

## **5 Voter registration, transfer and updating process**

### **5.1 Overview**

A valid RoV is the foundation of credible, fair and transparent elections. To prepare a valid register, the Commission is required to define and implement key process to facilitate the same within the confines of the legal framework.

Section 5(3) of The Elections Act No. 24 of 2011 states that, “any citizen of Kenya who has attained the age of eighteen years as evidenced by either a national identity card or a Kenyan passport and whose name is not in the Register of Voters shall be registered as a voter upon application, in the manner prescribed, to the Commission”

Further, section 83(3) of The Constitution states that, “administrative arrangements for the registration of voters shall be designed to facilitate, and not deny, an eligible citizen the right to vote.”

The design and operational effectiveness of the processes implemented by the Commission impacts the accuracy, completeness, validity and currency of the RoV.

As part of the audit, KPMG conducted a review of voter registration processes including changes to the RoV and the BVR system implemented by the Commission. KPMG held discussions with the Commission officials and perused through the documented guidelines to obtain an understanding of the following processes:

- Voter registration processes;
- Voter transfer processes;
- Change of registered voters’ particulars; and
- Voter deregistration processes.

Whereas our audit placed reliance and emphasis on the current environment, existing system and processes, the Commission should consider this audit report in light of ensuing changes and particularly:

- New regulations introduced in April 2017 e.g. The Elections (Registration of Voters) Amendment Regulations 2017 and The Elections (Technology) Regulations 2017; and
- New integrated elections management system dubbed KIEMS that was deployed for the validation and inspection exercise between 11 May 2017 and 08 June 2017.

Unless otherwise highlighted we have considered the gaps in the processes against the laws and regulations that were in existence at the time the process activities were being undertaken.

#### **5.1.1 Description of audit procedures carried out, sources and description of documents and records obtained/analysed**

The objectives of the audit were to:

- Assess the accuracy of the RoV; and
- Recommend mechanisms for enhancing the accuracy and updating of the RoV.

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To achieve the set objectives, KPMG conducted a review of:

- The voter registration, voter transfer and voter updates processes.
- The process of identifying and removing deceased voters, persons convicted of electoral offenses and persons declared of unsound mind from the RoV
- The Biometric Voter Registration (BVR) System database that hosts data on registered voters.
- Assessment of the accuracy of the RoV in terms of completeness of the details of voters' data, and matching of voters details (Biometrics) to the voter
- Existing mechanism for continuous update of the RoV to recommend improvement opportunities
- Recruitment and training of ROs, ARO, VRA, RICT, ICT and registration clerks.
- Process of retrofitting, electoral mapping and allocation of the BVR kits to polling centres.
- Complaints management process i.e. follow up of specific complaints about the register, such as recording of logs, monitoring and updating the status of the complaint.
- Process of collaboration between the Commission and relevant state agencies.

KPMG used the following audit techniques to complete the audit activities listed above:

1. **Process walkthrough interviews (inquiries, corroboration and confirmation)** – The Commission staff with different responsibilities in the process of maintenance of voters register were interviewed. These include staff responsible for voter enrolment, uploading and processing of voters records data, transfer of voters, update of voters particulars, removal of deceased persons and persons convicted of electoral offenses. In addition, staff responsible for recruitment and training of registration officials were interviewed.

Further, relevant state agencies providing reference data to be compared with the RoV were interviewed by KPMG to obtain an understanding of the content, processes they have implemented to generate required data and structure of the data they would be providing. The list of commission and relevant state agencies staff interviewed are (in alphabetical order):

Commission staff interviewed:

- Anastasia Mutua – Regional Election Coordinator, Lower Eastern
- Bernard Nyachio – Warehouse Manager, National Warehouse
- Bernince Gicovi – Human Resources and Administration Management
- Chrispine Owiye – Manager, Investigation and Prosecution
- Christopher Cheboi – Warehouse Officer, National Warehouse
- Christopher Msando, Manager, Special Projects
- Corazon Aquino – Assistant Registration Officer, Westlands
- Gabriel Meikan, Ag. Manager Systems and Data Center Support
- Immaculate Kassait – Director, Voter Registration and Education Operations
- Irene Mutai – Acting Manager, Human Resources and Administration Management
- James Buyekane, Director, ICT
- Jane Hiuhu – Assistant Registration Officer, Kajiado North

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- Katitia Melitta – Registration Officer, Kajiado North Constituency
- Martin Wachira - Regional ICT Officer, Nairobi
- Maureen Kerebi – Registration Officer, Westlands Constituency
- Mwaura Kamwati – Manager, Electoral Operations
- Pamela Wandeyo – Registration Officer, Kamukunji Constituency
- Patrick Odame – Manager, Voter Registration
- Patrick Kariithi – Population Officer
- Paul Mugo, Regional ICT Support Coordinator
- Ronald Chamwada, Database Administrator
- Rosemary Lekasi – Human Resources and Administration Management
- Zahara Maalim – Registration Officer Makadara Constituency

Relevant state agencies staff interviewed:

- Abijah Muhoro – Senior Assistant Director, NRB
  - Anderson Chebii – Chief ICT Officer, NRB
  - Charles Githui – Deputy Director, NRB
  - Daniel Muga – ICT Manager, CRS
  - Joyce Mugo, Director, CRS
  - Judith Kilobi – Assistant Director, CRS
  - Leonard Nangole – Personal Assistant to Director, NRB
  - Lucy Karanja – Senior Assistant Director, NRB
  - Othman Radadi – System Engineer, Thales NRB
  - Reuben Kimotho – Director, NRB
2. **Observation** – as part of process review the KPMG observed the Commission staff performing activities around maintenance of the RoV. This included quality assurance review of the preliminary register at the constituency offices.
  3. **Inspection of documents and records** – KPMG also inspected the documentation maintained by Commission staff performing activities around maintenance of the RoV, recruitment and training of registration officers. We also inspected documents including various policies and procedures manuals, statutory forms, applicable legal forms and the Commission reports.
  4. **Re-performance** – completed registration process tasks as described by the Commission staff to determine whether the BVR system accepts inputs and the processing of the applicant information resulting in a record in the RoV with the correct status.
  5. **Data analysis** – Specific tests based on expected controls were performed on the RoV. The RoV was also compared with certified data obtained from relevant state agencies to determine the accuracy of captured voter information and operating effectiveness of key controls around the RoV.

## 5.2 Voter registration processes

Voter registration is the process of recording personal particulars of eligible citizens in the RoV for the purpose of voting in an election and referenda. It is an important phase in a democratic electoral process. The Constitution mandates the Commission to carry out the registration of voters. Once registered as a voter, an individual is eligible to vote at a polling centre.

Voter registration can either be carried out periodically or continuously. In periodic voter registration, a new RoV is prepared every time there is an election and is used only for purposes of that election. Continuous Voter registration involves updating an existing RoV.

After the 2013 general election, to enhance continuous voter registration, the Commission carried out the following key initiatives:

- 15 February 2016 – 15 March 2016: Mass voter registration I (MVR I).
- 16 January 2017 – 19 February 2017: Mass voter registration II (MVR II).
- 20 February 2017 – 27 February 2017: Registration of Kenyan Citizens in Kenyan prisons (106 prisons).
- 20 February 2017 – 06 March 2017: Registration of Kenyan citizens residing outside Kenya (Diaspora) in Tanzania, Uganda, Rwanda, Burundi and South Africa.

The voter registration process entails the following sub-processes:

- a) Preparatory processes;
- b) Enrolments of applicants;
- c) Upload of applicant records; and
- d) Deduplication processes.

### 5.2.1 Voter registration - preparatory processes

#### *Process overview*

Voter registration preparatory processes comprises of activities to facilitate the registration of voters including amongst other activities:

- Voter registration needs assessment: This entails projecting the potential number of eligible citizens who have not been registered as voters;
- Recruitment and training of the registration officials;
- Retrofitting and deployment of BVR kits;
- Materials and logistics: This entails acquisition and deployment of registration materials and engagement of services providers;
- Stakeholders engagement: Holding of consultative meetings between the Commission, political parties and other key stakeholders;
- Gazettement of Registration Officers (RO) and Assistant Registration Officers (ARO);
- Gazettement of Registration Centers; and

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- Publicity of the voter registration process and voter education: This involves creating awareness of the voter registration exercise and sensitizing the public on their civic duties and responsibilities.

Figure 11 - Voter registration - preparatory processes.



### PLANNING

- Gazettement of registration centres
- Gazettement of RO/ARO's
- Publicity and voter education
- Stakeholder meetings.
- Needs assessment.



### LOGISTICS

- Assessment on appropriateness, accessibility and suitability.
- Registration Material planning and logistics.
- Mapping of diaspora registration centres.
- Site visits.



### RETROFITTING

- Installation of operating systems, drivers, enrolment software
- Configuration of 12 user accounts (1 "maintenance", 1 "administrator" and 10 "operators")
- Certified electoral mapping



### PROCUREMENT

- Acquisition of goods and services.
- Acquisition of storage facilities.
- Distribution of material and equipment.
- Ensure security and safety of registration equipment.



### STAFFING

- Recruitment, training and deployment of registration staff and BVR kits.

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***Detailed findings and recommendations***

***5.2.1.1 No centralized BVR kit records showing the serial numbers by location***

The Agreement, dated 24 September 2012, for the Sale and Purchase of Hardware and License of Software for a BVR System (BVR Agreement) between Canadian Commercial Corporation and Government of Kenya (GoK) through Ministry of Finance and the Commission<sup>36</sup> indicates that 15,000 BVR kits would be supplied to the Commission.

According to the BVR kits stock ledger and stock control card<sup>37</sup> obtained from the Commission's national warehouse, KPMG noted that 15,000 BVR kits were delivered by Safran to the national warehouse between 10 October 2012 and 9 November 2012. The delivery notes<sup>38</sup> indicated the serial numbers of the BVR kits received.

Additionally 1,500 existing IEBC kits and 300 IEBC Poll Books, which had previously been acquired from Code International, existed prior to the procurement of the new BVR kits. These were also retrofitted for purposes of Biometric Voter Registration, in 2012. This brings the total number of kits available for Biometric Voter Registration to 16,800.

In preparations for the 4 March 2013 general elections, the BVR kits were distributed to the Commission's regional warehouses to facilitate voter registration exercise conducted between 19 November 2012 and 18 December 2012.

KPMG noted that the Commission distributed the BVR kits without first recording centrally the serial numbers of the BVR kits being distributed to the regional warehouses. As a result, the Commission is not able to provide records showing the identity i.e. serial numbers of BVR kits that have been sent to the Commission's regional warehouses.

From inquiry with the manager systems support and datacenter and the system administrator<sup>39</sup>, KPMG were informed that six characters prefix of the 18 character voter registration application number in the RoV relates to the BVR kit number used to register the applicant. KPMG corroborated this by performing a walkthrough of the registration process where we observed that the six character prefix represent the BVR kit number<sup>40</sup>. However, KPMG analysed the six character prefix of the voter registration application numbers for the records in the RoV and noted that there were 16,593<sup>41</sup> unique six character prefixes of the voter registration application number.

***Recommendation***

The BVR kits require a consistent naming convention. KPMG recommends that the serial numbers should be embedded in the BVR system and a level of authentication between the BVR kit and BVR system should be activated so as to restrict any additional BVR kits not originally recognized. The defined BVR kit name with a serial number should be permanently locked in to the BVR kit and this should allow for tracking and reconciliation of BVR kits at a global level.

<sup>36</sup> Refer to Annexure 4 - The Agreement for sale and purchase of hardware and license of software for BVR system between the Canadian Commercial Corporation and GoK through ministry of Finance and the Commission

<sup>37</sup> Refer to annexure 5 - The Stock ledger and stock control cards for BVR kits

<sup>38</sup> Refer to Annexure 6 - The BVR kit delivery notes

<sup>39</sup> Refer to Annexure 7 - Minutes of meetings Database Process Understanding dated 7 April 2017 (Minute 5)

<sup>40</sup> Refer to Annexure 8 - Screenshots of BVR kit enrolment

<sup>41</sup> Refer to Annexure 9 - List of unique records based on first six characters

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In addition, BVR kit name changes at the database level should be restricted.

We recommend that the Commission prepares a central master list of BVR kits with serial numbers on the basis of delivery notes. The Commission should carry out a stock take of the current BVR kits, record their serial numbers and reconcile this against the master list to establish that all BVR kits are accounted for.

We further recommend that the Commission should periodically perform a reconciliation of the inventory of BVR kits and record the serial number, as a unique reference, for each kit.

#### *5.2.1.2 Manual retrofitting of BVR kits*

Prior to deployment of BVR kits for use in voter registration, the kits undergo a preparation process known as retrofitting. Retrofitting is performed at the regional offices by a RICT officers. It is achieved through a series of steps including configuration of user accounts into the BVR kits, generating user account passwords, loading of certified electoral mapping codes and description and loading of the preliminary RoV.<sup>42</sup> The preliminary RoV that is loaded contains: identity document number, surname/family name, first name and Date of Birth (DOB).

Retrofitting is done manually, one BVR kit at a time. Due to human error, there is a risk that there may be kits that are not retrofitted to the required specifications and may inaccurately record voter details. This would result in a RoV that contains inaccurate information.

The BVR kits dates are also set up as part of the retrofitting exercise. During voter registration, the voter registration date is based on the date of the BVR kit laptop. KPMG observed errors in the registration date.

KPMG analysed the database containing the voter records and noted the following:

- Voter registration ahead of the 2013 election commenced on 19 November 2012. However, there were 21,696<sup>43</sup> records in the RoV with a registration date prior to 19 November 2012.
- There were 4,003<sup>44</sup> records in the RoV indicating a date of registration after 8 August 2017 (the next general election date).
- The registration date is the BVR kit date at a point when an applicant presents themselves at a polling centre to enrol. The database create date represents the date that the applicant record is saved in the database. Therefore, the create date should always be later than the registration dates for an applicant record. However, there were 32,008<sup>45</sup> records in the RoV with a registration date that is later than the create date with the oldest being created 3,649 days before registration.

KPMG analysed the BVR kits incident logs for MVR II and noted that there were 15<sup>46</sup> reported incidents where BVR kits required to be retrofitted anew because they were malfunctioning during voters enrolments. The incident logs indicated that the impact of these incidents were

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<sup>42</sup> Refer to Annexure 10 - Screenshots of the retrofitting process

<sup>43</sup> Refer to Annexure 11 - Records showing registration prior to MVR for 2013 general election

<sup>44</sup> Refer to Annexure 12 - Records with registration date after the next general election

<sup>45</sup> Refer to Annexure 13 - Records with create date earlier than registration date

<sup>46</sup> Refer to Annexure 14 - Analysis of the MVR II incident logs



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that applicants could not be enrolled or there was delays in the enrolment process leading to long queues.

### ***Recommendation***

KPMG recommends that the Commission consider implementing an online system that allows centralized retrofitting of BVR kits to ensure that the BVR kits are retrofitted to the required standards in a consistent manner.

Retrofitting should include locking of the BVR kit date based on the server date.

#### ***5.2.1.3 Gaps in the recruitment process of Registration Clerks and ICT Operators***

The Commission has a HR and Administration policy<sup>47</sup> and procedures manual<sup>48</sup> (HR policy) that provides guidance on the recruitment process of voter registration officials. The manual states that “the Commission respects and upholds the integrity of the recruitment and selection process.”

Further, the manual states that “the Human Resources department maintains the overall responsibility for the recruitment process of the Commission and shall bear the responsibility of managing and coordinating the recruitment process for staff at all levels. The recruitment and selection policy is aimed at ensuring that high quality and competent staff are employed to carry out their work effectively and efficiently.”

KPMG carried out a review of the recruitment process of the ROs, AROs, RICT’s, Registration Clerks and ICT Operators in line with the HR policy and noted the following gaps with respect to recruitment of ICT Operators:

- The HR policy states that casuals should not be hired for more than three months. ICT operators recruited by the Directorate of ICT signed 30-day contracts for ICT clerk positions that were stipulated to run from 15 February 2016 to 15 March 2016<sup>49</sup>.
- KPMG analysed the attendance sheets maintained and noted that the ICT operators were still being engaged as at 5 January 2017.<sup>50</sup> KPMG further analysed the contracts for the selected operators and noted that their contracts have not been renewed since expiry on 15 March 2016<sup>51</sup>. The payments to the operators were made based on attendance sheets provided by DICT to finance department<sup>52</sup>.
- Four operators in the attendance sheets and operators’ file provided by ICT did not have any form of contract.
- Lastly, the ICT operators’ recruitment records are maintained by the Directorate of ICT as opposed to the HR<sup>53</sup>.

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<sup>47</sup> Refer to Annexure 15 - HR and Administration policies and procedures manual

<sup>48</sup> Refer to Annexure 15 – HR and Administration policies and procedures manual

<sup>49</sup> Refer to Annexure 16 - ICT clerk contract dated 12 February 2016

<sup>50</sup> Refer to Annexure 17 - Attendance Register for BVR Operators at the Commission’s HQ on 21st Floor for period 16 December 2016 to 5 January 2017

<sup>51</sup> Refer to Annexure 18 - Minutes of Operator Recruitment Process dated 10 May 2017

<sup>52</sup> Refer to Annexure 19 - Payment schedule for Operators for period 16 December 2016 to 5 January 2017

<sup>53</sup> Refer to Annexure 20 - Minutes of Operator Process Understanding with Silas



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- During the recruitment of ICT operators, the applicants undertake an entry test to determine their proficiency in the use of ICT equipment. KPMG noted that the test is not aligned to the tasks expected of the ICT operator(s).
- During MVR I and MVR II, registration clerks underwent training on voters enrolment and use of the BVR kits prior to deployment to the registration centres.
- KPMG analysed the training material and programme used and noted that no training evaluation or proficiency tests are conducted to assess the level of clerks' understanding of the voter registration process and used of the BVR kits.

According to employment laws, an employer should not engage casuals or temporary staff for an extended period of more than three months. There is a risk that the Commission will attract penalties for an offense against labour laws.

Without valid contracts there will be loss of accountability because the ICT Operators do not have a binding obligation.

The HR department should be involved in the recruitment of ICT operators as per the HR policy and their job description clearly outlined. This will ensure that the Commission is in compliance with HR policy, which in respect to recruitment of casuals is informed by the Employment Act.

With reference to training, inadequate training procedures and assessments could lead to inaccuracies in the RoV resulting from avoidable data capture errors.

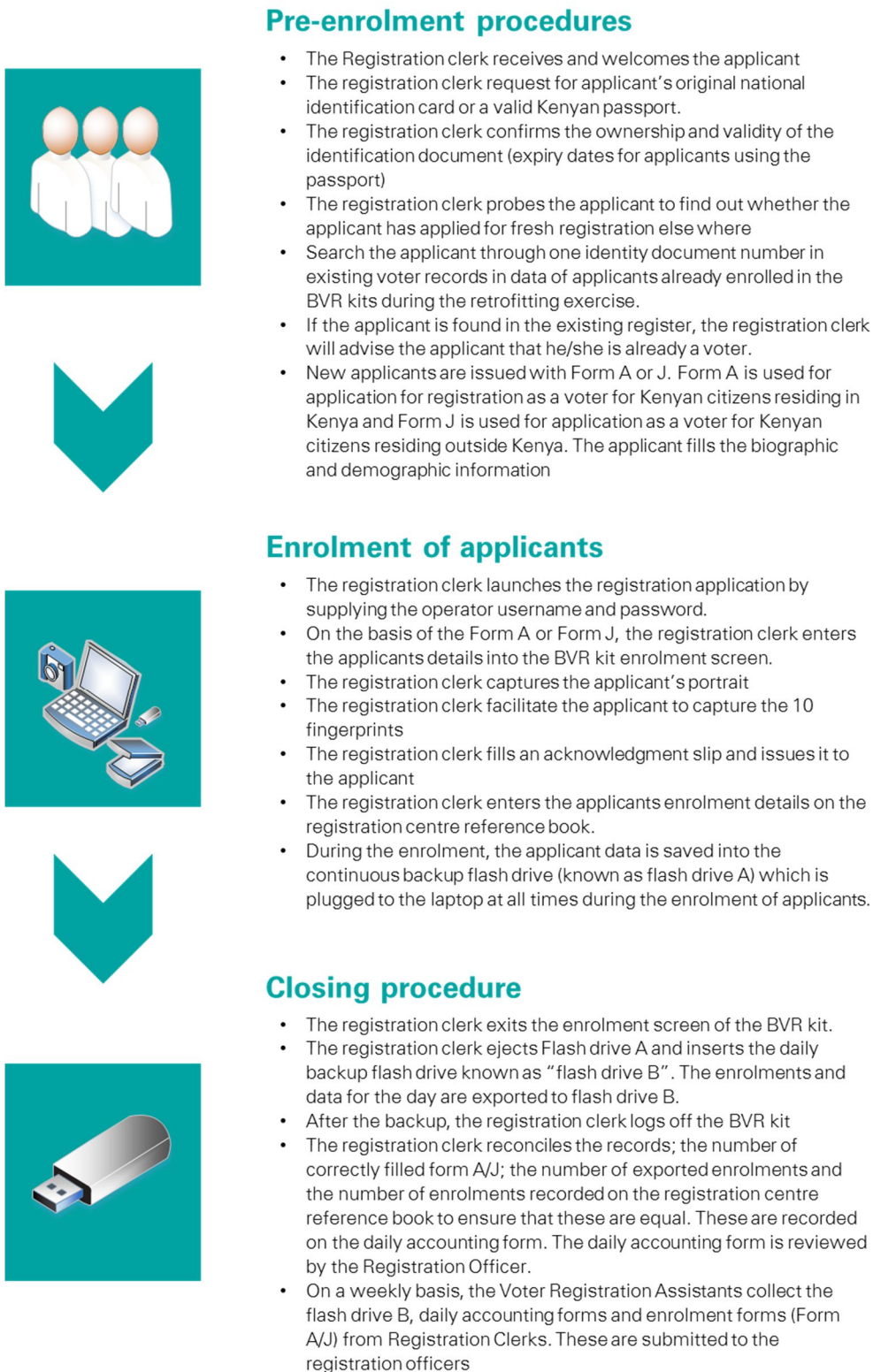
### **5.2.2 Voter registration – enrolment of applicants**

#### ***Process overview***

Enrolment of new voters is done using BVR kits stationed at gazetted registration centres during mass voter registrations and in constituency offices for continuous voter registration. Enrolment entails activities to capture biographic and biometric details of the applicants. The figure 12 below provides a summary of the enrolment process:

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Figure 12- Voter registration - enrolment processes



### ***Detailed findings and recommendations***

#### ***5.2.2.1 Complete and accurate update of data on application for registration in the RoV***

During applicant enrolment process, the BVR kit generates an elector's number when the registration clerk commences the process of enrolment<sup>54</sup>. As part of the enrolment process, an applicant is issued with an acknowledgement slip on which the elector's number is physically recorded. An applicant may be issued with an elector's number physically recorded on an acknowledgement slip, before registration is saved successfully.

After the MVR II, the Commission carried out a quality assurance (QA) exercise which was aimed at confirming that all voters who applied to be registered were included in the RoV. Through this exercise the ROs identified applications missing from the preliminary RoV.

The Commission provided KPMG with QA results of 19 constituencies. KPMG analysed these results and noted that there were 16,177<sup>55</sup> applications flagged as missing in the constituency registers. KPMG compared the QA results with the database containing voter records and noted 4,209<sup>56</sup> voter applications that were missing in the database containing voter records.

There is a risk that such applicants (in the event that they do not participate in the verification of biometric details in the register during the verification exercise) will turn up on polling day and discover that their details are not included in the register, thus be disenfranchised.

#### ***Recommendation***

KPMG recommends the BVR kits system be redesigned to generate the elector's number at the end of a successful applicant enrolment at the registration centre. Once all the relevant applicant's details and biometrics are saved, the elector's number should be displayed on the BVR kit and the registration clerk can then record this number on an acknowledgement slip. This will also help in early detection of errors since the applicant can verify that correct details have been captured.

The Commission should investigate the 4,209 exceptions relating to missing applications to identify the root cause(s). This should include reviewing the BVR kits used for registration to assess the possibility of tracing the applicants from the BVR kit or the flash drives associated with the BVR kit used for registration.

QA results from the other 273 constituencies including diaspora and prisons were not available at the time of the audit. For these constituencies KPMG recommends that the Commission completes the QA and validation processes and implement any corrective actions where relevant.

#### ***5.2.2.2 Input and validation controls over application for voter registration***

During the voter enrolment process, applicants' details are captured on the BVR kit enrolment screen. These details include the identity document number, identity document type, applicant name and DOB.

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<sup>54</sup> Refer to Annexure 21 - Screen shots on voter registration process

<sup>55</sup> Refer to Annexure 22 - Quality Assurance Results

<sup>56</sup> Refer to Annexure 23 - List of applicants whose records are not in the database containing the RoV

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Section 5 of Elections Act No.24 of 2011, provides for use of national identification document and a valid Kenyan PP only for the purpose of registration. From inquiry with the NRB production manager<sup>57</sup>, KPMG were informed that a valid national identity document number must not exceed 8 numeric characters in length. Further, from inquiry with system administrator<sup>58</sup> from the DIS, a valid Kenyan PP must begin with letters A, B, C, D or KE.

KPMG inspected the BVR kit enrolment screen<sup>59</sup> and noted that it does not have input controls to enforce the requirements over the validity of voter eligibility documents national identity document (ID) number or a PP number. As a result, it is possible to capture invalid details and particulars in the BVR system e.g. alphabetic characters in ID number field and numeric characters only in the PP.

From our analysis of the RoV, KPMG noted that there were:

- 60,853 voter records<sup>60</sup> in which the ID number captured in the register exceeded 9 numeric characters or had alphabetic characters. Of these, 56% enrolled prior to the 2013 general election and 44% enrolled after the 2013 general election;
- One voter record<sup>61</sup> without an ID number by name Sariano L; and
- 6,872 records<sup>62</sup> with PP numbers that do not start with letters A, B, C, D or KE. 81% enrolled prior to the 2013 general election and 19% enrolled after the 2013 general election.

KPMG noted that the surname field and first name field on the BVR kit enrolment screen were mandatory fields. Therefore, the application for registration could not proceed without filling these fields. However, from our analysis of the RoV, KPMG noted the following:

- 11 voter records<sup>63</sup> with a blank first name; and
- 128 voter records<sup>64</sup> with a blank surname.

These records relate to registrations done prior to the 2013 general election.

Without adequate input validation controls, there is increased risk of inaccurate and invalid data being captured during the enrolment of voters. Due to incorrect or invalid details captured affected voters may be disenfranchised should they not be correctly identified on polling day.

KPMG noted that the Commission wrote to Morpho SAS, the BVR system vendor, in a letter dated 9 February 2016<sup>65</sup> to request a system change to introduce validation controls for mandatory fields in the BVR kit enrolment screen. KPMG inspected the enrolment screen of the BVR kit used in MVR II and noted that the validation controls had not been implemented on the BVR kit<sup>66</sup>.

<sup>57</sup> Refer to Annexure 24 - Minutes of the NRB meeting on Data Certification dated 20 April 2017

<sup>58</sup> Refer to Annexure 25 - Minutes of the meeting with DIS System Administrator dated 20 April 2017

<sup>59</sup> Refer to Annexure 26 - BVR kit enrolment screenshots demonstrating lack of validation controls

<sup>60</sup> Refer to Annexure 27 - 60,853 Records bearing invalid ID characteristics

<sup>61</sup> Refer to Annexure 28 - 1 Record without ID number

<sup>62</sup> Refer to Annexure 29 - 6,872 Records bearing invalid PP characteristics

<sup>63</sup> Refer to Annexure 30 - 11 Records with blank first name

<sup>64</sup> Refer to Annexure 31 - 128 Records without surname

<sup>65</sup> Refer to Annexure 32 - Letter from the Commission to Morpho SAS dated 9 February 2016

<sup>66</sup> Refer to Annexure 26 - BVR kit enrolment screenshots demonstrating lack of validation controls

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### ***Recommendation***

In the immediate term, the invalid details identified need to be investigated and rectified to enhance the accuracy of the particulars in the registers. A list of exceptions in this regards has been provided by KPMG to the Commission.

These all suggest poor data capture and processing controls and ultimately, impact public trust in the quality of data in the RoV.

KPMG recommends that input validation controls be enforced on the BVR system to improve the accuracy of applicant's information captured during voter enrolment. For the exceptions noted, KPMG recommends the following:

- Where the identification document is a national identification (ID), the identity document field should accept only numeric characters of length 7 or 8 characters.
- Where the identification document is a PP, the identity document field should accept alpha numeric characters with valid alphabetic character prefixes already pre-set.
- The names field should not accept numeric characters.

#### ***5.2.2.3 Voters with invalid voter identification documents in the RoV***

Section 5 of Elections Act No.24 of 2011, provides for use of national identification document (ID) and a valid Kenyan PP only for the purpose of registration.

IDs and PPs are issued by NRB and the DIS and Registration of Persons respectively.

KPMG noted one instance on 4 February 2017 when the Commission published a list of Kenyan National ID numbers of voters in the RoV that did not match with the NRB records. There is no evidence that a similar exercise was done for potential exceptions in the RoV in relation to voters who registered with PPs.

Except for the instances noted above, there is no evidence that the Commission regularly verifies the authenticity of voter identity document numbers with relevant state agencies' original reference data in accordance with the eligibility criteria set out in the Constitution, in order to identify and take appropriate action for voter records without valid identity document numbers.

KPMG analysed the RoV IDs against NRB data. KPMG noted that there were:

- 19,401,354 voter records<sup>67</sup> with matching ID numbers. Of these, 73% enrolled prior to the 2013 general election and 27% enrolled after the 2013 general election.
- 171,476 voter records<sup>68</sup> without matching ID numbers. 83% enrolled prior to the 2013 general election and 17% enrolled after the 2013 general election.

KPMG analysed the RoV PPs against data from DIS. KPMG noted that there were:

- 53,077 voter records<sup>69</sup> with matching PP numbers. Of these 76% enrolled prior to the 2013 general election and 24% enrolled after the 2013 general election.

<sup>67</sup> Refer to Annexure 33 - 19,401,354 Records matching ID numbers with NRB

<sup>68</sup> Refer to Annexure 34 - 171,476 Records without matching ID numbers in NRB

<sup>69</sup> Refer to Annexure 35 - 53,077 Records with matching PPs DIS

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- 17,523 voter records<sup>70</sup> without matching PP numbers. 83% enrolled prior to the 2013 general election and 17% enrolled after the 2013 general election.

Without mechanisms to verify the authenticity of the identity document numbers, applicants who use inauthentic identity documents including underage applicants may be able to register successfully.

### **Recommendation**

In the immediate term, KPMG recommends that the Commission investigates and adjudicates the exceptions noted from the audit. A list of exceptions in this regard has been provided to the Commission.

KPMG recommends that the Commission should periodically compare of the RoV against ID and PP data from the NRB and the DIS respectively.

#### **5.2.2.4 Improvements in record management**

Regulation 93(1) of The Elections (General) (Amendment) Regulations states that “all documents relating to an election shall be retained in safe custody by the returning officer for a period of three years after the results of the elections have been declared and shall then, unless the Commission or the court otherwise directs, be disposed of in accordance with procedures prescribed by the Commission subject to the Public Archives and Documentation Service Act”.

The Commission guidelines<sup>71</sup> on voter registration state that the Commission should subject the RoV to checks by the RO to confirm its accuracy and completeness.

KPMG analysed the statutory forms filled out by voters and applicants during registration process (forms A, C, D and J) as well as the record management practices and noted that the Commission does not have documented guidelines for record management at the constituency level.<sup>72</sup> As a result the following have not been defined:

- The clusters and sequence of filing documents;
- Conditions for storage of documents; and
- Process of retrieval documents.

Lack of a record management guidelines poses challenges in the retrieval of documents due to lack of a defined filing system during quality assurance review. In addition, there is risk of loss of documents in the event of a disaster such as fire or floods where documents are not well stored and in a fireproof storage.

### **Recommendation**

KPMG recommends that the Commission develops guidelines for records management at the constituency level. In the long term, the Commission may consider implementing an electronic document management system.

<sup>70</sup> Refer to Annexure 36 - 17,523 Records without matching PP numbers with DIS

<sup>71</sup> Refer to Annexure 37 - Registration source manual page 46

<sup>72</sup> Refer to Annexure 38 - Minutes of Voter Registration Process Review Feedback with ROs dated 12 May 2017 and 18 May 2017



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#### **5.2.2.5 Improvements in tracking of complaints**

Statutory Form 2<sup>73</sup> is used for recording complaints related to registration process. Any person objecting to the registration of a voter may file a complaint with the Commission on any of the following grounds:

- Where a person has registered in more than one registration centre;
- That the person has been convicted of an election offence in the preceding five years; and
- That the person is not qualified to be registered under any law.

In addition, a voter who has been excluded from the RoV may file a claim with the Commission by completing Form F.<sup>74</sup>

Further, through the Commission official website, the Commission has provided communication channels for the public to raise any concerns. These channels include: email, social media and telephone.

KPMG observed that documentation and tracking of complaints raised in relation to voter registration processes by the public is not applied consistently across the constituencies<sup>75</sup>. In addition, a log of complaints raised by the public is not centrally maintained at the Commissions' headquarters. A complaints tracker will help:

- Monitor the quality of the registration process;
- Facilitate remediation of recurring incidences;
- Identify areas of process improvement for subsequent exercises; and
- Form a basis for sharing lessons learnt across constituencies.

The Commission is exposed to potential loss of public confidence if complaints are not resolved in a timely manner due to inadequate tracking and monitoring. This also poses a challenge during handovers when ROs are transferred or leave.

#### **Recommendation**

KPMG recommends that the Commission develops and implement a process of tracking complaints/claims raised at the constituencies' and national level. This should include:

- Procedures for providing feedback to the complainant and prescribed turnaround time;
- Criteria of categorization and rating of complaints for appropriate resolution and escalation; and
- Reporting mechanisms to the regional office and national level for critical complaints.

Further, KPMG recommends the establishment of a whistle blowing framework to guide on reporting of malpractices.

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<sup>73</sup> Refer to Annexure 39 - Form 2 – Claim

<sup>74</sup> Refer to Annexure 40 - Form F – Claim

<sup>75</sup> Refer to Annexure 38 - Minutes of Voter Registration Process Review Feedback with ROs dated 12 May 2017 and 18 May 2017



### **5.2.3 Voter registration – upload of applicant records**

#### ***Process overview***

Enrolment data is continuously backed up to a USB flash drive (known as flash drive A) which is plugged to the enrolment laptop (part of the BVR kit) at all times during enrolment. At the end of the day, the voter registration clerk eject flash drive A, inserts another flash drive (known as flash drive B) and performs a backup of the day's enrolments. This is repeated at the end of the week.

The Registration Clerks record the number of applicants exported to flash drive B on a form known as the data export form. The registration clerks also reconcile the number of Forms A/J used with the number of applications exported to the flash drive and the recording of the day's application in the registration reference book. This reconciliation is recorded in the daily accounting form.

On a weekly basis, a Voter Registration Assistant collects flash drive Bs, daily accounting forms and data export forms from each registration centre and delivers these to the RO who is in charge of voter registrations in the constituency.

The ROs transport the flash drives to the regional offices and uploads the data to regional servers, with the assistance of Regional ICT Officers.

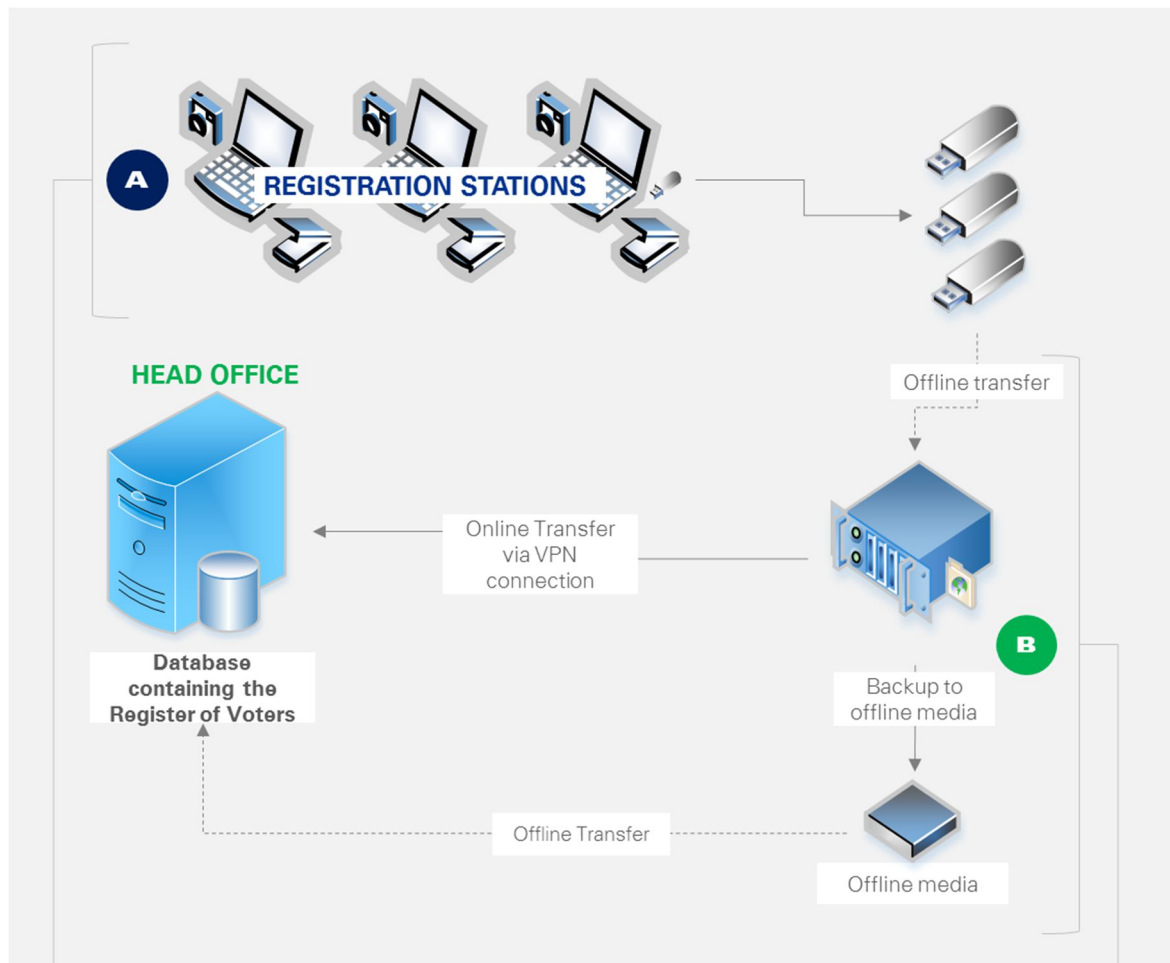
The upload is done using an upload application which indicates the number of applicants uploaded to the regional server. The ROs check the number of applicants as per the upload application against the records obtained from the registration centres i.e. data export forms to ensure that all enrolment data exported to flash drive B has been uploaded to the regional server.

Once uploaded, the enrolment data is transferred online via a VPN link through Secure File Transfer Protocol (SFTP). Where the online transfer is not successful for all or some of the applicant records, these records are downloaded into offline media e.g. hard drive for transportation to the head office.

The Commission has 17 regional offices serving 290 constituencies.

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Figure 13 - Enrolment data transfer and upload of applicant records



### **A Transfer of data to the regional office**

On a weekly basis, the voter registration assistants collect the flash drive B and enrolment forms from registration clerks. These are submitted to the Registration Officers.

The Registration Officers receive flash drive Bs from all registration centres in a constituency.

The Registration officers transport the flash drives to the regional offices for upload into the regional office servers. There are 17 regional offices serving 290 constituencies.

### **B Upload of data to the regional servers**

At the regional office, the Registration Officers with the assistance of a Regional ICT officer, upload the data from flash drive Bs from the registration centres in their respective constituencies into the regional servers. This is achieved using an upload application in the regional office servers.

The uploaded enrolment data is pushed to the head office by use of a transfer application through Secure File Transfer Protocol (SFTP). There is a Virtual Private Network between the head office and the regional offices.

The enrolment data can also be transferred from the regional offices to the head office via offline media e.g. hard drives.

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***Detailed findings and recommendations***

**5.2.3.1 Offline uploads**

BVR kits are used for voter registration in an offline mode. At the end of the day, the voter registration clerk ejects a flash drive A, inserts a flash drive B and performs a backup of the day's enrolments. This process is repeated at the end of the week. Flash drive B is transported to the regional office on a weekly basis for upload the data to the regional servers. On a weekly basis, a Voter Registration Assistant collects flash drive Bs, daily accounting forms and data export forms from each registration center and delivers these to the RO who is in charge of the registrations in the constituency. The ROs transport the flash drives to the regional offices and uploads the data, with the assistance of Regional ICT Officers, to the regional servers.

The data in the regional servers may be transferred online through secure file transfer protocol (SFTP) to the Head Office. There is also an option to transfer the data to the Head Office via offline mode by a portable media e.g. hard disk.

KPMG analysed the regional summary upload report for MVR II, prepared by the Commission, which shows the number of records transferred between the regional office and the Head Office. The records indicated that 3,844,675 applicant records had been uploaded, at the regional office, for transfer to the head office.

In addition, KPMG analysed the regional upload summaries for MVR II and noted that there were 832,984 records transferred online (22%) and 3,011,691 (78%) records<sup>76</sup> transferred via the offline mode. KPMG further analysed the RoV to establish how long it takes for a voter application to enter the database containing the RoV. KPMG established that there are records that were created in the database only 1 day after registration at the registration centres and records where the date between registration date and create date was 1,095 days. During voter registration, the BVR Kit assumes the date of the BVR Kit laptop as the date of application for registration and KPMG noted some voter records with registration date errors.

There is a risk of loss of the offline media and the data applicant registration data therein during transportation from the registration center to the constituency office and thereafter to the regional office and finally from the regional office to the Head Office. If undetected, this could result in applicant records not being saved in the database containing the RoV. This results in an incomplete RoV.

***Recommendation***

KPMG recommends that the Commission considers implementing an online system that allows upload of data at the constituency level to the head office to minimize offline transportation of data. Alternatively, the Commission may also consider a hybrid approach where by the BVR kits are connected to the Head Office in areas where internet connectivity is good while retaining the offline BVR kits in areas where internet connectivity remains a challenge.

Further, KPMG recommends that the Commission considers implementing service level agreements (SLA) between DICT and DVREO e.g. expected system uptime. The Commission

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<sup>76</sup> Refer to Annexure 41 - The regional summary upload statistics

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may also consider implementing a 'customer charter' addressed to applicants and electorate e.g. all applications will be committed to the RoV within two weeks.

## **5.2.4 Voter registration – deduplication processes**

### ***Process overview***

Enrolment data from the regional office is uploaded into the file servers at the head office.

The voter enrolment data is referred to as 'applicant' and a voter record that exists in the RoV database is referred to as 'candidate'.

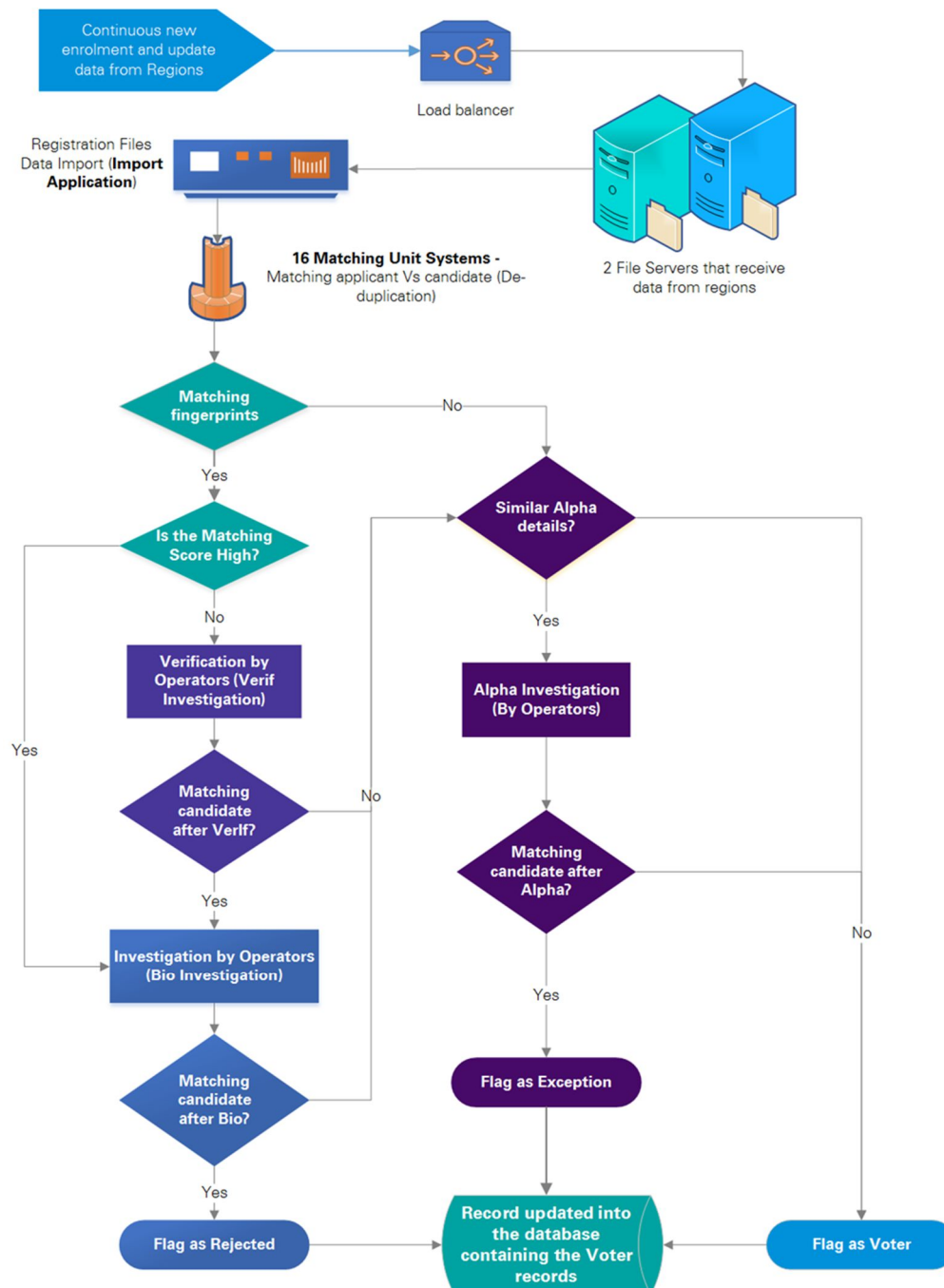
Prior to committing applicant's data into the database containing the RoV, the systems searches the applicant's biometry (fingerprints) against biometry of candidates in the database containing the RoV. The search is performed by 16 matching unit systems.

- Where the applicant biometry is not found in the RoV, the system performs a search of the alphanumeric details i.e. the applicant's identity document number and name of the applicants against the candidates' IDs. If there are no matches, the applicant is committed into the RoV as a 'Voter'.
- If there is a candidate match of the alphanumeric details, the applicant and candidate undergo a manual verification, by an operator, to determine whether the applicant and the candidate is the same person. The systems displays the biometric and biographic data for the candidate and the applicant side by side to allow the verification operator to compare and make a decision. Where an operator determines that the candidate is a different person from the applicant, the applicant is committed into the RoV as a 'Voter'.
- Conversely, if the operator determines that the applicant is the same person as the candidate, the operator rejects the application and the applicant is committed into the RoV database as a record with the status, 'Exception' on account of a similar ID existing in the RoV database.
- On the other hand, where the search results in one or more candidates with fingerprints that matches or closely resemble those of the applicant's fingerprint biometry, the applicant and candidate(s) undergo a manual verification, of the applicant's details (biometrics and biographic details) by an operator, to determine whether the applicant and the candidate(s) are the same person. Where an operator determines that the candidate is a different person from the applicant, the applicant is committed into the RoV as a Voter.
- Conversely, if the operator determines that the applicant is the same person as the candidate, the operator rejects the application and the applicant is committed into the database with the status 'Rejected' on account of applicant's biometrics existing in the RoV database.

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This process is known as deduplication. The figure 14 below illustrates the deduplication process:

Figure 14 - Voter registration – deduplication



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#### 5.2.4.1 *ROs are not informed regularly about the deduplication adjudication results*

The Commission has installed systems at the Head Office that match an applicant's biometric details (fingerprints) and biographic details with those in the RoV with an aim of preventing an existing voter from being registered more than once. This process is performed by matching unit systems installed at the head office in a process known deduplication.

KPMG noted that during the process of deduplication at the head office, there are ICT operators that review applicants records flagged as duplicates by the BVR system. The operators either accept or reject the applicant record. This process is known as adjudication.

KPMG noted that ROs are not regularly informed of the outcome of the adjudication process for applicants relating to their constituencies.<sup>77</sup>

#### **Recommendation**

The Elections Act No 24 of 2011 mandates the RO to ensure that no person is registered more than once.

KPMG recommends that ROs are involved as appropriate in the deduplication process and this should take into consideration practicability. Ideally, deduplication reports should be prepared periodically to show the movement of voter numbers in the electoral area covered by ROs.

#### 5.2.4.2 *Presence of voter records with the same identity document numbers*

Section 5 of Elections Act No.24 of 2011, provides for use of national identification document (ID) and a valid Kenyan PP only for the purpose of registration.

As part of the deduplication process, the BVR system checks whether an applicant's identification number exists in the database containing the voter records.

KPMG analysed the preliminary RoV and noted that there were 93,548 duplicated ID/PP numbers in the RoV<sup>78</sup>. These identification document numbers were shared across 197,677<sup>79</sup> voter records. The spread of these records is illustrated below:

Replication factor <sup>80</sup>	Number of instances	Number of records
2	89,864	179,728
3	1,656	4,968
4	502	2,008
More than 5	1,526	10,973
<b>Total records</b>	<b>93,548</b>	<b>197,677</b>

<sup>77</sup> Refer to Annexure 38 - Minutes of Voter Registration Process Review Feedback with ROs dated 12 May 2017 and 18 May 2017

<sup>78</sup> Refer to Annexure 42 – 93,548 ID/PP numbers captured in more than one voter record

<sup>79</sup> Refer to Annexure 43 – 197,667 duplicate voter records by ID & PP

<sup>80</sup> Refer to Annexure 44 – Frequency of entry in the RoV

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KPMG also analysed the Name (First Name, Middle Name and Secondary Name) and DOB fields for the 197,677 records above and noted the following:

- 14,986 voter records<sup>81</sup> sharing ID/PP numbers and names. Of these, 87% enrolled prior to the 2013 general election and only 13% enrolled after the 2013 general election.
- 182,691 voter records<sup>82</sup> sharing ID/PP numbers but do not have similar names. Of these 56% enrolled prior to the 2013 general election and 44% enrolled after the 2013 general election.

Further, there were 13,969 voter records<sup>83</sup> sharing the ID/PP number, name and DOB. Of these 89% enrolled prior to the 2013 general election and only 11% after the 2013 general election.

Existence of shared ID/PP numbers in the RoV may be an indication that the deduplication process does not effectively identify duplicated ID/PP numbers.

KPMG noted that the Commission has written to Morpho SAS, the BVR system vendor, in a letter dated 9 February 2016<sup>84</sup> to request a system change to introduce a validation check that will restrict an applicant with an ID/PP that already exists in the RoV database from being committed anew. KPMG inspected the enrolment screen of the BVR kit used in the MVR II and noted that the validation controls had not been implemented on the BVR kit.

### **Recommendation**

KPMG recommends that ID/PP numbers should undergo effective deduplication before an applicant record enters the RoV. In addition, the Commission should inform the affected voters of the duplications and advise the voters to visit a constituency office for verification of identification documents and update of voter records, where applicable.

A list of the exceptions noted has been provided to the Commission for adjudication and rectification in the immediate term.

## **5.3 Voter transfer and change of particulars processes**

### **5.3.1 Voter transfer process**

Section 7(1) of the Elections Act No. 24 of 2011 states that “where a voter wishes to transfer the voter’s registration to an electoral area other than the one the voter is registered in, the voter shall notify the Commission in the prescribed manner, of the intention to transfer the registration to the preferred electoral area not less than ninety days preceding and election”.

The voter transfer process entails changing of voters polling center including the constituency and county assembly ward. During MVR II, a voter was required to present themselves at the constituency office where they desire to vote from and completes form D to apply for a transfer to a new polling center. The RO would perform the transfer at the regional offices via

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<sup>81</sup> Refer to Annexure 45 – 14,986 Records sharing ID/PP numbers and names

<sup>82</sup> Refer to Annexure 46 – 182,691 Records sharing ID/PP numbers and not names

<sup>83</sup> Refer to Annexure 47 – 13,969 Records sharing ID/PP numbers, names and DOBs

<sup>84</sup> Refer to Annexure 32 - Letter from the Commission to Morpho SAS dated 9 February 2016



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an update server by taking the forms to the regional office and logging on to the update server to effect the transfer.

### **5.3.2 Change of particulars process**

Regulation 14 of the Elections (Registration of Voters) (Amendment) Regulation, 2017 provides that a person who is already registered as a voter but who wishes to have a change in their particulars shall make an application in accordance with this regulation.

The change of particulars process entails changing or updating of the voters biographic or alpha-numeric details in the register. Change of biometric details are not considered in this process.

The registered voter completes statutory form C indicating the changes or updates to be made to their existing voter record. The RO effects the changes and/or updates at the regional offices via the update server. RO carries the forms to the regional office and logs on to the update server to effect the transfer.

In a separate exercise referred to as quality assurance, the Commission also subjects the register to checks by the ROs. This is mainly carried out to identify any inaccuracies in the register for correction before the RoV is certified.

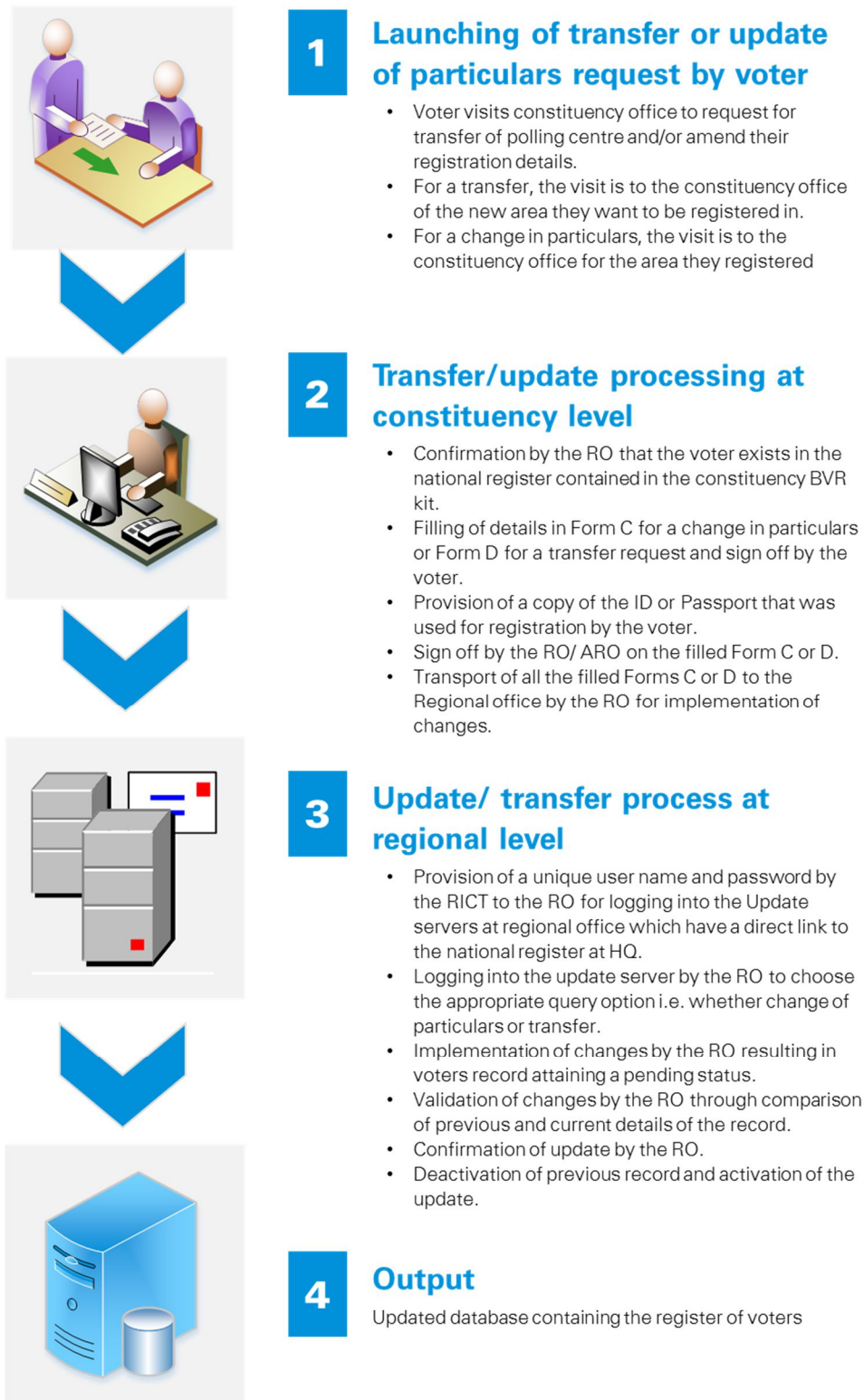
#### ***Processes highlights***

- The Commission suspended receiving of polling center transfer requests by clerks at the registration centers. The process is currently done at the Commission constituency office by the RO.
- Changes and updates to the voters' details are only processed by the ROs in line with their responsibilities as defined by the Elections Act No. 24 of 2011. Each RO is assigned a unique user name and password by the RICT and can only update details of a registered voter within their constituency.
- The Commission conducted quality assurance reviews for registration done during CVR, MVR I and MVR II. The objectives of the process was to identify:
  - Missing names in the register i.e. applicant's records whose details do not appear in the RoV;
  - Duplicates i.e. voter records which appear more than once in the RoV;
  - Incorrect details i.e. voter detail(s) captured in the RoV do not match the details in the statutory applications forms filled out by voter.
  - Misplaced voters i.e. voter records appearing in an electoral area other than the ones requested in the statutory forms filled out by the voter.

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Below is a summary of the voter transfer and change of particulars processes

Figure 15 - Voter transfer and change of particulars processes



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***Detailed findings and recommendations***

This section contains the detailed findings and recommendations for both voter transfer and change of particulars processes.

**5.3.2.1 *Absence of a mechanism to reconcile transfers outside the constituency.***

The law allows for a voter to change their polling center. During a transfer process, an RO can only transfer a voter to a polling centre within his/her constituency.

KPMG analysed the transfer process and noted that ROs are not made aware of transfers of registered voters out of their constituencies<sup>85</sup>.

This poses a risk that ROs may not effectively reconcile their constituency RoV. Under the current practice, ROs assume that any applicants not in their constituency RoV have been transferred to another constituency whereas it could be a case of records not reaching the Head Office for processing or a case of unauthorized changes to the constituency RoV.

**Recommendation**

KPMG recommends that the Commission should provide periodic status reports to the ROs detailing changes or transfers made both within their constituencies and transfers of registered voters out to other constituencies. This would help the ROs monitor and reconcile the constituency RoV regularly.

**5.3.2.2 *Communication of status of transfers or changes to the requesting voter***

Accuracy of the RoV is of paramount importance. The ROs are expected to effect and communicate changes made to the constituency RoV on a regular basis to the constituency electorate. KPMG held discussions with ROs and noted the following:

- Voters are allowed to request for change of particulars by filling out Form C or request for transfers by filling out Form D.
- ROs do not provide the voter with any documentation to the voter acknowledging receipt of a request for changes. In addition, registered voters are not notified about the status of transfers and change of particulars requested.
- There is a risk that changes may not be effected for a voter. In the event that a voter does not validate the details during an inspection window, the voter may not be allowed to participate in the elections on account of invalid details or incorrect polling centre. As a result this would disenfranchise the voter. This would result in an inaccurate RoV.

Regulation 11 of The Elections (Registration of Voters) Regulation, 2012 states that “At least once every six months, each Registration Officer shall prepare a list of changes to the Register of Voters for his constituency and post the list at a place at the headquarters of the division and district within which the constituency is located where the public has access”.

There is no evidence that changes made to the register are published every six months as stipulated in the legal framework. In addition, there is no documented guideline for publishing

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<sup>85</sup> Refer to Annexure 38 - Minutes of Voter Registration Process Review Feedback with ROs dated 12 May 2017 and 18 May 2017

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changes made to the register as required by law.<sup>86</sup> KPMG also noted that the law makes reference to “division and district” which are no longer relevant in the devolved government structure.

### **Recommendation**

KPMG recommends that voters who request for change of particulars or transfers be issued with acknowledgement slips (or a document that serves this purpose) to evidence their requests. A feedback mechanism on the status of registration of an applicant should be considered and this would reduce inaccuracies in the RoV.

Where the Commission defines turnaround service standard e.g. to effect a change/transfer within 14 days, this can be tracked for performance.

KPMG further recommends that guidelines for publishing changes made to the register should be developed to include:

- Content of the information to be published including the reason for the change;
- Review process for the lists before publication; and
- Format of publication of information.

In addition DICT should prepare a periodic report on the list of changes made to the register and share with the ROs for publishing.

To facilitate capturing accurate reasons for change, KPMG recommends that a drop down menu be introduced on the update server with predefined reasons for changes i.e. change of particulars or transfer and the field should be made mandatory.

Voters should also be sensitised that they can review changes made to the register by the RO every six months.

## **5.4 Voter removal processes**

Voter removal processes entails the following:

- Removal of deceased voters from the RoV.
- Removal of voters with electoral offenses from the RoV.
- Removal of voters of unsound mind from the RoV.

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<sup>86</sup> Refer to Annexure 38 - Minutes of Voter Registration Process Review Feedback with ROs dated 12 May 2017 and 18 May 2017

#### **5.4.1 Removal of deceased voters from the RoV.**

##### ***Process overview***

The Elections Act of 2011 mandates the RO with the responsibility of maintaining an accurate and current constituency RoV. To maintain an accurate register, the RO should remove all deceased voters.

Removal of deceased persons from the RoV process entails collection of data on deceased persons and updating of the RoV. The Commission collects data on the deceased from the assistant chief, sub county civil registrar offices and hospitals. The RO perform the following:

- The RO prints the county assembly ward (CAW) registers and shares with the assistant chiefs for confirmation of deceased voters. The assistant chief confirm the deceased by crossing out the names and providing documentary evidence of deaths.
- The RO then visits sub-county civil registrar offices to confirm whether the deaths have been registered and death certificates issued.
- Thereafter, the RO updates the register on the regional update servers.

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Figure 16 - Voter deregistration - removal of deceased voters process



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***Detailed findings and recommendations***

***5.4.1.1 Lack of continuous update to the RoV through removal of deceased person from the register***

The Election Act No 24 of 2011 states that, “for purposes of maintaining an updated RoV, the Commission shall update the RoV by deleting the names of deceased voters and rectifying the particulars therein”

***5.4.1.2 Key challenges and observations***

***Lack of a list of deceased persons***

The removal of the deceased voters should ideally be a very easy and straightforward exercise if the data is available. In practice however, the removal of deceased voters presents one of the biggest challenges for the Commission as there is no central list of the number of deceased kept in the country. IEBC resorts to collecting the information on its own through its registration officers who liaise with the sub county offices and health institutions to collect information on deceased.

The Commission’s current process of removal of deceased persons from the RoV places the responsibility of collection of deceased voters’ records on ROs. The ROs obtain the information from the Assistant Chiefs and sub-county civil registrars through a triangulation process as opposed to obtaining a centrally certified list of deceased persons from the CRS.

The data available from the civil registration bureau is in manual format in the form of booklets of 250 registers of Forms D1 or D2. The summaries are published in the Vital Statistics reports capturing age, gender and county information.

***Accuracy of the data***

The data collected is not always accurate and fit for purpose for the IEBC. The records do not always have ID numbers of the deceased persons, and in other cases where the ID number represents the person who reported the death. This is usually a data entry issue at the point of collecting the information. Therefore the IEBC cannot rely on the records provided.

***Timing and collation of the data***

The sub chiefs are expected to take the information to the sub county registration offices bi-weekly, the sub county offices are then expected to present that data to the regional offices on a monthly basis. The timing differences have implications on data collection and collation at the head office. By the time the IEBC gets hold of the information, a lot of time may have elapsed.

***Low registration coverage for births and deaths***

The registration coverage of births and deaths as reported by the Civil Registration Department is also a major challenge for the IEBC. The published death registration coverage rates average at 40.66% for the past five years. The implication of this is that the IEBC does not have the full





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view of deceased persons which affects the ultimate number that may need to be expunged from the register.

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#### 5.4.1.3 Removal of deceased voters: key statistics, challenges and recommendations

Summary of the total number of registered deaths for persons aged 18 years and above (November 2012 – December 2016)

The table below provides a summary of the total number of registered deaths from November 2012 – December 2016 who are eighteen (18) years and above. For purposes of analysis, KPMG have made assumptions on the age band (15 – 24) to arrive at an approximate value of the number of deaths. To calculate the approximate value of the number of deaths aged between 15 and 17, KPMG obtained the age distribution proportions based on the 2009 census for ages 15 -24 as a total of the population. KPMG then apportioned the deaths to arrive at a proportion of 67.58% representing the 18-24 age band. There were a total of 739,276 registered deaths of persons aged 18 years and above. Expected deaths for persons above 18 years amount to a total of 1,820,639.

Table 17: Registered deaths of persons aged 18 years and above

Number of registered deaths by Age and Sex: 2012-2016													
Year	18-24		25-34		35-44		45-54		55-74		75+		Total Registered Deaths (18+)
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
2012	4,503	4,312	11,818	10,606	13,466	9,777	12,050	8,137	19,868	13,775	16,745	15,876	140,933
2013	4,855	4,268	12,744	10,452	14,458	10,476	12,933	8,726	20,820	14,174	17,548	16,193	147,647
2014	4,895	4,243	12,867	10,805	14,941	10,661	13,165	8,964	20,876	14,449	17,351	16,410	149,627
2015	4,788	3,814	12,984	10,315	15,001	10,386	13,102	8,769	22,092	15,366	18,775	17,892	153,284
2016	4,585	3,542	11,489	9,570	13,290	10,069	12,267	8,390	22,041	15,750	18,149	18,643	147,785
Total	23,627	20,179	61,902	51,748	71,156	51,369	63,517	42,986	105,697	73,514	88,568	85,014	739,276

Source: CRS Vital Statistics Reports

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Summary of the total number of registered deaths for persons aged 18 years and above (November 2012 – December 2016)

The table below provides a summary of the total number of registered deaths from 2012 – 2016.

Table 1: Total number of registered deaths November 2012 – December 2016

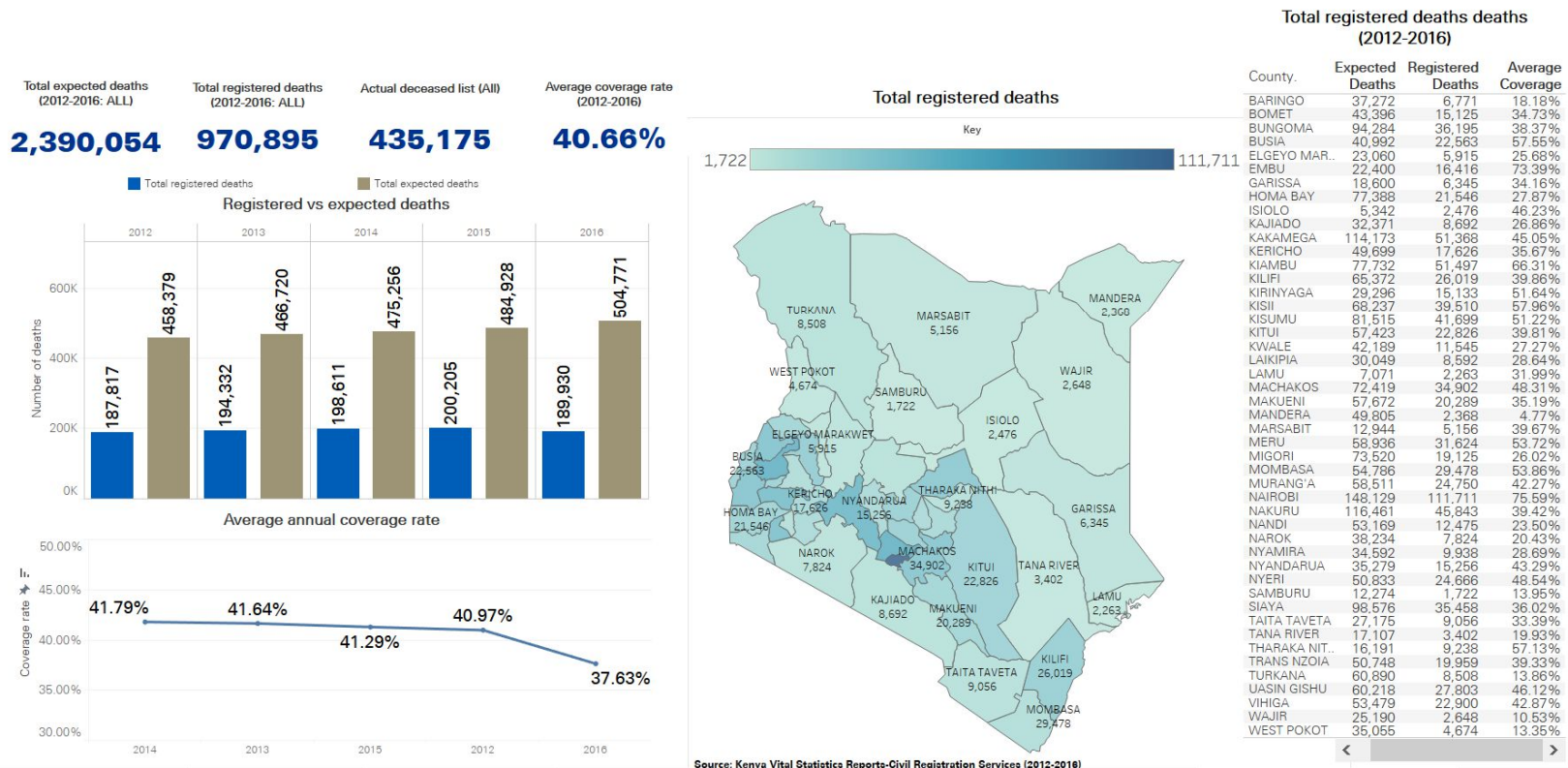
Source: Vital statistics reports CRB

Number of registered deaths by Age and Sex: Nov 2012- Dec 2016															
Year of Registration	18-24YRS		25-34YRS		35-44YRS		45-54 YRS		55-74 YRS		75+		Total Registered Deaths (18+)	Annual Coverage of Deaths	Total expected death of 18+ equivalent to 100% Coverage:(100* Total Death Registered)/Coverage
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female			
2012	750	719	1,970	1,768	2,244	1,630	2,008	1,356	3,311	2,296	2,791	2,646	23,489	40.97%	57,326
2013	4,855	4,268	12,744	10,452	14,458	10,476	12,933	8,726	20,820	14,174	17,548	16,193	147,647	41.64%	354,597
2014	4,895	4,243	12,867	10,805	14,941	10,661	13,165	8,964	20,876	14,449	17,351	16,410	149,627	41.79%	358,043
2015	4,788	3,814	12,984	10,315	15,001	10,386	13,102	8,769	22,092	15,366	18,775	17,892	153,284	41.29%	371,279
2016	4,585	3,542	11,489	9,570	13,290	10,069	12,267	8,390	22,041	15,750	18,149	18,643	147,785	37.63%	392,764
<b>Total</b>	<b>19,874</b>	<b>16,585</b>	<b>52,054</b>	<b>42,910</b>	<b>59,934</b>	<b>43,222</b>	<b>53,475</b>	<b>36,205</b>	<b>89,140</b>	<b>62,035</b>	<b>74,614</b>	<b>71,784</b>	<b>621,832</b>		<b>1,534,009</b>

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Figure 18 - Illustration of Vital Statistics for all Registered Deaths (2012 -2016)

## CRS Vital statistics on deaths (2012-2016: All i.e. Adults and children)



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Figure 19 - Illustration of Statistics on Registered versus Expected Deaths of Persons aged 18 years and above



## CRS Vital Statistics on Deaths

Period Nov 2012-Dec 2016 (18 and above)

Total expected deaths 2012-2016  
(18 years and above)

**1,534,009**

Total registered deaths  
2012-2016 (18 years and above)

**621,832**

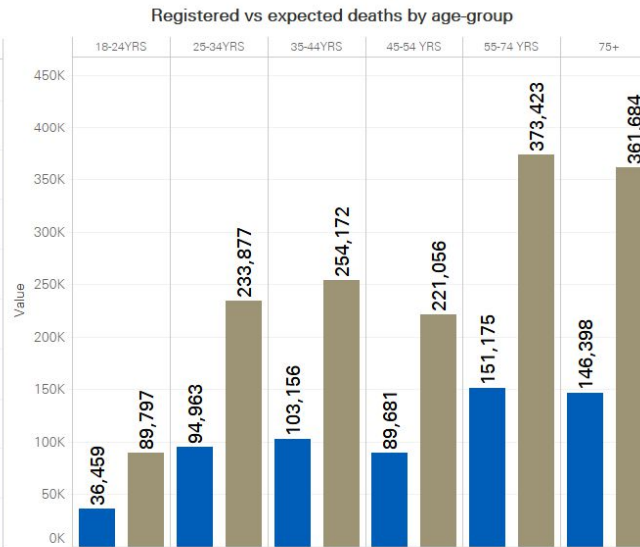
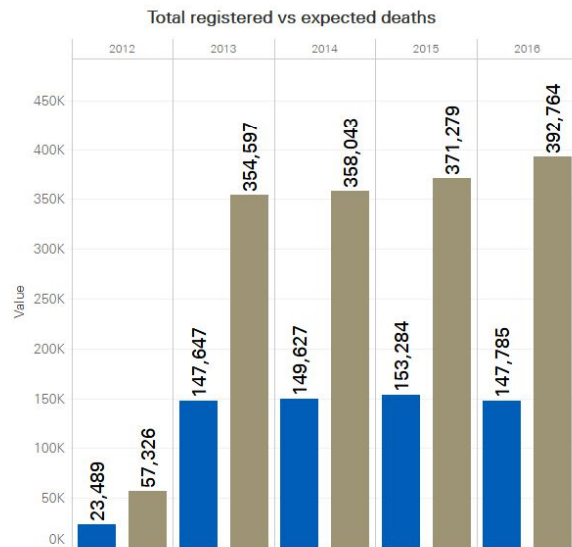
Actual deceased list (All)

**435,175**

Average coverage rate.  
(2012-2016)

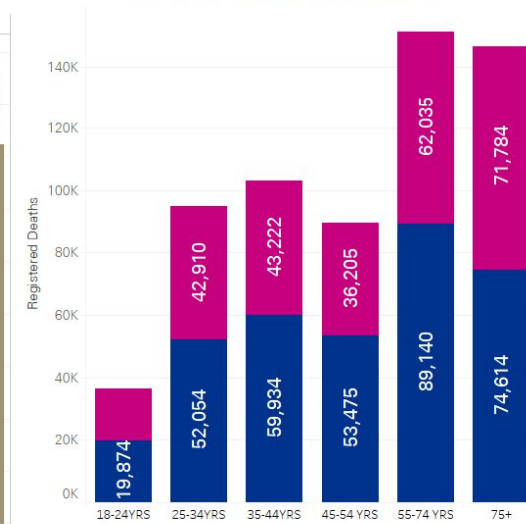
**40.66%**

■ Registered Deaths ■ Total Expected Deaths



Source: Kenya Vital Statistics Reports-Civil Registration Services (2012-2016)

■ Female ■ Male

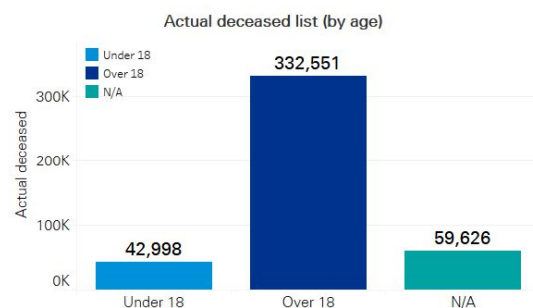


Mr. Ezra Chiloba, The Commission Secretary/CEO

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Figure 20 - Illustration of actual detailed records of Deaths as provided by CRS per County

**CRS Vital Statistics on registered and expected deaths vs actual deaths list (Nov 2012-Dec 2016)**

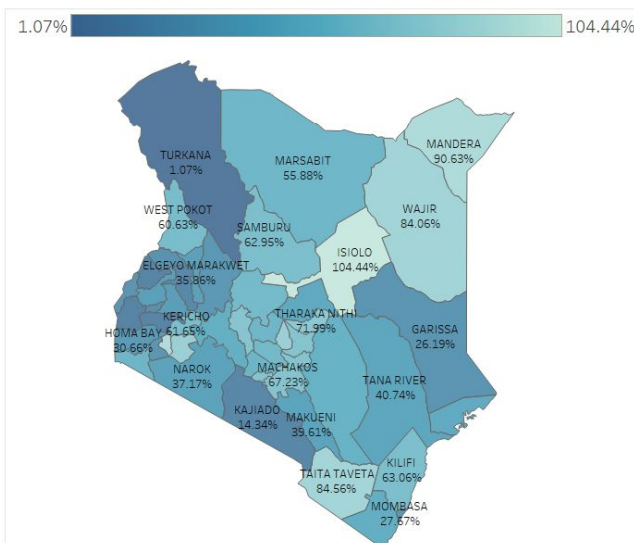


Deceased with/without ID by age

	Under 18	Over 18	N/A	Grand Total
Valid ID				
With ID	819	196,988	26,000	223,807
Without ID	42,179	135,563	33,626	211,368
Grand Total	42,998	332,551	59,626	435,175

Total expected deaths (18 years and above) **1,534,009**  
Total registered deaths (18 years and above) **621,832**  
Actual deceased list (All) **435,175**

Actual Deceased as a ratio of Total Registered Deaths



Source: Civil registry and Kenya vital statistics report (2012-2016)

**CRS expected, registered vs actual deceased list (Jan 2012-Dec 2016)**

County.	Total expected deaths.	Registered deaths.	Actual deceased list
Grand Total	2,390,054	970,895	435,175
BARINGO	37,272	6,771	1,959
BOMET	43,396	15,125	12,038
BUNGOMA	94,284	36,195	4,725
BUSIA	40,992	22,563	5,912
ELGEYO MA...	23,060	5,915	2,121
EMBU	22,400	16,416	11,007
GARISSA	18,600	6,345	1,662
HOMA BAY	77,388	21,546	6,607
ISIOLO	5,342	2,476	2,586
KAJIADO	32,371	8,692	1,246
KAKAMEGA	114,173	51,368	18,059
KERICHO	49,699	17,626	10,866
KIAMBU	77,732	51,497	27,800
KILIFI	65,372	26,019	16,408
KIRINYAGA	29,296	15,133	12,075
KISII	68,237	39,510	10,654
KISUMU	81,515	41,699	4,878
KITUI	57,423	22,026	11,623
KWALE	42,189	11,545	5,524
LAKEPIA	30,049	8,592	5,047
LAMU	7,071	2,263	1,020
MACHAKOS	72,419	34,902	23,465
MAKUEENI	57,672	20,289	8,036
MANDERA	49,805	2,368	2,146
MARSABIT	12,944	5,156	2,881
MERU	58,936	31,624	13,716
MIGORI	73,520	19,125	10,625
MOMBASA	54,786	29,478	8,157
MURANG'A	58,511	24,750	14,280
NAIROBI	148,129	111,711	75,173
NAKURU	116,461	45,843	22,529
NANDI	53,169	12,475	4,202
NAROK	38,234	7,824	2,908
NYAMIRA	34,592	9,938	9,168
NYANDARUA	35,279	15,256	10,400
NYERI	50,833	24,666	13,791
SAMBURU	12,274	1,722	1,084
SIAYA	98,576	35,458	3,655
TAITA TAVET..	27,175	9,056	7,658
TANA RIVER	17,107	3,402	1,386
THARAKA NI..	16,191	9,238	6,650
TRANS NZOIA	50,748	19,959	4,730
TURKANA	60,890	8,508	91
UASIN GISHU	60,218	27,803	4,515
VIHIGA	53,479	22,900	5,052
WAJIR	25,190	2,648	2,226
WEST POKOT	35,055	4,674	2,834



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#### 5.4.1.4 Key results from review of deceased records

- According to information provided by the CRS, there were 1,534,009 deaths expected in the period 2012 – 2016 for persons aged 18 years and above.
- Of the above expected deaths, 631,832 deaths were registered by the CRS in the same period for persons aged 18 years and above.
- The CRS provided KPMG with a detailed certified list of 435,175 records of registered deaths in the period November 2012 – March 2017 across all age bands. The list of deceased records is summarized below

	Number of records Under 18 Years of Age	Number of records 18 Years and above	Number of records where Age Not Available	Total
Without ID Numbers	42,179	135,563	33,626	211,368
With ID Numbers	819	196,988	26,000	223,807
<b>Total CRS deceased records</b>	<b>42,998</b>	<b>332,551</b>	<b>59,626</b>	<b>435,175</b>

We compared the list of deceased records with IDs 223,807 against the Register of Voters.

After analysing this KPMG noted there are 92,277 records of deceased persons who are in the RoV with a matching ID and names.

A listing of these exceptions has been provided to the Commission to facilitate adjudication and update of the register of voter with the records of the deceased. The register should be updated prior to certification.

- 135 563 of the certified records of deceased from CRS above the age of 18 years do not bear ID numbers. In the absence of relevant ID numbers, it is not possible to compare these records against the RoV to determine if they exist in the register of voters.
- For the 33 626 detailed death registration records for persons whose age was not recorded and without IDs, it is not possible to compare these records against the RoV to determine if they exist in the register of voters.
- Detailed death records of the remaining registered deaths  $621,832 - 196,988 = 424,844$  had not been provided by the date of the audit report. In the absence of the required detailed death registration records, it is not possible to compare these records against the RoV to determine if they exist in the register of voters.
- In addition considering the expected death population of 1,534,009 there remains 912,177 unregistered deaths in the period 2012 – 2016. It is not possible to compare these records against the RoV to determine if they exist in the register of voters.
- Taking into account the number of registered deaths of 424,844 for persons aged 18 years and above, whose detailed death records have not been provided by the Civil Registrar, and the expected deaths of 912,177 for persons aged 18 years and above who have not



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been registered; and applying an enrolment rate of 77.58%, it can be deduced that there is a potential for an additional 1,037,260 deceased persons in the RoV. This number is broken down as follows:

Description	Number	Enrolment rate	Potential number in RoV
Registered Deaths per CRS for persons aged 18 years and above whose detailed death records have not been provided	424,844	77.58%	329,594
Expected Deaths per CRS for persons aged 18 years and above who have not been registered by CRS for the period November 2012 to December 2016	912,177	77.58%	707,666
<b>Potential additional deceased voters in the RoV</b>			<b>1,037,260</b>

- In the period November 2012 to the date of our report, the Commission has expunged only 11,104 deceased voters from the register of voters. When compared to the number of registered deaths, it is clear that the process of update of the register with deceased voters is severely ineffective.

### Recommendations

Our key recommendations are:

- KPMG recommend that the CRS provide complete and detailed lists of death records to substantiate the total number of registered deaths included in the Vital Statistics, reported as 621,832.
- The Commission should develop a policy on the removal of dead persons from the voter's register. A policy is an important tool for the registration officers as it will provide clear guidelines on standard practice for removal of dead persons from the register, required documentary evidence and mechanisms for sharing of relevant information with relevant State Agencies in accordance with the Constitution and applicable laws. Currently the Registration clerks do not have confidence to remove deceased persons due to lack of clear policy.
- Collaboration and partnerships: For as long as the challenges within the CRS still remain, the commission's ability to maintain the register current and expunge deceased persons will remain a difficult task. The current practice by the Commission of working directly and closely with the sub chiefs and the health facilities to obtain data in the format that they need for purposes of collating death registration records has proven ineffective. For purposes of maintenance of the RoV and the conduct of the audit in the future, the NRB, the Kenya Citizens and Foreign Nationals Management Service and all other relevant agencies and institutions that hold information on Kenyan citizens should avail the information to the Independent Electoral and Boundaries Commission electronically for cross-referencing and information sharing.

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- In order to support the Commission with complete data of deceased persons that captures the reported number of expected deaths the CRS needs to implement measures to improve death registration coverage across the country. Accurate and complete records of deaths is crucial to enable the Commission update the register by removing deceased voters.
- In order to mitigate the risk of unregistered deceased persons being in the RoV, it is imperative that the Commission utilizes biometric identification of voters as a primary mechanism on polling day.
- In the short term, KPMG recommends that the Commission removes the voter records of deceased persons identified during the audit of the RoV.

## **5.4.2 Removal of voters convicted of electoral offences**

### ***Process overview***

The Commission maintains a list of persons convicted of electoral offenses. This comprises cases investigated and prosecuted by the Commission, and or cases recommended by the Commission to the DPP for investigation and prosecution. The information maintained should be shared with the ROs where a conviction has happened to facilitate removal of such persons from the RoV.

The process of removal should be conducted in line with Article 47 of the Constitution on fair administrative action which accords every person a right to administrative action that is expeditious, lawful and procedurally fair<sup>87</sup>.

Before making a decision to remove a convicted person from the register:

- The Commission seeks legal advice from the Attorney General.
- The Commission's Chairman appoints a committee to carry out the administrative action process. The offender is accorded an opportunity to present themselves and show cause not to be removed from the RoV.
- After consultation with the Attorney General and further assessment on whether Article 47 requirements have been adhered to, the committee makes a recommendation in reference to the judgment.
- The committee presents their findings and recommendations to the Commission.
- The commissioners makes a decision based on findings and recommendation.
- Where there is basis for removal, the CEO is directed to remove the convicted from the RoV. The CEO directs the DVREO who in turn liaises with the respective RO.

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<sup>87</sup> Refer to Annexure 48 - Minutes of discussion with Manager Investigations and Prosecution dated 15 May 2017

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***Detailed findings and recommendations***

**5.4.2.1** *Lack of continuous update to the register of voters through removal of persons convicted of electoral offences from the register*

Article 83(1) (c) of the Constitution qualifies that persons convicted of an electoral offence for the last five (5) years should be excluded from the register.

KPMG obtained and analysed a list of persons convicted with electoral offenses<sup>88</sup>. The following was noted:

- Since enactment of the Election Offences Act in 2016, 41 cases have been tried and of these, 38 cases are classified as matters ongoing and three are concluded. Out the three concluded cases, there were two cases where the offenders were convicted and one case where the accused was acquitted.
- The Commission has not removed persons that have been convicted of election offences from the Register of Voters.
- The list maintained by the Commission does not include the identification document number of the convicted persons. In addition, the Commission has not maintained a list of persons convicted with electoral offenses for the period 2013 to October 2016 i.e. before enactment of Election Offences Act in 2016.

***Recommendation***

KPMG recommends that the Commission should:

- On an ongoing basis, liaise with Director of Public Prosecution and the Judiciary to obtain a list of persons convicted of electoral offenses.
- The list of persons convicted of electoral offenses should be checked against the RoV and if the persons are voters, the Commission should share with the respective ROs to update the register.

**5.4.3 Removal of voters declared to be of unsound mind**

***Detailed findings and recommendations***

**5.4.3.1** *Lack of continuous update to the register of voters through removal of voters of unsound mind*

Article 83(1)(b) of The Constitution qualifies that persons declared to be of unsound mind should be excluded from the RoV.

KPMG analysed the RoV and noted:

- No person had been removed from the Register of Voters on account of unsound mind.
- The Commission has not maintained a list of persons declared to be of unsound mind.

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<sup>88</sup> Refer to Annexure 49 - Copy of IEBC election offenses and related offences case register

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- There is no documented procedural guideline on collection of data and removal of persons declared to be of unsound mind.

***Recommendation***

KPMG recommends that the Commission should:

- Establish how feasible it is to employ administrative procedures to address this legal requirements in a practical manner.
- Define and develop a procedural guideline on removal of persons of unsound mind.
- On an ongoing basis, liaise with Director of Medical services to obtain a list of persons declared to be of unsound mind.
- The list should thereafter be shared with the respective ROs to update the register.

## **5.5 Conclusion System and Processes**

To maintain a valid register, the Commission is required to define and implement key processes and systems to facilitate the same within the confines of the legal framework. The design and operational effectiveness of the processes and system implemented by the Commission impacts on the accuracy, completeness, validity and currency of the RoV. KPMG analysed the voter registration, voter transfer and update processes seeking answers to the following questions. Have all applications by eligible Kenyan citizens to be registered as voters been processed in the BVR system? Do the systems and processes facilitate accurate capture of voter records? Have deceased persons and voters convicted of electoral offenses been removed from the RoV?

KPMG noted that based on the current process in place of offline recording of applicant details and manual data transfer from the enrolment device, there is a risk that the RoV may not be complete. There were applicant records that were noted during the QA process as having not been loaded into the database for processing into the RoV. However, the Commission's QA process facilitated identification of the missing enrolments. Also, the results of the inspection and verification exercise will supplement the Commission's efforts to have a complete RoV.

The audit also identified voter records with invalid details, duplicated records which can be corrected during the inspection and verification window. In addition, the results of comparison of the RoV with state agencies reference data have identified specific voter records that should be updated with accurate information, flagged for further investigation and/or removed from the RoV on account of a voter being deceased. This will enhance the currency of the RoV.

Immediate next steps should be geared towards preparing the RoV for the next general election. This will involve a 'symptoms treatment approach' with key activities being correction of errors identified in voter records and ensuring that the enrolment records for every eligible citizen who applied for registration have been processed to finality in the BVR system. Implementation of the other system and process recommendations in this report will minimize avoidable errors during voter registration, transfer and update processes in future. This is the 'root cause treatment' that will assist the Commission in ensuring the accuracy, completeness and currency of the RoV in the long term.