%	1,557,779	3,437,610
33	Ethiopia	Parliamentary	2015	93.20%	34,351,444	36,851,461	75%	70.10%	49,011,364.00	99,465,819
34	Burundi	Parliamentary	2015	74.30%	2,856,112	3,843,024	75%	55.50%	5,143,633	10,742,276
35	Nigeria	Parliamentary	2015	43.70%	29,432,083	67,422,005	74%	32.10%	91,669,312	181,562,056



**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

No	Country	Election Type	Year	Voter Turnout	Total votes	Registration	Enrolment	VAP Turnout	Voting age population	Total Population
36	<b>South Africa</b>	<b>Parliamentary</b>	<b>2014</b>	<b>73.50%</b>	<b>18,654,771</b>	<b>25,388,082</b>	<b>73%</b>	<b>53.80%</b>	<b>34,691,652</b>	<b>54,002,000</b>
37	Madagascar	Parliamentary	2013	50.70%	4,043,246	7,971,790	70%	35.30%	11,458,381	22,599,098
38	Comoros	Parliamentary	2015	71.40%	195.87	274.505	69%	49.40%	396.38	766.865
39	Morocco	Parliamentary	2016	43.00%	6,750,000	15,702,592	68%	29.20%	23,126,996	33,655,786
40	Sudan	Parliamentary	2015	46.40%	6,091,412	13,126,989	67%	31.00%	19,667,400	38,435,252
41	Tunisia	Parliamentary	2014	67.40%	3,579,257	5,308,354	67%	45.40%	7,885,952	10,937,521
42	Botswana	Parliamentary	2014	84.80%	698.409	824.073	65%	55.10%	1,267,719	2,155,784
43	Central African Republic	Parliamentary	2016	44.30%	542.546	1,225,300	61%	27.10%	2,005,942.00	4,950,027
44	Burkina Faso	Parliamentary	2015	60.10%	3,317,193	5,517,015	61%	36.50%	9,100,031.00	18,931,686
45	Cameroon	Parliamentary	2013	76.80%	4,208,796	5,481,226	49%	37.60%	11,207,373	22,534,532
46	Cote d'Ivoire	Parliamentary	2016	34.10%	2,137,364	6,268,113	47%	16.20%	13,233,263	23,740,424
47	Djibouti	Parliamentary	2013	69.20%	122.333	176.878	39%	26.80%	456.162	792.198
48	Libya	Parliamentary	2014	41.70%	630	1,509,218	37%	15.60%	4,029,365	6,244,174
49	Congo	Parliamentary	2012	NA	NA	1,733,943	0	NA	1,793,799	3,802,332
50	Somalia	Parliamentary	2016	NA	14,025 * Delegates	NA	NA	NA	2,952,289	6,217,738
51	Swaziland	Parliamentary	2013	60.40%	NA	415.012	NA	NA	NA	1,403,362



**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

Source: IDEA, EISA, Wikipedia

\* Indirect elections as a consequence of ongoing civil war held in Somalia with 14,025 delegates appointed by clan elders appointing the parliament -

[https://en.wikipedia.org/wiki/Somali\\_parliamentary\\_election,\\_2016](https://en.wikipedia.org/wiki/Somali_parliamentary_election,_2016).

\*\*Primary data source – IDEA. For Somali, Zimbabwe, Chad, Sierra Leone, DRC Congo, Liberia, Senegal, Gabon, Libya and The Republic of the Congo, updated data was sourced from the countries respective EMBs, EISA, and Wikipedia.

\*\*Libya – Council of deputies

\*\*\*2017 the Commission RoV





**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

## 8.1.9 Benchmark study

This section provides an assessment of the select countries across parameters such as the year of last election, democracy index, population, electoral demographics, enrolment rate, background on countries governance structures, the voter registration cycle and voters eligibility criteria. A peer benchmarking exercise of select countries including Rwanda, Ethiopia, South Africa, Tanzania, Ghana and India was undertaken. The findings from these countries, including India, are captured here below:

Table 8: Benchmarking Analysis

Parameter	Kenya	Rwanda	Ethiopia	South Africa	Tanzania	Ghana	India
<b>Year of last election</b>	2013	- Presidential:2010 - Parliamentary:2013	2015	2014	2015	2016	2017
<b>Compulsory voting</b>	No	No	No	No	No	No	No
<b>Democracy index (x/167)<sup>205</sup></b>	92	138	125	39	83	54	32
<b>Government regime (EIU)</b>	Hybrid regime <sup>206</sup>	Authoritarian regime <sup>207</sup>	Authoritarian regime	Flawed democracy <sup>208</sup>	Hybrid regime	Flawed democracy	Flawed democracy
<b>Estimated Population (IFES)</b>	46,790,758	12,988,423	102,374,044	54,300,704	52,482,726	26,908,262	1,266,883,598
<b>Voting age population (VAP - IDEA)</b>	25,212,055	5,918,583	49,011,364	31,434,034	23,901,471	15,800,000	787,860,328
<b>VAP as a % of total population</b>	59.97%	45.57%	47.87%	57.89%	44.65%	58.72%	62.19%
<b>Registered voters (Respective EMBs)</b>	19,646,673	5,953,531	6,851,461	26,333,353	22,751,292	15,712,499	834,101,479*
<b>Registered voters as a % of VAP</b>	78% %	100.59%	13.98%	83.77%	97.09%	99.45%	105.87%
<b>Enrolment rate</b>	77.8% *	99.4%	70.1%	81%	95%	99%	70.3%

<sup>205</sup> Refer to Annexure 154 - Democracy index – ranking of country against 167 peers

<sup>206</sup> Refer to Annexure 155 – Hybrid regime – regular consequential irregularities noted in elections

<sup>207</sup> Refer to Annexure 156 - Authoritarian regime – nations characterised by a lack of political pluralism

<sup>208</sup> Refer to Annexure 157 - Flawed democracy – free and fair elections characterised with challenges such as media infringement

**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

Parameter	Kenya	Rwanda	Ethiopia	South Africa	Tanzania	Ghana	India
<b>Voter's turnout (%)</b>	86%	98.8%	93.2%	73%	65%	69%	66%
<b>Electoral Management body (EMB)</b>	Independent Electoral and Boundaries Commission (the Commission).	National Electoral Commission (NEC).	National Elections Board of Ethiopia (NEBE).	Independent Electoral Commission (IEC).	National Electoral Commission (NEC). Zanzibar Electoral Commission (ZEC).	The Electoral Commission of Ghana (EC).	Election Commission of India
<b>Voter eligibility criteria</b>	<ul style="list-style-type: none"> <li>- Kenyan citizen.</li> <li>- 18 and above.</li> <li>- Original Kenyan ID or valid PP.</li> <li>- Of sound mind.</li> <li>- Not convicted of election offence</li> </ul>	<ul style="list-style-type: none"> <li>- Rwandan citizen.</li> <li>- 18 and above</li> <li>- Refugees and prisoners are not allowed to vote.</li> </ul>	<ul style="list-style-type: none"> <li>- Ethiopian citizen<sup>209</sup>.</li> <li>- Six month residency requirement</li> <li>- 18 and above</li> <li>- Has not served a term of imprisonment.</li> <li>- Any identity card or PP.</li> <li>- Driver's license</li> <li>- A residence certificate.</li> <li>- Military discharge document.</li> <li>- Refugee card issued by the UNHCR<sup>210</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>- South African citizen.</li> <li>- 18 and above</li> <li>- Resident voting for National Assembly, provincial legislature and municipal councils.</li> <li>- Diaspora residents can vote for aspirants the elections of the National Assembly.</li> </ul>	<ul style="list-style-type: none"> <li>- Tanzanian Citizen</li> <li>- 18 and above</li> <li>- Must be resident for voters in Zanzibar for a period of 36 months in that constituency</li> <li>- Possess a Zanzibari identity card.</li> </ul>	<ul style="list-style-type: none"> <li>- Ghanaian Citizen<sup>211</sup>.</li> <li>- 18 years and above</li> <li>- Of sound mind.</li> </ul>	<ul style="list-style-type: none"> <li>- Indian Citizen</li> <li>- 18 and above</li> <li>- Resident in voting constituency.</li> </ul>
<b>Diaspora Voting</b>	Tanzania, Uganda, Rwanda, Burundi and South Africa	The right to vote is also afforded to Rwandans registered in Embassies abroad	No	Diaspora voting in more than 116 missions across the world.	Not yet	No	Diaspora voting planned for 2017.

<sup>209</sup> Refer to Annexure 158 - The Challenges of Democracy in Ethiopia: With Particular Emphasis on Electoral Administration - Yohannes Awoke Mulusew – Addis Ababa University

<sup>210</sup> Refer to Annexure 159 - Observing the 2005 Ethiopia National Elections (December 2009) – Carter Centre

<sup>211</sup> Refer to Annexure 160 - Ghana Presidential and Parliamentary Elections (7 December 2012) - Report of the Commonwealth Observer Group



**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

Parameter	Kenya	Rwanda	Ethiopia	South Africa	Tanzania	Ghana	India
<b>Prisoners voting</b>	Yes – only presidential	No	No	Yes - only presidential	No	Yes – both presidential & parliamentary elections	No
<b>Voter registration cycle and mode</b>	<ul style="list-style-type: none"> <li>- Continuous voter registration (CVR)</li> <li>- Mass voter registration exercises</li> <li>- Electronic biometric voter identification.</li> </ul>	<ul style="list-style-type: none"> <li>- Voter register updated annually.</li> <li>- Biometric voter registration.</li> </ul>	<ul style="list-style-type: none"> <li>- Continuous voter registration (CVR)</li> <li>- Mass voter registration exercises.</li> </ul>	<ul style="list-style-type: none"> <li>- Continuous until election date is proclaimed by IEC</li> <li>- Electronic biometric voter identification.</li> </ul>	<ul style="list-style-type: none"> <li>- Continuous voter registration (CVR)</li> <li>- Mass voter registration exercises.</li> </ul>	<ul style="list-style-type: none"> <li>- Continuous registration of voters</li> <li>- Electronic biometric voter identification.</li> </ul>	<ul style="list-style-type: none"> <li>- Continuous registration process</li> <li>- Online registration</li> <li>- Electronic biometric voter identification.</li> </ul>
<b>Voter registration model</b>	<ul style="list-style-type: none"> <li>- On-site registration</li> </ul>	<ul style="list-style-type: none"> <li>- On-site registration</li> </ul>	<ul style="list-style-type: none"> <li>- On-site registration</li> <li>- No diaspora registration</li> </ul>	<ul style="list-style-type: none"> <li>- On-site registration</li> </ul>	<ul style="list-style-type: none"> <li>- On-site registration</li> </ul>	<ul style="list-style-type: none"> <li>- On-site registration</li> </ul>	<ul style="list-style-type: none"> <li>- On-site registration</li> <li>- Online registration</li> </ul>
<b>Voting process</b>	<ul style="list-style-type: none"> <li>- On-site</li> </ul>	<ul style="list-style-type: none"> <li>- On-site</li> </ul>	<ul style="list-style-type: none"> <li>- On-site</li> </ul>	<ul style="list-style-type: none"> <li>- On-site.</li> <li>- Special votes</li> </ul>	<ul style="list-style-type: none"> <li>- On-site.</li> </ul>	<ul style="list-style-type: none"> <li>- On-site.</li> </ul>	<ul style="list-style-type: none"> <li>- On-site voting</li> </ul>
<b>Political system</b>	Multi-party democracy and a presidential system.	Multi-party democracy and a presidential system.	Federal parliamentary system with both federal and state institutions.	Multi-party democracy and a presidential system.	Multi-party and presidential system.	Multi-party and presidential system.	An asymmetric federal government, with elected officials at the federal, state and local levels
	Five (5) year cycle.	Parliamentary: Five (5) year cycle. Presidential: Seven (7) year cycle.	Five (5) year cycle	Five (5) year cycle	Five (5) year cycle	Four (4) year cycle.	Five (5) year cycle.

**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

Table 9: Marginalised Communities

Parameter	Kenya	Rwanda	Ethiopia	South Africa	Tanzania	Ghana	India
<b>Reservation of seats for marginalised communities</b>	Yes	Yes - In the Parliament of Rwanda, a minimum of 30% of elected members of the 26-member Senate must be women. In the 80-member Chamber of Deputies, twenty-four of these seats are reserved for women, elected through a joint assembly of local government officials; another three seats are reserved for youth and disabled members.	Yes – Minimum of 20 seats are reserved for 'minority nationalities and peoples of the country.	Yes - The African National Congress (ANC) of South Africa has a 30% quota for women.	Yes - 30 per cent of the seats are reserved for women and allocated to the political parties in proportion to the number of parliamentary seats won in an election. Every Council is required by the law to have Special Seats for Women Councillors not less than one third (1/3) of the total elected Councillors and Members of Parliament in the Council. The number of Special Seats for Women Councillors is proportionate to the number of seats the Political Parties won in a particular Council.	Yes - In 2016, Article 29 of the Constitution of Ghana (1992) clearly outlines the right of PWDs to engage in developmental activities but does not explicitly reference the right to vote. Article 17 explicitly decries discrimination against persons based on gender, race, colour, ethnic origin, religion, creed or social or economic status.	Yes - India has seats in the Parliament of the country, State Assemblies, Local Municipal Bodies and Village level reserved for Dalits or Scheduled Castes and Scheduled Tribes.  Out of 543 constituencies in India's parliament, a total of 131 seats (18.42%) are reserved or blocked for Representatives from Scheduled Castes (84) and Scheduled Tribes (47) only. And two seats for Lok Sabha members of the Anglo Indian community.



**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

Parameter	Kenya	Rwanda	Ethiopia	South Africa	Tanzania	Ghana	India
<b>Stakeholder engagement channels;</b>	<ul style="list-style-type: none"> <li>- Online channels</li> <li>- Media – Print, Radio, Television and Social Media</li> <li>- Focus group discussions</li> <li>- Mass voter registration drives</li> </ul>	<ul style="list-style-type: none"> <li>- Online channels</li> <li>- Media – Print, Radio, Television and Social Media</li> </ul>	<ul style="list-style-type: none"> <li>- Media – Print, Television and Radio</li> <li>- Online channels – primarily NEBE website.</li> </ul>	<ul style="list-style-type: none"> <li>- Online channels</li> <li>- Media</li> <li>- Focus group discussions</li> <li>- Mass voter registration drives</li> </ul>	<ul style="list-style-type: none"> <li>- Online channels</li> <li>- Media</li> <li>- Focus group discussions</li> <li>- Mass voter registration drives</li> </ul>	<ul style="list-style-type: none"> <li>- Online channels</li> <li>- Media</li> <li>- Focus group discussions</li> <li>- Mass voter registration drives</li> </ul>	<ul style="list-style-type: none"> <li>- Online channels</li> <li>- Media</li> <li>- Focus group discussions</li> <li>- Mass voter registration drives</li> </ul>
<b>Female population</b>	22,484,960 (50.2%)	6,349,227 (48.8%)	52,108,388 (50.9%)	27,490,841 (50.6%)	24,912,441 (45.72%)	13521401 (50.2%)	610,257,829 (48.17%)
<b>Signatory to CEDAW</b>	Yes - 1984	Yes – (1980)	Yes – 1980	Yes - 1993	Yes - 1980	Yes - 1980	Yes - 1980
<b>Ratified CEDAW</b>	Yes - 1984	Yes – (1981)	Yes - 1981	Yes - 1995	Yes – 1985	Yes - 1986	Yes - 1993
<b>Gender quota</b>	Yes – 1/3	Yes – (30%)	No	No	Yes	No	Selective. 33% in Gujarat
<b>Female candidates in the elections</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Number of female legislators (World Bank)</b>	86 female legislators (21%): 47 women reps 21 MNAs 18 Nominated Senators	24 (30%)	39%	163, national assembly 19 national council (42%)	36%	35 (34%)	12%
<b>Number of persons with disability</b>	1,612,404 (3.48%)	1,899,259 (14.62%)	15,000,000 (17.6%)	8,108,797 (14.92%)	7,445, 871 (12.96%)	5,000,000 (18.66%)	26,800,000 (2.21%)
<b>Signatory of CRPD</b>	Yes - 2007	Yes	Yes – 2007	Yes – 2007	Yes - 2007	Yes - 2007	Yes - 2007



**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government

Parameter	Kenya	Rwanda	Ethiopia	South Africa	Tanzania	Ghana	India
<b>Ratified CRPD</b>	Yes -2008	Yes - 2008	Yes – 2010	Yes – 2007	Yes – 2009	Yes - 2012	Yes - 2008





**Independent Electoral and Boundaries**  
Independent Audit of the Register of Voters  
Government