SUDAN ELECTIONS PROJECT
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Understanding Sudan's electoral system: Registration and polling

This briefing is part of RVI's Sudan Elections Project, a short-term study on the history of elections in the country. The project examines the different factors that have shaped the course and consequences of elections in Sudan, while drawing out lessons to inform the programming and advocacy work of those hoping to ensure a successful transition in Sudan. Research is based on analyses of election-related documents and interviews with polling and electoral commission staff, candidates, political party members, civil society organizations, and journalists.

This briefing deals with two key parts of the electoral process: the registration of voters and what happens at the polling station. It asks several key questions, including how should people register to vote; and where and how should votes be cast and counted. As with other briefings in this series, the focus is not on making recommendations, instead the intention is to look at how these questions have been answered previously, and the factors to be considered in coming to decisions about the next elections.

How should people register, and how should this be recorded?

The principle of one person, one vote more or less demands some system of registration in advance of the actual voting. It is possible to hold elections by secret ballot without a register—this was done in South Africa in 1994, for example—but registering voters offers multiple advantages. It should make it easier for those entitled to vote to cast their ballots—since they have already established their entitlement—and it makes it harder for people to vote more than once. It also makes it much easier to plan for elections as voters can be assigned to polling stations based on registration, so that no polling station is overwhelmed by unexpected numbers, and a proper supply of ballot papers and other material can be assured. The aim is that each polling station should have its own, unique, list with the names of those entitled to vote there.

Under the 2008 National Election Act, any Sudanese of sound mind, over 18 years old and resident in a constituency for at least three months could register to vote. For the 2010 elections registration was carried out in the year before. Following previous practice, temporary registration centres were created, staffed by registration clerks hired on a short-term basis. This is a large task—there were 15,000 registration centres across Sudan in 2010. In advance of the 2015 elections the register was updated, rather than completely redone. It is likely that given the passage of time, a completely new registration will be required for the next elections.

Under current legislation, any prospective voter is formally required to present themselves in person and prove their entitlement to vote. This involves both proving their identity and establishing that they had been resident in the constituency for at least three months. Registering a single voter can take some time, so registration centres have had to be open for an extended period—usually several weeks. In some cases, mobile registration centres have been used. Where nomadic populations need to be registered, these can work well. But they require effective advance information so that people know where they will be, and when.

Voters may use an identity document, such as a passport or identity card, to register. However, not all voters have had these, so registration has relied in part on the certification of voters by either traditional authorities or, under the NCP, the popular committees. This is especially so for non-literate voters, and particularly in rural areas. The process has been open to abuse. In advance of the 2010 and 2015 elections, popular committee members took over the identification process in some cases, and allegedly ensured the registration of under-age voters. There have also been reports that NCP and/or popular committee members presented lists of names for registration en masse. This echoed earlier practice in parliamentary elections—in which party activists or tribal leaders reportedly registered people en masse—and in authoritarian periods, when food distribution lists were used to register whole groups

of voters. This mass registration has, of course, been a convenient way of accelerating the process and increasing the number of people registered—usually used as a measure of the success of the process. But, as well as under-age registration, it may well have led to some individuals being registered more than once, and some not being registered at all. It has also given traditional authorities and popular committees a significant degree of influence.

In the aftermath of registration, it has in theory been a requirement that completed voter registers be displayed at each registration location for a specified period, so that voters may check that their names appear and are correctly spelled, and also to allow challenges to fraudulent and multiple registrations. The current law requires that challenges or requests for change be made within seven days of the display of the registers. Such challenges or revisions should be considered at constituency level within five days, and a list of any consequent changes published within fifteen days, with a further five days being permitted for appeal. Delays in the process have often meant that this process of display, challenge and appeal has not happened properly, or even at all.

There is a simple challenge of time here. The current law requires that the whole process of display, challenge and revision be complete at least 90 days before elections (this is because the voters register has to be complete for the nomination of candidates to take place). Registration therefore tends to take place with a pressure for speed, as well as with some pressure to maximise numbers registered. This has led to problems: names are misspelled, or voters are listed in the wrong place, or simply missed off lists. In 2010, observers reported that around 10 per cent of people who attempted to vote were turned away because they could not be found on the list at the polling station.

Sudan has never had a system of voters' identity cards, as used in some other countries. In 2010, and in some previous elections, voters were given a slip of paper when they registered, showing the number that they had been given when registered. In theory, this would allow a voter both to check their registration and to identify themselves on polling day, making the process of polling simpler. However, the slip was not substantial and not all voters kept it. It also seems that in some cases NCP or popular committee members kept large numbers of these slips, relating to people who they had registered. Since voters were not required to have any form of identification, this opened the way for what is called 'impersonation'—that is, voting in the name of another person. This problem was compounded because in 2010, many voters did not vote at the place where they had registered: there were many fewer polling centres (around 9,750 in all) than registration centres.

In 2015, Sudan's NEC reportedly explored the possibility of using biometric technology for registration and identification of voters. This did not happen, in the end, but the use of such technology has become quite common across the continent, encouraged by the belief that it will guarantee a reliable register. If registration involves both a photograph and a fingerprint or retinal scan, the entry in the register should be linked indisputably to the individual voter. Double registration should be impossible (so long as the software can search for duplicate data) and the same technology can be used on polling day to quickly identify the voter and prevent impersonation. These systems usually produce paper receipts that can be given to voters as a record of registration.

This is an attractive model. It does, however, have its drawbacks. The first is expense: acquiring the technology and deploying it nationwide (and ensuring power supplies and so on) in the registration exercise is very costly in terms of initial investment and may lead to a sort of lock-in with the technology provider, whose continued support will be needed to maintain software and hardware. Staff must also be trained to use the equipment, since if it is not use properly, it simply will not work. The rapid inflation in election costs in much of Africa has been driven to a considerable degree by the expense of biometric technology: it is not unknown for elections to cost over USD 20 per vote when these systems are involved.

The second drawback is that the technology does not always work. Especially on first deployment (Ghana in 2012, Kenya in 2013), there can be quite high failure rates, possibly because staff and voters are not familiar with the systems. Problems can range from corrupt biodata for individuals—which may mean they cannot vote—to power outages, and to the outright failure of devices. Biometric technology cannot be a substitute for training or effective planning.

With this in mind, In advance of the coming elections, decisions must be made on:

1. When to do the registration: This must be far enough in advance to allow proper display of registers.

2. Where to do the registration: If registration centres are where polling centres will be, voters will know where to come to vote; but there may be resource constraints that make it difficult to keep so many registration centres for an extended period.

3. How to establish the identify of those registering: There has to be a means to verify the identity of undocumented would-be voters, but this needs to be safe-guarded against capture. Mass registration is usefully quick, but is likely to reduce voters' ability to make their own decisions.

4. How to record the registration and give the voter evidence of this: Biometric systems provide an apparently reliable linkage between a name, an entry on the register, and a physical person. These systems are expensive, however, and they do not in themselves guarantee integrity. Alternatively, physical voter cards with details can help voters identify themselves on polling day—but will be of limited value if the register itself has many errors.

What has gone wrong with polling and counting?

Polling stations should make logistics easier, but they also rely on planning. Each polling station has to get a kit with the necessary equipment—and it has to be the right kit for that particular station, and both material and staff have to be onsite well before the polls open at 8 am. The voters' register is huge, so the polling station should only have the part of it that is relevant—that is, the voters who should be voting at that particular station. If a polling station has the wrong section of the register, the staff cannot check voters off it. If the wrong ballot papers are sent—for example, with the names of candidates in a different constituency—then voters cannot vote. If voters do not know where they should vote, they may go the wrong station, which is especially likely if registration centres and polling stations are not in the same place. Previous elections have seen significant disruption caused by apparent failures in planning: in 2010, voting started at 1:00pm in Rebek town in White Nile because materials were not available on time; in Kosti voting started at 3:00pm. In Khartoum State, six candidates boycotted elections because their names did not appear on ballots.

There also need to be enough polling stations, and they need to be accessible. If there are too few stations some voters may be discouraged from voting simply because the polling station is too far away. There is also a question of capacity. International norms suggest that a station should not have more than 700 voters. In 2010, the initial plan was more than 20,000 polling stations, but the final number was only 16,787 (10,751 in what is now Sudan, the others in what is now South Sudan). As a result, the average number of voters per station was nearly 1,200 in northern Sudan. In combination with the complexity of the multiple ballots, this led to long queues for voters. In 2015, the number of voters for each station would have been similar, as there were reportedly around 11,000 polling stations. If turnout had not been so low, this would have caused real problems.

Observers in 2010 noted multiple examples where rules were not entirely followed, notably around voter identification and the secrecy of the ballot. The observer reports on the 2015 elections were generally bland and uncritical (the EU and Carter Center did not observe these polls) but did suggest persistent problems with polling station procedures. Whether this was due to poor training or deliberate malpractice is unclear: the hierarchy within the polling committee—with the head usually very much senior in terms of age and experience to most of the staff—may have made it difficult for junior staff to question violations of procedure even where they noted them.

In 2010, counting seems to have followed procedure in most polling stations. However, the results forms were not all consistently completed, and often were reportedly not displayed. This meant that the record available for the tallying process was not robust or verifiable, and procedures at tally centres seem to have been very problematic, with the rules set out for this being abandoned at an early stage. Counting at the polling station may have eliminated the risk of physical ballot papers being stolen, but has left ample room for the manipulation of numbers on forms.

In advance of the coming elections, decisions need to be taken on:

How many polling stations will be needed, and where? Ideally, decisions on this should be informed by census information. A balance needs to be struck. The more polling stations there are, the greater the expense (each station needs staff and equipment) and the greater the logistical challenge (staff and equipment have to arrive on time). On the other hand, too few polling stations will make it hard for voters to cast ballots—some people won't be able to get to the polling station or the queues may be too long. The complexity of the ballot is a factor here: if the intention is to hold several levels of election at once (president, national assembly, regional) and if the voting system involves a combination of geographical and proportional representation votes, then the pressures of logistics and time are compounded: getting the right papers in the right place is harder, and it takes longer for each person to vote. It seems that in 2010 and 2015 there were too few polling stations, and the ballot was too complex.

How should votes be counted and recorded? Counting votes at the polling station allows for local scrutiny and prevents some kinds of fraud, but only works if there is a reliable system for recording votes. Electronic systems for this can be used, but these are not a failsafe solution (as the 2017 Kenya elections showed). A paper system can work as well, but only if procedure is understood and followed by all staff.

Credits

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