

20 November 2014

Discussion Paper No. 1

Voter Registration in Somaliland

What to Watch in the Run-Up to Elections

Voter Registration in Somaliland is the first in a series of Discussion Papers by Horizon Institute with the aim of encouraging constructive debate about a broad range of social, political and economic issues of importance to the people and future of Somaliland, many of which also have wider regional implications. This paper about voter registration will form part of a series of analyses to evaluate potential vulnerabilities throughout the electoral cycle, from the pre-election period through election day, results announcements and post-election events. These successive papers with their recommendations, will serve as a roadmap for those stakeholders who are engaged in Somaliland elections, either as voters, candidates, donors, election assistance providers, election administrators, election observers or anyone who is making decisions about how, where and why to allocate resources, time and attention to elections in Somaliland.



Introduction

In June 2015, the people of Somaliland are scheduled to head to the polls for the fourth time since 1991. It will mark the third time voters elect a new President and the second time they cast ballots for Members of Parliament. As in the past, these elections will likely be under international scrutiny.

While the larger and more dominant international observation groups have not yet been to Somaliland¹, several local and smaller international organizations have been on the ground to assess the administration of elections. These observers' assessments have tracked the successes and setbacks of past elections and have made recommendations for improvements. As is the case in many elections elsewhere, there has to date been no mechanism through which observers' recommendations can be taken up for consideration and action. This is unfortunate since observers, who were on the scene in the lead-up to elections, on election day and in the days after the election, are likely to have made some of the most useful assessments of the system as it worked – or did not work. It is likely they also came away with important insights and ideas about what to maintain and what to change.

Many stakeholders are aware of the need for appropriate and timely responses. The African Union, for example, recently expanded its electoral assistance work to start a new programme that helps countries to operationalize some of the most urgent recommendations made by observers. In recent years, the annual meetings that focus on the broad implementation of the UN-endorsed Declaration of Principles for International Election Observation have also discussed recommendations for follow-up strategies. There are tools to facilitate the proactive use of observers' recommendations. The ACE Electoral Knowledge Network includes an online election observation portal, which acts as a repository for observation reports. This portal includes a recommendations database, currently containing 3,752 recommendations, based on election observation around the world.²

In line with these efforts, *Voter Registration in Somaliland* is based on a comprehensive review of past election observer assessments and personal interviews³ with electoral actors. Taking into account the difficulties that have marred past elections and voter registration exercises, as well as current stakeholders' opinions, Horizon Institute presents the aspects of voter registration that are most prone to error and/or manipulation and which require urgent attention.

While there are other pre-election activities that also deserve attention, voter registration has been the subject of intense debate in recent months. Combined with the Somaliland government's plans to adopt iris-scanning technology to create a voters' register, Horizon Institute believes that an analysis of the main weaknesses related to voter registration is

¹ The Electoral Institute for Sustainable Democracy in Africa (EISA) was present as an external observer for the 2003 elections.

² See <https://aceproject.org/electoral-advice/dop> for details.

³ In order to respect the privacy of electoral stakeholders, interviewees remain anonymous.

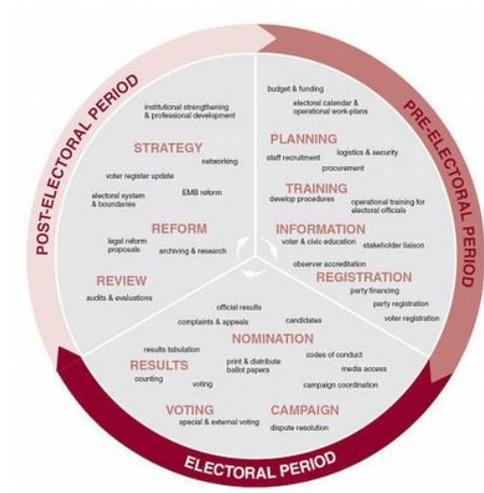
particularly timely. Future discussion papers will cover other aspects of the pre-election period, as well as the remainder of the electoral cycle.

These analyses are based on the electoral cycle approach, which conceptualizes elections as a multi-phased cyclical process. Indeed, elections are about much more than election day, and credible elections are based on a series of well-planned steps that begin well in advance of voting day and continue beyond the moment when voters go to the polls. International IDEA (International Institute for Democracy and Electoral Assistance) explains the inter-connected nature of the phases of the election cycle with the following commentary.

Elections are composed of a number of integrated building blocks, with different stakeholders interacting and influencing each other. Electoral components and stakeholders do not stand-alone. They are inter-dependent, and therefore the breakdown of one aspect (for example the collapse of a particular system of voter registration) can negatively impact on any other, including on the credibility of the election itself, and thus on the legitimacy of the elected government and the democratisation process of a partner country and its overall development objectives.⁴

As will be illustrated in the following pages, voter registration has consequences for several other aspects of elections, from the pre-election through to the post-election periods. Figure 1 below is a graphical representation of the electoral cycle.

While Horizon Institute hopes that this series of papers will serve as a reference for all electoral stakeholders, the research has been undertaken with electoral administrators and assistance providers in mind. The papers are intended to serve as a planning tool for these stakeholders as they make decisions throughout the electoral cycle.



Source: International IDEA

⁴ International IDEA. "The Electoral Cycle." Available at <http://aceproject.org/electoral-advice/electoral-assistance/electoral-cycle>.

Context

Voter registration, or the lack of, has troubled elections in Somaliland since the first democratic polls in 2002. As Somaliland prepares for its next elections, the presidential and parliamentary elections set for mid-2015, voter registration continues to be a concern. Many former observers, and a significant number of those who were interviewed in September 2014 by Horizon, see voter registration as the primary concern in the upcoming elections. In a 2011 review of the two presidential and the parliamentary elections that had occurred until then, the Somaliland Non-State Actors Forum (SONSAF) pointed to voter registration as the principal source of uncertainty.

Voter registration and polling processes, which fall under the National Election Commission's (NEC's) mandated activities, have been continually flawed and heavily criticized. Problems with the voters' register have included multiple registrations, duplicate names, under age registration, missing names, and names registered under false identities.⁵

It comes as no surprise that the absence of a voter's register can be felt throughout the electoral cycle. Without a record of eligible voters, it is hard to track trends and patterns in voting, and it is impossible to logistically prepare for the elections in advance. In the presidential elections of 2003, according to the Forum for Peace and Governance, the absence of a register prevented the calculation of an accurate figure for the number of voters at various polling centres, and in some polling stations there were an inadequate number of ballot papers.⁶ In the town of Tog Wajaale, for example, ballots had run out by midday. The new stock of ballots also proved insufficient. Authorities were unable to distribute more ballots because they did not have vehicles. In 2003, the Norwegian Resource Bank for Democracy and Human Rights (NORDEM) said: "It is impossible to estimate the number of voters who were deprived of their right to vote, or to what extent this has influenced the result."

According to information from the DEO [District Election Officer]...the district as a whole received more than enough ballot papers, but they were distributed in equal numbers to all polling stations, irrespective of the size of the village or the estimated population of the city.⁷

In the parliamentary elections of 2005, NORDEM said it could not estimate the appropriate number of polling stations.

No census, voter registration or delineation of constituency borders were conducted for this election...This meant that the NEC neither had the necessary information to stipulate voter turnout in the different electoral districts nor the information needed to ensure an equitable distribution of seats between constituencies. Consequently, calculating the number of polling stations needed, and how to distribute them, was a 'very difficult task

⁵Somaliland Nonstate Actors Forum (SONSAF). "Somaliland Elections Review Report." 2010, 25-26.

⁶ Interview with Forum for Peace and Governance; NORDEM. "Somaliland: Presidential Election 2003." 2003, 16.

⁷ NORDEM 2003, 37.

and only partly successful,' as in some of the bigger cities there turned out to be far too few polling stations.⁸

Similarly in 2005, observers from the international organization, Progressio, blamed the lack of a register for making it difficult to understand and explain large variations in the scale of the vote.⁹ This particular issue still persists today. Without a standard against which to compare successive elections, it is not feasible to track turnout and note ebbs and flows over time.

In response, local and international observers and stakeholders have long recommended the creation of a national register of voters.¹⁰ Some organizations have suggested that the creation of this register be done at the same time as, or even in conjunction with, a census or production of a national register of citizens.¹¹ Others, however, have raised concerns about combining the processes, based on the belief that two agencies (Ministry of the Interior and the NEC) trying to conduct the exercises together would be too complicated.¹²

Somaliland has attempted to create a voters' register in the past. Biometric registration, based on fingerprints and photographs, occurred from October 2009 to January 2010, ahead of the 2010 presidential election, but the final register was flawed. Although efforts to eradicate duplicates in the register paid off, and it was ultimately possible to support credible presidential elections in 2010, the absence of a complete biometric register of eligible voters for the 2012 local council elections prompted Parliament to nullify it.¹³

Ahead of the 2015 elections, voter registration is once again in the spotlight.

In an effort to bolster electoral integrity, Somaliland is set to employ iris-scanning technology to create a register of voters. It is hoped that such a register will be able to identify and purge multiple registrations, thereby making multiple voting, which has cast a shadow over all the elections in Somaliland to date, a scourge of the past. Based on initial tests, it appears that such biometric technology does have the potential to create a verifiable and publicly legitimate register. At the same time, however, a biometric register only deals with part of the complex array of problems related to voter registration.

There are also issues related to the plan for rolling out registration. Some officials want voter registration to be combined with civic registration, but others worry that this plan will delay voter registration and ultimately delay the election date even more. The House of Representatives, which passed legislation for separate, dual track registration, recently accused the Chairman of passing different legislation to the Guurti [House of Elders] for

⁸ NORDEM. "Somaliland: Elections for the Lower House of Parliament, September 2005." 2005, 16.

⁹ Progressio. "Further Steps to Democracy." 2005, 19.

¹⁰ NORDEM 2003, 44; IRI. "Parliamentary Election Assessment Report." 2005, 4, 33; Saferworld.

"Somalilanders Speak: Lessons from the November 2012 Local Elections." 2012, 16.

¹¹ NORDEM 2005, 12; Progressio 2005, 14

¹² SONSAF 2010, 21.

¹³ Saferworld 2012, 9.

approval. This battle has not been resolved to date and it is still unclear how registration will proceed.

In order for voter registration to proceed with public legitimacy, the following vulnerabilities must be urgently addressed.

Technological Vulnerabilities

Introducing Biometric Technology

The National Election Commission is currently planning to use biometric technology to create a voters' register. While such technology can catch multiple registrations, which have plagued previous elections, it does not prevent politicians and local leaders from exercising their significant power to influence and even coerce people's election related activities. The tasks awaiting the NEC in making arrangements for the complex logistical operations necessary to support the introduction of biometric technology cannot be underestimated. In using biometric technology, the following issues are bound to arise and demand answers.

First, it is true that multiple registrations and multiple voting have long dogged elections in Somaliland.¹⁴ In its assessment of the 2010 voter registration process, an international election assistance provider estimated that 30 per cent of the records in the final register were duplicates.¹⁵ In 2012, Saferworld said multiple voting had marred 158 out of 632 polling stations.¹⁶ While the proposed iris-scanning technology does have the potential to quickly detect and eliminate such duplicates, detection does not in and of itself provide solutions to the structural weaknesses and political context which enable voters to cast their vote more than once.

A staff member of an organization which has been closely involved in monitoring elections highlighted the gap between technology and the pace of political reform in Somaliland, and noted the limits in the ability of civic organizations to bring about many needed changes.

I always ask the Commission: 'What's the point of having the latest technology when we are not ready for that as a community?'

If our leaders are educating their own constituency and saying that multiple voting and registration are wrong and: 'Don't do that,' then there may be some change. As a civil society organization you might be saying multiple voting is wrong. But if the leader is saying; 'Do it, it's legal,' what do you expect that community to do?

¹⁴ Progressio 2005, 14; SONSAF 2010, 20; Saferworld 2012, ii.

¹⁵ David Mathieson and Robin Wager, ERIS. 2010. "Somaliland National Election Commission: Report on the Preparation of the Voter Register, January to June, 2010," 4.

¹⁶ Saferworld 2012, 12.

Community elders hold enormous power, and some, anxious to promote their own candidates, have been accused of using their authority to condone and sometimes encourage election malpractices. Previous election assistance providers also pointed to the influences at play during elections. According to the Electoral Reform International Services (ERIS), registration officers were unable to resist pressure from elders.¹⁷

The frauds and duplicate registrations took place during the registration process, partly because the registration officers came under pressure from local civic leaders. However there is no easy way to change local cultural and political realities so as to eliminate this in the future.¹⁸

Biometric technology may net instances of such malpractices, but much more will need to be done across the political spectrum to confront and root out the underlying causes. The comments of this senior civil servant shed light on the factors that are likely to discourage commitment to biometric voting.

A very robust biometric voter system will go against the interests of some clans because they always want to exaggerate the size of their clans, and so the clan elders are likely to spoil the process. They see this ID'ing as a threat. And they have the overriding power because election staff won't feel able to question their authority.

Because of their status and social influence, the political and public cost of mounting a campaign to counter the influence of elders, especially in an election context where they are inevitably also tied to political figures, is far from easy. In previous elections there has been evidence of elders encouraging people to engage in multiple and underage voting. The fact that government structures, as well as those of civil society and the media, are weak outside of the main towns, is a major contributing factor. The government cannot enforce the rule of law where it does not have a presence, and civic groups and the media cannot monitor, document and publicize malpractices if they do not have representatives on the ground over a long period of time.

Recommendation: The NEC, in a strategic partnership with respected and influential religious leaders and elders, as well as civic organizations, should craft and begin the practical application of a long-term voter education curriculum, which focuses on voters' rights *and responsibilities* in a democratic system.

¹⁷ERIS, 1.

¹⁸ERIS, 6.

The Need for Public Testing and Demonstration of Biometric Technology

There has been only limited public testing and demonstration of the biometric technology, namely in Baki and Hargeisa in June 2014. The tests were conducted with the consultants who are advising on the process and used just 1,062 records - a small sample of the total electorate. It was, encouragingly, a very public demonstration where the media were invited to witness and record the exposure to the exercise. Some international election experts, however, recommended that a test universe include 800,000 to 1,000,000 records and that these records be used to perform stress and performance tests. This range of test cases is clearly a far cry from the small number of the 1,062 records used in tests thus far.

While such tests appear to have largely convinced the NEC that the system is virtually fool proof, public testing throughout the regions of Somaliland would promote greater public understanding and confidence in the technology. Given the failure of technology to produce a reliable register in 2009, public confidence in technology may be low. Widespread public testing of the new technology is therefore especially significant.

In addition, analysts pointed out that previous biometric registration technology failed partly because there were no means to verify and edit records, if necessary. There was also no opportunity to flag records that were suspicious or needed further verification, and some processors were unable to handle high data loads. They also pointed to hitches with transferring data from individual machines onto a central database and transferring data from one computer to another, in case of computer problems.¹⁹

The use of biometric technology for elections elsewhere in Africa holds key lessons for Somaliland. Kenya used fingerprint scans to create a voters' register and identify registered voters in its 2013 election, while Ghana used similar technology in 2012. In Kenya, the technology was a massive failure. While it helped gather the data from eligible voters, the election commission had trouble transferring data from around the country to the central list of registrants. The result was an incomplete final list of registered voters.²⁰ On election day, voters complained that their names did not appear on the list, despite the fact that they had proof of having registered.²¹ Moreover, according to the Kenyan election commission's own recent audit, the electronic voter identification kits were functional throughout the day in only 7.5 per cent of polling stations. There were multiple reasons for the failure of the kits, including poorly trained staff, late delivery of machines, the fact that polling stations did not have a power supply and non-

¹⁹ERIS 10, 23.

²⁰ See the Supreme Court's judgment on the Kenyan presidential election challenge, which details the problems with data transfer at <http://www.judiciary.go.ke/assets/files/Supreme%20Court/Corrected%20judgment-Petition%205%20of%202013.pdf>.

²¹ See AfriCOG's post-election opinion poll at <http://africog.org/surveys/post-election-exit-poll>.

configured kits.²² In Kenya, election commission staff had to resort to manual lists of registered voters, which made it impossible to determine if multiple voting had occurred and ultimately defeated the point of the technology. Clearly, technology will prove to be of little use without the proper logistical preparation and back-up plans.

In Ghana, which also used fingerprint scanning to create a voters' register, there were similar headaches. It was said that the commission staff were not familiar with the technology, and the chairman of the election commission acknowledged that the technology was not able to prevent padding of the register with minors.²³ In fact, the Commonwealth observers noted that there were some 20,000 underage voters on the register.²⁴ There were also cases of the technology malfunctioning.²⁵

Recommendation: The NEC should consider conducting more tests, with a larger sample size and in more varied areas. At least some of these tests should be done in the presence of media and the public to encourage public interest and engagement on this issue. It would also provide an opportunity for voter education on the topic.

Building the Capacity of NEC Staff

It is unclear what the NEC is planning with regard to capacity building. NEC staff involved in conducting registration will need training on operating the technology. In order to be effective, this training will have to be completed well in advance of the beginning of the registration process to give staff sufficient time to ask questions, practice using the machines and gain enough experience with the technology to utilize it to its full potential. Indeed, past elections have revealed the importance of such training. The head of one of the organizations which has consistently monitored elections in Somaliland highlighted the importance of training.

Based on past voter registration, the people we used to operate the computers for registration didn't have the capacity.

Training must of course go beyond the registration centres. Local NEC staff need to be at ease with the entire system, including servers and other equipment on which the data will be stored. The ability to troubleshoot problems efficiently and effectively will be critical.

Civil society representatives agree. "It is a matter of capacity, not technology", noted the representative of one umbrella organization. "It depends on the competence, honesty and transparency of the process."

²² See AfriCOG's post-election report at <http://kptj.africog.org/voter-registration-for-the-2013-general-elections-in-kenya/>.

²³ Linda Darkwa. August 15, 2013. "Ghana's Elections 2012: Some Observations." The Social Science Research Council. Available at <http://forums.ssrc.org/kujenga-amani/2013/08/15/ghanas-elections-2012-some-observations/#.VGR3Ytw3ApE>.

²⁴ Commonwealth Observer Group. "Ghana Presidential and Parliamentary Elections," page 12.

²⁵ Linda Darkwa. August 15, 2013. "Ghana's Elections 2012: Some Observations." The Social Science Research Council. Available at <http://forums.ssrc.org/kujenga-amani/2013/08/15/ghanas-elections-2012-some-observations/#.VGR3Ytw3ApE>.

The long-term utility of training already seems under threat. The NEC revealed that budget restrictions may delay general training until one month before the election. Moreover, those trained for registration of voters will be trained separately from others, and they will not be retained for election day. While financial limits might impose this arrangement, the inability to retain registration staff means the loss of valuable capacity. Individuals who have knowledge of the voter registration technology and procedures would be a useful asset on election day.

Recommendation: The NEC must begin training on the use of the technology at least three months before election day, and donors should invest in such trainings. All efforts should be made to retain these trained individuals on election day, as they will have familiarity with the system used to create the register and could therefore handle potential glitches with the register on election day.

Safeguarding Electricity for Iris-Scanning Kits

It is unclear what arrangements have been made regarding adequate electricity for the iris-scanning kits. A reliable source of electricity will be particularly tough to secure in remote areas which need to reach nomadic populations. In a recent interview, staff of NEC indicated that generators will be used to facilitate access to electricity supplies. In the last election, generators that malfunctioned took up to eight hours to replace

Recommendation: The NEC should test the use of generators in a wide selection of locations, especially in remote areas, well before election day. The NEC should also develop a plan for the timely and efficient replacement of malfunctioning generators.

Preparedness for Setbacks on Election Day

There is a need for clarity regarding how the NEC will deal with possible setbacks with the register on election day. As it currently stands, once the list has been created, the NEC will equip each polling station with a hard copy of the register. Registered voters will be required to show their voters' cards in order to cast a ballot. There are still, however, a number of outstanding questions, including, for example:

- Will each polling station have a list of only those voters eligible to vote at that station, or will all polling stations have a copy of the entire national register?
- If the former, what mechanisms will be in place to inform voters about which stations they are allowed to vote at, and what will be the procedure for dealing with cases of voters who claim to be at the correct station, despite their names not appearing on that particular list?
- If the latter, how will multiple voting be prevented?
- What is the mechanism that will allow NEC staff to identify a voter who has already voted and is therefore ineligible to vote now?

Without a reliable method for identifying eligible voters on election day and matching them against the register, the biometric register will not be able to fully serve its purpose.

Related to this issue is indelible ink. In past elections, the ink used to identify people who have already cast their ballots has been possible to remove. Supporters from all sides took advantage of this loophole in 2003 and 2010, engaging in rampant multiple voting.²⁶

Recommendation: On election day, the NEC should have in place a strategy that allows all polling stations to access the central register of voters, such that it is possible to identify voters who have already cast a ballot and who are trying to vote again. Without this capability, the biometric register is of little use. It will also be critical to use more reliable ink, especially if polling stations cannot access the central register.

Accessibility of Polling Stations

In the past, stakeholders have also been concerned about the accessibility of the polling stations. The law has stated that voters must cast their ballots at the station where they registered. For pastoralists with nomadic lifestyles, returning to the registration centre in order to vote could be challenging.²⁷ In 2010, SONSAF quoted a Hargeisa local council member describing this approach as “one of the flaws in the Act that needs to be eliminated for it doesn’t address our society’s needs and context.” Interpeace representatives said the rule “imposed a severe legal limitation upon the nomadic communities.”²⁸

Recommendation: The NEC should consider innovative options for nomadic communities. For instance, the Commission might establish mobile registration/polling stations for communities on the move. Without such options, these communities risk being disenfranchised.

Underage Voting

The iris-scanning technology focuses primarily on eradicating multiple voting. Observers and other experts also cite underage voting as a serious concern²⁹ and this technology does not appear to be able to identify registrants who are not old enough to legally cast a ballot.

Recommendation: The NEC and the Ministry of the Interior must work together to prevent underage registration. Because civil registration will take time to come into effect, it is unlikely that procedures to prevent underage voting will be in place for a vote in 2015.

²⁶ ICG. “Somaliland: Democratisation and its Discontents.” 2003, 23; SONSAF 2010, 13.

²⁷ SONSAF 2010, 21; Interpeace 2010, 24, 45.

²⁸ Interpeace. “A Vote for Peace II.” 2010, 24.

²⁹ ERIS, 39; Saferworld 2012, ii.

Security of Registration Data

The NEC should ensure that there will be tight security around registration data. In previous elections, there were allegations about missing records.

Some registration teams did not return their final CD-ROMS and the data was not captured directly. Records for about 12,165 voters, in 15 registration centres, were entered manually from the forms, and the photographs scanned into files. These are held on a secondary system and should be loaded onto the voter register as soon as possible.³⁰

Recommendation: The NEC will need to be certain that there is a safe and credible chain of command in place for handling of the data, especially with regard to points of transfer. Data should also be backed up.

Non-Technological Vulnerabilities

New Commissioners Are Due to Take Office

The NEC commissioners recently left office, and the new commissioners have yet to be approved by the House of Representatives. With so much tied to the calibre and integrity of the commissioners, and how well they work together as a team, the success of the voter registration process is, to a large extent, dependent on who the commissioners are and their ability to form a strong *esprit de corps*.

Recommendation: The new commissioners should be approved as soon as possible, and the transition should include some mechanism through which previous commissioners can – at the very least – brief new commissioners on recent developments and the status of pending activities. In the future, requirements for new commissioners should include demonstrated experience in election administration. It will also be necessary to put in place safeguards against the loss of institutional memory and expertise, for instance by changing the rotation of commissioners so they do not all leave office at the same time.

The Absence of a National Census

There is no national census, which means it is not feasible to estimate and check the number of eligible voters.

Voter registration is hampered by the lack of national population statistics to guide expectations. For instance, without knowledge of the total voting age population there is no basis for planning the logistical aspects of the registration process, including the number of necessary centres, registration equipment and staff. It also makes it impossible to determine the percentage of registered voters. Without such information, planning for the future in an efficient and organized manner will remain elusive.

³⁰ERIS, 39.

The Somaliland government is currently working to tackle this problem; national registration is underway. Of course, civic registration will likely take longer to complete than voter registration, which means that the voters' register will not be able to use the civil register for the next election.

It is also notable that there is an on-going municipal-based registration process. This process requires participants to pay a fee, and it is independent of national civic registration. There is no collaboration with the Ministry of Interior or with the NEC. Without proper voter education, such local registration processes could confuse potential voters.

Recommendation: Those in charge of municipal-based registration processes should publicly clarify that, regardless of whether people participate, they will still need to register to vote separately. There should also be an explicit explanation that they will not have to pay a fee to register to vote.

There Is No Legally Defined Election Date

Because there is no legally defined election date, pre-election planning is a major challenge. This is compounded by the ever-present possibility that incumbents and/or their supporters can use this ambiguity to delay elections and therefore reap the benefits of public office for an extended period of time.

If there is no reliable election date, election officials cannot effectively schedule voter registration. For instance, the law states that the NEC must undertake voter registration at least six months before the election and produce the register one month before the election³¹ In spite of this provision, the NEC stated that registration will begin in December and last only four months. While it seems the registration programme has been set, the fact that there is no firm election date means registration can be subject to delays and other uncertainties.

It is also worth noting that the timeframe for registration may be especially problematic for nomadic communities. According to the NEC, it may only have between five and seven days to carry out registration in each area of Somaliland. For communities on the move, it may be hard for to complete registration within such short timeframes.

Recommendation: The Somaliland government has a clear responsibility to establish a legally stipulated election date. Complementary legislation should also establish strict requirements for delaying the election, and a majority of the legislature should be required for any such delay.

³¹ Articles 15 and 4.

There is No Legal Provision for Public Inspection and Verification of the Register

The draft voter registration law stipulates that the register is to be opened two months before the election for deletion of deceased voters and the addition of newly eligible voters. There is not, however, any specific provision for the public to be able to inspect and verify the accuracy of its data. In order for the public to have confidence in the register, registered voters must have the opportunity to check that their details are correct before election day and have recourse to correction(s) of their data, if necessary. The Registrar explained that the final register will be published on its website for parties to check, but it is unclear whether members of the public will also be able to access it.

Recommendation: The election law should be amended to include a period of at least one month to facilitate public inspection and verification of the newly created register. In addition, the NEC, political parties and civil society should ensure that there are ways for those without access to computers to verify their data.

The Imperative of Voter Education

The NEC has yet to fulfil its voter education responsibilities, which include the provision of information and instructions regarding voter registration. Given the use of biometric iris-scanning technology, which has never been used before, public education about voter registration is especially critical now. If voters do not understand what the process will entail, they risk disenfranchisement.

In past elections, stakeholders have criticized the delayed start of voter education. In 2012, Saferworld also said that the materials were not sufficient or appropriate for the intended audience.³² SONSAF recommends that voter education for registration begin at least three months before the start of voter registration. Since it is unclear when registration will start, it is difficult to plan for this campaign.

Recommendation: The NEC and civil society should continue to partner in the creation and execution of voter education with regard to registration. Innovative dissemination tools should be considered, including social media and radio spots. Voter education should begin at least three months ahead of election day. Also, the NEC and partner organizations need to have a common understanding of the goals of the voter education curriculum. While some groups have distinct mandates to cover specific aspects of the electoral process, a common understanding of the curriculum will enable everyone to receive basic fundamentals at the very least.

³² Saferworld 2012, 15.

Insufficient Penalties for Malpractices and Lax Enforcement

In the past, voter registration statutes did not even include penalty clauses for violations. As a result, a large number of malpractices went unopposed, and violators were never held accountable for their crimes.³³ While the current draft law does include a section describing penalties for various malpractices, it is unclear what agency has the authority and responsibility for follow up action. The NEC has new powers to pursue individual cases of voter fraud, but clarity regarding what its exact powers are, relative to other agencies, is needed. An interviewee who has been closely involved with work on democratization called for a coordinated approach.

Somaliland is a very oral society. So if someone is arrested for voter fraud the word will spread quickly that it is a risky thing to do. On this point there needs [to be] better cooperation between the NEC, police and the courts.

Recommendation: There is currently a bill under debate in Parliament, but future modifications should be clarified and expanded to include specifics regarding jurisdiction for investigation of malpractices and enforcement of the law. Legislation should also include penalties for community leaders who facilitate and/or encourage voter fraud, in addition to those who commit the fraud. If appropriate, the NEC should have the power to adjudicate specific types of cases. An explanation of penalties should be included in voter education campaigns.

Conclusion

The next election in Somaliland has the potential to garner significantly more public legitimacy and credibility than past polls. The creation of a voters' register is fundamental to this legitimacy. If done successfully, the register could have a long-term impact, making it possible to track patterns in voter behaviour and facilitate proper planning and preparation for future elections.

While biometric technology has the potential to aid in the creation of this register, it cannot by itself provide the answers to the myriad problems related to voter registration. Putting in place mechanisms, processes and legislative reforms with the express aim of responding to the vulnerabilities associated with the technology, along with the potential pitfalls in other areas, however, could result in a more credible register, one the public can trust and believe in as a foundation for democratic elections in Somaliland.

³³ SONSAF 2010, 20.