

# PART ONE

## UNDERSTANDING VOTER REGISTRATION



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#### WHO SHOULD VOTE?

Voting is not a privilege that is given to individuals by governments, but is an inalienable right. However, like all rights, the right to vote is not absolute: all societies place some limits on the right to vote. For example, it is common for countries to limit voting to only their citizens. Every society determines for itself, in accordance with international norms, which of its members has the right to vote. The question, therefore, is not “Do people have the right to vote?”, but “Which people have the right to vote in a particular election?”

#### Unacceptable Criteria

Consensus exists that certain criteria to limit who has the right to vote are unacceptable. Based on Article 2 of the *Universal Declaration of Human Rights*, and other international human rights instruments, the following criteria cannot be employed to restrict who in a society has the right to vote:

- ▶ Race,
- ▶ Color,
- ▶ Sex,
- ▶ Language,
- ▶ Religion,
- ▶ Political or other opinion,
- ▶ National or social origin, or
- ▶ Ownership of property.

Similarly, there is agreement that the right to vote cannot be refused to an individual because he or

she is illiterate or lacks financial resources. In addition, based on international standards and practices the right to vote should not be denied based on a person's physical disabilities or sexual orientation.

Further, voting rights cannot be arbitrarily denied. There must be clear criteria used to determine who has the right to vote, and the process must be transparent. These requirements derive from the principle that everyone is equal before the law and is entitled without discrimination to equal protection under the law. This includes the right of people to an effective remedy for any violations of their fundamental rights (*Universal Declaration of Human Rights*, Articles 7 and 8).

#### Acceptable Criteria

At the same time, there is agreement that it is appropriate to define voter eligibility based upon certain other characteristics:

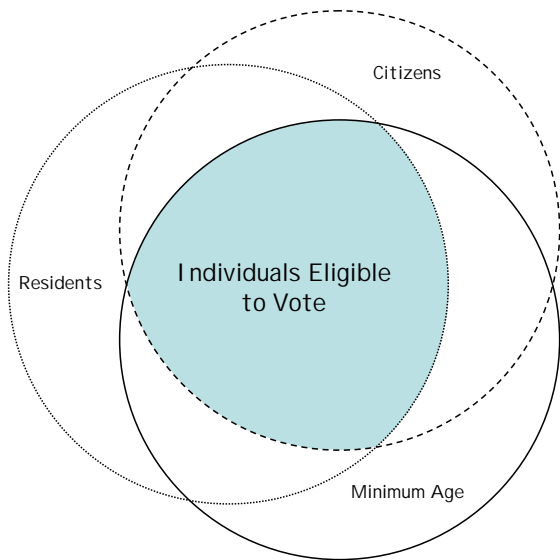
- ▶ Citizenship,
- ▶ Residency, and
- ▶ Age.

Many countries, but not all, require individuals to be a citizen and/or to reside in the country to be eligible to vote. All countries require voters to have attained a minimum age in order to exercise the right to vote, but that age varies somewhat among countries. Chart 1 (on page 6) illustrates a society where only resident citizens of a minimum age are eligible to vote.

#### Citizenship

Restricting the right to vote to citizens is based on the rights to national sovereignty and self-determination.

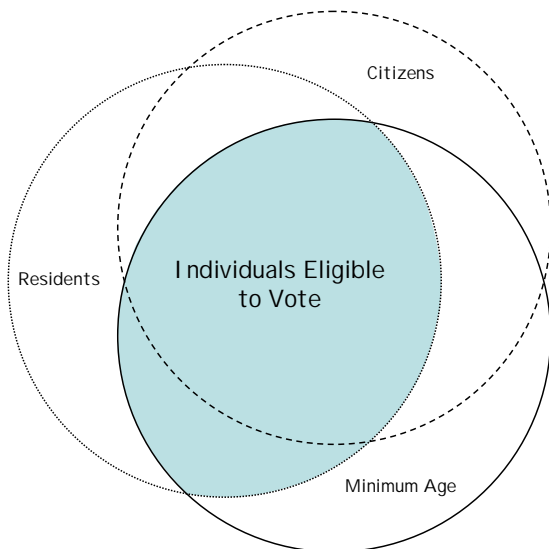
**Chart 1 Only Individuals of Age and who are Resident Citizens have the Right to Vote**



Many countries, such as Canada and Namibia, limit voting rights to their citizens.

Some countries, however, are more inclusive when defining who has the right to vote and extend the right, at least in some elections, to non-citizens who normally reside in the country and have done so for an extended period of time. Malawi, for example, permits non-citizens who have lived in the country for seven years to vote. Chart 2 illustrates such expansion of voter rights to resident non-citizens.

**Chart 2 Only Individuals of Age and who are Citizen or Resident Non-Citizens have the Right to Vote**



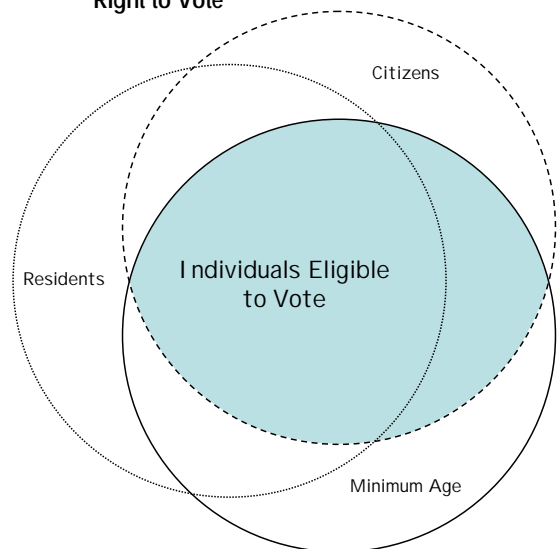
Some Commonwealth countries extend the right to vote to citizens of other Commonwealth countries. Australia, Guyana and the United Kingdom all permit citizens from any Commonwealth country to vote in their elections. However, Guyana requires citizens from other Commonwealth countries to have been resident in Guyana for one year before becoming eligible to vote.

Some argue, however, that it is inappropriate for non-citizens to have the right to vote because they ultimately hold allegiance to another country. As a practical matter, in some countries resident non-citizens may not possess documentation that demonstrates they have been a resident in the country for the required number of years to be eligible to vote. These issues are particularly salient in countries that have large immigrant populations or where many people have proof of residence, but few have proof of citizenship.

Residency

In some countries, such as Chile and India, voting rights are limited to those who normally reside there. However, in other countries, such as Argentina and France, citizens who reside outside of the country have the right to vote, at least in some elections. Providing the right to vote to non-resident citizens is illustrated in Chart 3. The extension of the right to

**Chart 3 Only Individuals of Age and who are Resident Citizens or Non-Resident Citizens have the Right to Vote**



vote to citizens living outside of the country, however, can require the creation of rather elaborate administrative procedures to enable them to cast their ballot on election day. This issue can be particularly difficult for countries with large numbers of refugees living outside their borders. A sensitive issue that must be confronted is the designation of an election district within the country to which their votes should be assigned. This decision can have a substantial impact on elections that are constituency-based rather than according to national proportional representation.

### Age

All countries set a minimum age for eligibility to vote. This age is often the same age at which individuals are viewed by the state as adults and therefore corresponds to the attainment of other rights. For most countries today, this age is 18 years old.<sup>2</sup> However, some countries have higher or lower minimum voting ages. In Japan and Taiwan, the minimum voting age is 20, while in Brazil the minimum voting age is 16.

### Other Criteria

Some countries have additional criteria for voter eligibility. In such cases, individuals who meet the country's requirements for citizenship, residency and age may still not be eligible to vote. Such criteria include:

- ▶ Mental capacity;
- ▶ Criminal record; or
- ▶ Military or police service.

Many countries deny the right to vote to individuals who have been legally deemed mentally incompetent. Usually some formal judicial proceeding is required, with procedures established to protect the individual's rights before the person is judged to lack the capacity to make free and informed decisions

<sup>2</sup> A recent study of 63 countries found that in 59 states the minimum voting age was 18 years old. Blais, A., L. Massicotte and A. Yoshinaka. "Deciding who has the right to vote: A comparative analysis of election laws. *Electoral Studies: An International Journal* 20(1): 41-62 (2001).



### Voter Registration in the Western Sahara

Since the end of Spanish rule of the Western Sahara in 1976, control of the territory has been contested by the Government of Morocco, which wants to integrate the territory, and the Frente POLISARIO, which wants to create an independent state (the Government of Mauritania also initially claimed Western Sahara as part of its territory, but renounced those claims in 1979). In 1988, the Government of Morocco and the Frente POLISARIO agreed to a referendum in which the Sahrawi people would choose between independence and integration with Morocco. However, the referendum, initially scheduled for January 1992, has yet to be held. A crucial stumbling block has been disagreement over who will be eligible to participate in the referendum - over who should have the right to vote. The Government of Morocco has sought to define as eligible those people currently residing in the Western Sahara, while the Frente POLISARIO has sought to limit the definition to only those people included in the 1974 census. The Frente POLISARIO claims that the Moroccan Government has brought non-Sahrawis into the Western Sahara since 1976 (resident non-citizens) and wants to prevent these people from voting. At the same time, Frente POLISARIO wants to ensure that Sahrawian refugees living in camps in Algeria (non-resident citizens) will be eligible to vote. In 1993, an agreement was reached on the criteria for the right to vote in the referendum. However, the election has still not taken place, in part, because disagreements continue over the interpretation and implementation of those criteria.

Source: *United Nations Mission for the Referendum in Western Sahara (MINURSO) Fact Sheet*

about a range of matters, including voting. However, some countries, including Canada and Sweden, do not disenfranchise mentally deficient persons.

In some countries, people who have been convicted of serious crimes and/or people who are imprisoned lose the right to vote. Australia, for example, denies the right to vote to people sentenced to five years or more in prison, while they are incarcerated. In the United States, anyone convicted of a felony typically is disenfranchised for life unless their voting rights are restored upon favorable review of a special application. In contrast, Namibia and Poland permit people convicted of crimes to vote.

Some countries do not permit members of the military or police forces to vote. Angola and Turkey, for example, do not allow members of the military to vote, while countries such as Nicaragua and the United States do permit soldiers to vote.

No clear consensus exists on limiting voting rights based on mental competence, criminal record, or military/police service. The internationally recognized fundamental right of universal suffrage, however, fa-

vors extending, rather than restricting, the franchise.

### Who is Able to Vote?

Once the question of who should vote has been answered, the practical problems of ensuring that all persons deemed eligible are able to vote, and conversely of ensuring that ineligible people are unable to vote, must be faced.

In any election, some eligible voters may not be able to vote for administrative reasons, such as the lack of necessary identification documents. At the same time, some ineligible individuals may be wrongly permitted to vote because of insufficient administrative safeguards. An election in which a significant number of people who are eligible to vote are turned away from the polls, for whatever reason, is unlikely to be viewed as credible. Similarly, if a substantial number of individuals who are ineligible to vote are able to cast ballots, then the process is also likely to lack legitimacy.

## VOTER REGISTRATION

**V**oter registration is used in some electoral systems to resolve the practical problem of limiting voting to only those who are eligible. Voter registration first involves identifying all those who meet the criteria to vote in an election prior to election day. Second, voter registration entails making a list of the names and other pertinent information of all the individuals identified as eligible to vote in a particular election (a voters list). These are difficult tasks. Election officials must develop, manage and implement complex plans with multiple and interrelated deadlines to successfully identify and list eligible voters.

A voters list is typically organized on a geographic basis, using discrete “building blocks” that sum to larger and larger units and ultimately to the entire country. The blocks must be small enough so that everyone within a block can vote at a single polling station. The number of voters per polling station varies among



### “Voter Registry” vs. “Voters List” vs. “Voters Lists”

The terms “voter registry,” “voters list” and “voters lists,” while not synonymous, are closely related. However, the use of these terms often differs significantly from country to country, which often leads to confusion. The definitions offered below reflect the use of these terms by NDI and many international election experts.

A **voter registry** contains much more than just the names of people eligible to vote. It usually has information such as: voters’ names, gender, birth dates, addresses, assigned polling station and unique voter identification numbers. Some voter registries also include voters’ photographs and even their fingerprints. In addition, the voter registry may contain information about previously eligible persons who lost their eligibility, or changes in the names or addresses of people eligible to vote. A voter registry may also record activities associated with these events. For example, when a person registers to vote for the first time, a voter registry might contain information about where and when the person registered; who registered the person; when and who entered the person’s registration information into a computer; when and who checked the accuracy of the computerized information; when and who produced a voter ID card; and who distributed the voter ID card when and where to the registrant. A voter registry may even contain data on people who have not yet become eligible to vote.

A **voters list** is a snapshot of a voter registry at a particular moment in time. It contains the names, and often other information, such as addresses, dates of birth and genders of only those people in the voter registry who are known to be eligible to vote at that moment. Thus, it excludes the names of people in the voter registry who have ceased to be eligible or who are not yet eligible. Often during the registration process there are preliminary, revised and final voters lists produced from the voter registry at different times. A *preliminary voters list* is typically produced relatively early in the voter registration process and is posted for scrutiny by the public, political parties and civic organizations. A *revised voters list* is at times created after a claims and objections period to verify that any additions, deletions or changes have been made by the election authorities. A *final voters list* is then produced for use on election day to determine who is permitted to vote. The voters list is typically divided by polling station into the corresponding number of voters lists. The **voters lists** for polling stations contain the names and related information for only those people who are designated to vote at each specific polling station.

It is the voters list, and not the voter registry, that the public, political parties and civic organizations typically review. It is the preliminary voters list, usually divided into polling station voters lists, that is posted for inspection. If a name of an eligible voter is missing from the preliminary voters list, that name, and related particulars, must be added to the voter registry. However the person, as well as political parties and civic organizations, will only become aware of the addition when the revised or final voters list is produced. For simplicity, this guide uses the term “voters list” throughout. Readers should, however, keep in mind that any voters list is only a static snapshot of the voter registry and that it is divided into voter lists for use at the polling station level.

countries, typically with 500-800 at the lower range and 1,000-1,200 at the upper range. However, the blocks must not overlap. A person should logically be assigned to one and only one block based on his/her physical address. On election day, geographically subdivided voters lists are usually printed showing only the names of those individuals assigned to vote at each particular polling station. This permits election officials to quickly determine who has the right to vote.

Voter registration accomplishes several critical functions:

- ▶ Registration brings eligible people into the election process;
- ▶ Registration ensures the equality of the vote;
- ▶ Registration prevents ineligible people from voting;
- ▶ Registration provides an opportunity for claims and objections about voter eligibility; and
- ▶ Registration provides information about how many people are eligible to vote and how they are distributed around the country.

By registering, people know before election day whether they meet the criteria for voting. In some cases, people are given a receipt or are provided with a voter or other ID card that serves as proof of their right to vote.

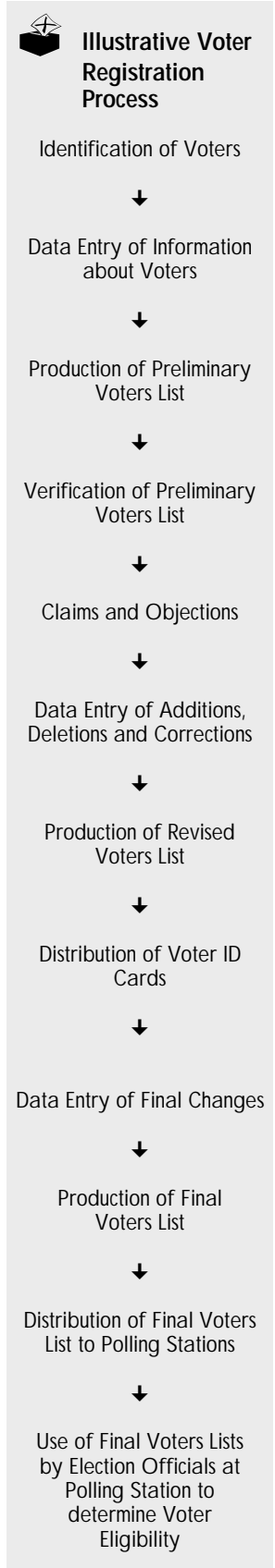
In electoral systems where people are allowed to vote at one, and only one, designated polling station, election officials can use the voters list to prevent people from voting more than once. The names of eligible people who have voted can be marked in some way on the voters list when they vote. Voters may be required to sign the voters list next to their name, or their names may be somehow crossed out. Only those people whose names appear on the voters list and whose names have not been marked are allowed to receive a ballot. This practice prevents people from returning to a polling station multiple times to vote more than once.

The voters list provides a way to identify people who do not have the right to vote in a particular election. Those individuals whose names do not appear on the voters list at a polling station are assumed to be ineligible to vote and are not issued a ballot. In addition, by providing the voters list to polling station officials and requiring that the identity of individuals who attempt to vote be verified, polling officials, political party agents or others can reduce the possibility of people impersonating others on the voters list. Reconciling the number of persons who signed or who are crossed off the list with the number of ballots in the ballot box can deter or help detect ballot box stuffing.

The voting process can be modified to allow voting by people whose names do not appear on the voters list, but this is usually done through special procedures that include safeguards against ineligible voters and multiple voting by individuals.

Without voter registration, people's eligibility must be determined on election day at a polling station. In that case, if people feel they have wrongly been determined ineligible to vote, they may have little practical recourse. Similarly, if it is believed that someone has been wrongly determined eligible to vote, there is little that can be done to prevent that person from voting. These problems can create delays and confusion and can heighten the potential for conflict at polling stations.

If the eligibility of individuals to vote is determined prior to election day and this information is provided to the public, people have an opportunity to file claims when they feel they have been wrongly determined ineligible to vote. Challenges may also be filed over the eligibility of individuals who were registered, but who are believed to be ineligible. Voter reg-



istration, thus, should include a process to resolve such claims and objections with adequate safeguards for voter rights.

If individuals are required to vote at a designated polling station based on where they registered to vote, then election officials will know the maximum number of people who could vote at each polling station. Officials therefore should know the number of ballot papers to print and distribute to polling stations. This reduces the overall number of ballot papers that must be printed and distributed and decreases the possibility that extra ballots may be illegally marked and somehow included in the vote count to manipulate the outcome of an election.

Information about voter registration can also be useful to political parties and civic organizations in other ways. Parties can use voter registration information to direct their campaigning and “get out the vote” activities to prospective supporters. Similarly, civic organizations can use this information to ensure that their voter education activities reach eligible voters.

## IDENTIFYING VOTERS

**V**oter registration involves first identifying those individuals who are eligible to vote. This process can take one of three general forms:

- ▶ Individual-Initiated (people going to designated registration centers);
- ▶ State-Initiated (via a census-like enumeration process with election officials going door-to-door to people’s homes); or
- ▶ State-Created (using a population registry or civil registry).

Some countries are also exploring voter registration via mail, telephone and the Internet. However, these and other strategies to reduce the burden of registering to vote, can potentially increase the risk of fraud.

### Individual-Initiated Process

In an individual-initiated process, registration centers

are established, and people must take the initiative to go to these designated sites and register to vote. For example, centers may be set up for a defined period of time at public schools or other locations. Alternatively, individuals may be permitted to go to certain government offices throughout the year and register. In either situation, the responsibility for registering lies with the individual. People who do not take the initiative will not be registered and hence may not be able to vote.

### State-Initiated Process (Enumeration)

With state-initiated voter identification, the public does not go to a designated site to register. Instead, election officials have the responsibility of going to the public in order to identify those individuals who are eligible to vote. This is typically done by trained staff canvassing door-to-door in search of eligible individuals. In some countries, election officials employ a mixture of the two systems. For example, registration centers may be established in some areas that are easy for the public to reach, while in remote areas officials go directly to the residences of potential voters.

### State-Created Process (Population Registry or Civil Registry)

Individuals who are eligible to vote can also be identified using an existing population or civil registry. A population registry contains basic information about all of the citizens of a country and perhaps other residents. It is usually maintained by a specific government body that is separate from the agency responsible for conducting elections. Typically, a population registry includes information such as name, age, gender, marital status and address for every citizen of a country. Births and deaths are also recorded in the registry. Identifying eligible voters requires searching the existing population registry for those individuals who meet the necessary criteria, as well as noting the names of individuals who should be removed from the voters list due to death or other reasons. No contact is required between the public and registration officials. However, using a population registry to identify individuals eligible to vote is only as reliable as the population registry itself. If the registry is outdated or full of errors, many eligible voters will not be identified, and names that should be removed from the voters list will remain.



Computer errors are also possible when names are moved from the population registry to the voters list. This problem is likely to be more pronounced when multiple databases maintained by different government agencies are merged to create the voters list.

### CREATING A VOTERS LIST

**V**oter registration involves creating a list of those individuals who have been identified as eligible to vote.

#### Periodic Voter Registration

In the case of periodic voter registration, election officials create an entirely new voters list for every election, which requires a new effort each time to identify those people who are eligible to vote. An individual-initiated or state-initiated process can be used to identify eligible voters with periodic voter registration. Periodic voter registration is typically conducted at regular intervals, such as every five years, or for a prescribed period of time before each election (e.g., six months prior to the election).

#### Continuous Voter Registration

Continuous voter registration, in contrast, is based on an initial voters list that is constantly updated. Throughout the year, election officials must identify newly eligible people and must determine those previously eligible persons who have ceased to be eligible to vote (for example, by death or by being declared legally incompetent). In addition, election officials must update information about people who have moved or who have married and changed their surname. With continuous registration, people register to vote only once under an individual-initiated process, but they must update their registration information when necessary. An individual-initiated or state-centered process can be used to identify eligible individuals with continuous voter registration.

#### A Complete, Accurate and Current Voters List

Irrespective of the method used to create a voters list for a particular election, the list must be complete, accurate and current in order to ensure that those eligible to vote are able to do so and those inelig-

ible are barred from doing so.

- ▶ If the voters list is incomplete, people who are eligible to vote may not be able to vote because their names do not appear on the list.
- ▶ An inaccurate voters list may include the names of people not eligible to vote as well as errors in the information for those who are eligible.
- ▶ An out-of-date voters list will miss the names of newly eligible people and may still contain the names of persons who recently have ceased to be eligible. It also may omit information about changes of address or name for those eligible people who have recently moved or married.

Best practices suggest that preliminary, revised and final voters lists should be produced during the regis-



#### Types of Voter Registration Systems

Systems for registering people to vote differ from country to country. Most voter registration systems fall into one of four categories:

**Individual-Initiated, Periodic Registration** – People go to specified registration centers during a designated period of time before every election or once every specified number of years.

**Individual-Initiated, Continuous Registration** – People go to specified registration centers that are open year-round.

**State-Initiated, Periodic Registration** – Election officials go door-to-door to locate eligible voters during a designated period of time before every election or once every specified number of years.

**State-Created, Continuous Registration** – A population registry or civil registry is maintained year-round by a government body from which a voters list is extracted.

Examples of Voter Registration Regimes		
	Periodic Registration	Continuous Registration
Individual-Initiated	Malawi Guyana	Canada Philippines
State-Initiated	Albania Nepal	–
State-Created	–	Sweden Ukraine

State-Initiated, Continuous Registration does not exist; it is not practical for election officials to be going door-to-door year round. Population registries and civil registries are maintained by their very nature on a continuous, rather than periodic, basis.

tration exercise. These different versions permit the inspection of the voters list by citizens, political parties, and civic organizations. It also allows additions, changes and deletions to be made to the voters list.

### Issues Concerning the Voters List

Two further issues concerning any voters list are:

- ▶ Whether the voters list should be stored electronically (computerized) or manually; and
- ▶ Whether photographs or fingerprints should be included on the voters list.

Computerized voters lists are easier to update, and copies can easily be provided to political parties and civic organizations. However, they are expensive and require specialized skills to maintain. Like manually created registries, computerized lists are prone to data-entry errors, and some people may not trust the computers. As countries opt for a computerized voters list, political parties and civic organizations must develop specialized computer skills or hire independent experts to verify computer operations in order to ensure transparency in the voter registration process.

Including photographs of eligible voters with the voters list can improve the integrity of a voter registration process. Photographs can be taken during voter registration, whether individual-initiated or state-initiated. Photographs may also be available through the process of collecting data for a population registry. Photographs can be supplied to the polling station to be checked against the identification documents and faces of prospective voters, and they can also be included directly on the pages of the voters list. The latter practice eliminates problems of transport, storage and loss of photographs. However, the technology for producing such lists is expensive. Cultural and religious factors should also be considered in determining the appropriateness of photographs as part of a voter registration exercise, for example in countries where photographs of women may not be accepted.

Fingerprints are sometimes included on the voters list, which may have a deterrent effect on fraud at polling stations. Difficulties in accurately reproduc-

ing fingerprints, however, can present problems for their use as effective identification by polling officials unless relatively expensive digital scanning devices are used in the registration exercise.

### VERIFYING WHO IS REGISTERED TO VOTE

Once a preliminary voters list has been generated, an opportunity for public scrutiny should be provided for several reasons:

- ▶ To help ensure that the name of every person who registered to vote does, in fact, appear on the voters list;
- ▶ To help guarantee that the information on the voters list for every eligible person is accurate and up-to-date; and
- ▶ To help discover individuals who are believed to be ineligible to vote, but whose names appear on the voters list.

As with the registration exercise itself, people must have adequate access to the voters list. The voters list should be posted in easily accessible sites, for example at the locations where polling stations will be on election day. The method of making the list available must ensure adequate access for everyone, including women and groups that traditionally may have limited access to political participation. A preliminary voters list should also be made available to political parties contesting an election, as well as to civic organizations monitoring the process, so that they can verify the quality of the voters list. This removes a major basis for later complaints about an election and can help raise public confidence in the overall election process.

The interests of political contestants and of the public to verify the quality of the voters list must be balanced against the right of citizens to privacy. The public's interest in ensuring the integrity of the elections warrants providing parties and civic organizations access to voters' names and addresses, as well as access to verification procedures conducted by election authorities. Parties and civic groups also must be allowed to conduct their own verification exercises, such as checking lists of supporters or randomly

selected names against the voters list. Nonetheless, where providing unfettered access to names, addresses, photos and other sensitive information, such as ethnicity, would likely create significant risks to public safety, restriction to certain information may be justified. Moreover, political parties and civic groups must act responsibly with the information that they obtain about citizens.

### Claims and Objections

As part of the verification process, a voter registration exercise should provide procedures for people to challenge mistakes in the voters lists:

- ▶ **Claims** – People who believe that they are eligible to vote, but whose names do not appear accurately on the voters list should have the opportunity to have corrections made; and
- ▶ **Objections** – People should be allowed to question the eligibility of individuals whose names appear on the voters list, but who are believed to be ineligible.

Clear and timely procedures must exist for determining the validity of such claims and objections. In some cases, claims can be resolved in a purely administrative fashion; if an individual has been incorrectly left off the voters list or is included with the wrong particulars, allowing the person to file a correction form may be enough to resolve the problem. However, when removing names from the preliminary voters list or when the addition of new names is controversial, a judicial or quasi-judicial review process may be required. In such cases, judicial or quasi-judicial bodies should be established to hear evidence for and against the removal or addition of names from the preliminary voters list. Such bodies should be established throughout a country so that individuals, political parties and civic organizations have easy access to the claims and objections process. While such bodies should render decisions on all matters brought before them, their decisions should also be open to appeal to a higher authority within the election administration or to a court. After the claims and objections process, a revised voters list can be produced. Best practices require providing the revised voters list to political parties and civic organizations as well as posting and/or



### Quality of the 1995 Final Voters List in South Africa

South Africa held its first democratic local government elections in November 1995. A complete voter registration exercise was scheduled from January 28 until April 28 of that year. At the end of the 90-day registration period, however, only 29.9% of the expected eligible voting population had registered to vote. Due to the low registration figures, the Ministry of Provincial Affairs and Constitutional Development and the Local Government Elections Task Group (LGETG) decided to extend registration until June 5. During the extension, door-to-door registration and an extensive media outreach campaign were conducted. In addition, political parties and civic organizations were enlisted to boost registration. By the close of the extension period, registration had increased to 72.5%, which was a significant improvement, but still short of the registration goal. Because of low voter registration rates, Project Vote (a South African voter education initiative) decided to conduct a public opinion poll to determine why South Africans were not registering and what kind of impact this might have on the electoral process. The poll was carried out in the three provinces with the lowest registration rates. The most significant finding of the poll was that 41% of those who had not registered indicated that they intended to vote on November 1. Clearly, a large percentage of South Africans did not realize that by not registering they would not be able to vote. Based on the public opinion poll's findings, an options paper was developed outlining five possible strategies to ensure that those people who had not registered but who intended to vote would not be disenfranchised. The results of the public opinion poll and the options paper were provided to the Ministry and the LGETG. Based on this input, it was decided to hold a supplemental voter registration exercise from September 11 to 25, one month before election day. During this period, nearly 400,000 eligible, but previously unregistered, persons registered to vote.

Source: *Voter Registration in South Africa*, by Project Vote

publishing it for public information, unless exceptional circumstances exist that create public safety risks.

### PROOF OF REGISTRATION

In many electoral systems, people who successfully register to vote are issued a receipt or card that provides proof of eligibility and registration. Often a receipt is given to individuals that permits them to collect either a voter ID card or national ID card at a later date. A photograph or fingerprint of the individual may be taken to be placed on the final card. Such cards may also contain a sophisticated mark of authentication, such as a hologram, as anti-fraud protection.

Issuing ID cards, either national or voting, requires a second point of contact between election officials and voters, which introduces an additional safeguard into the system. For example, those who have registered successfully but illegally may have to show another election official proof of identity and eligibility in order to collect their ID cards.

The use of receipts or cards as proof of eligibility and registration provides a valuable check on the quality of the voters list. If the name of an eligible individual who has registered to vote is missing from the voters list, that person is able to show evidence that he or she is in fact both eligible and registered to vote. In such a case, the electoral procedures could dictate that the individual should be permitted to vote even though his or her name does not appear on the voters list. Special procedures may be established as safeguards in such cases, for example requiring a court order or voting by tendered ballot.<sup>3</sup>

ID cards, however, are not without problems. In some cases, the ID cards may be printed with the wrong particulars or photograph (if any). This may require several return trips over a long period of time before every voter receives an accurate ID card. For some electoral calendars, there simply may not be enough time to permit the production and distribution of ID cards. Depending on the sophistication and production method for the ID cards, they may be easy to fabricate and may thus create opportunities for illegal voting. On the other hand, elaborate ID cards may be a financial burden on some countries. Even the best voter ID systems do not eliminate all potential voter ID abuses. For example, unscrupulous political parties could, through bribery and intimidation, “purchase” ID cards from individuals who are likely to vote for other political parties in order to disenfranchise them. If other forms of identification are accepted at the polls this problem can be reduced, but opportunities for multiple voting by individuals are increased. This illustrates that vigilance by election officials, political party pollwatchers and election monitors is needed in every system, both inside and outside the polling station.

### POTENTIAL PROBLEMS WITH REGISTRATION

**W**hile voter registration provides benefits to an election process it can raise special problems:

- ▶ As ease of registration increases, so does the possibility of fraud;

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<sup>3</sup> See page 15, “Tendered and Challenged Ballots,” for a definition.

- ▶ Eligible people who do not register to vote may be disenfranchised;
- ▶ People underage during registration, but of age on election day, may not be permitted to vote; and
- ▶ People who move after registration or who are not located on election day where they earlier registered may be unable to vote.

Procedures designed to make it easier for people to register are also likely to make it easier for ineligible persons to register. Similarly, measures to make it harder for ineligible people to register increase the potential to disenfranchise eligible voters. Any registration system must attempt to find an appropriate balance between these two contending issues.

Many electoral laws permit only those individuals who are eligible and whose names appear on the voters list to vote. It is possible that some people who meet the voting criteria would not be permitted to vote on election day because they have not previously registered. Eligible voters who registered may even be denied the right to vote simply because their names do not appear on the voters list due to human error or manipulation.

In some electoral systems, voter registration is conducted before the election day is set, while in other cases, the election day may shift after voter registration is conducted. In either case, there may be people who were not eligible to register to vote at the time of the registration exercise who subsequently become old enough to vote. This problem can be minimized by registering people who are not yet old enough to vote, but not including their names on the final voters list. This, however, can cause confusion because some people who register to vote will not be permitted to vote on election day.

Another potential problem occurs when voters are not at the same location on election day as they were when they registered to vote; this is often problematic because many electoral systems require people to vote where they registered. In such cases, if people are far away from that location on election day, they will not be able to vote even though they are eligible

and registered. Some countries make provisions for absentee or early balloting for such persons. These procedures, while extending the franchise, present risks to electoral integrity. In particular, the voters list should be marked in advance to indicate absentee or early voting to prevent such persons from voting a second time at the polling station on election day. In some countries, people are able to file a form with the election officials in advance of election day indicating where they will be on that day. Officials then issue written permission allowing them to vote at the alternate location. Precautions must also be taken to ensure that such persons are not able to vote more than once.

### ELECTION DAY REGISTRATION

One way to resolve the problem of eligible people who have not registered to vote before election day is to permit them to register at polling stations on election day. This is often done by inspection of identification documents to establish eligibility; if the person is found eligible, his or her name is added to a supplemental voters list, which may be verified later. The person is then permitted to vote. However, if individuals know that they can vote on election day without previously registering, they may decide not to register in advance. This will likely diminish the benefits provided by a voter registration exercise and will likely create significant opportunities for multiple voting by individuals. The creation of a supplemental voters list on election day, therefore, greatly increases the need to employ safeguards against multiple voting. Multiple voting can be deterred by other safeguards, such as applying indelible ink to the fingers of all voters.

### TENDERED OR CHALLENGED BALLOTS

Another procedure that limits disenfranchisement due to names not appearing on the voters list is to allow voting by tendered or challenged ballots. Under these procedures, voters whose names do not appear on the voters list establish their identity and eligibility with the polling officials, then are allowed to fill out a ballot that is not placed directly into the ballot box, but in an unmarked envelope. That envelope is then placed inside a second envelope along with a form containing the voter's identification or with their ID card. A pro-

cedure is then followed to verify eligibility, and, if it is established, the secret ballot is included in the vote count immediately after election day.

Best practices favor improving advanced registration systems or adopting tendered ballot procedures, rather than using supplemental voters lists.

### ELECTIONS WITHOUT REGISTRATION

Elections can also be held without requiring people to register to vote. This sometimes happens in countries where no reliable system of registration is in place, and where insufficient time, funding or human resources are available to implement voter registration before elections. Voter registration was not conducted, for example, in 1994 prior to the first democratic elections in South Africa. In such cases, people are required to prove their eligibility when they arrive at a polling station. Safeguards against multiple voting by individuals (such as applying indelible ink to the fingers of voters) are particularly important in these circumstances. However, the benefits of a voter registration process, described above, are lost.

### VOTER EDUCATION AND THE REGISTRATION PROCESS

The success of any voter registration exercises is dependent upon voter education. People must be informed about the importance of registering to vote and how to register:

- ▶ If people do not know that they must register in order to vote, they may not do so prior to election day;
- ▶ If people do not know when, where and how to register, they may miss their opportunity; and
- ▶ If people do not know when, where and how to inspect the voters lists and make corrections, they may lose the opportunity to guarantee that their names appear on the voters list and may lose their chance to vote.

Election authorities, political parties and civic organizations all have central roles to play in informing the public about how the voter registration

process works and why it is important. Election authorities have an obligation to conduct voter education activities to ensure that citizens have a real opportunity to exercise their right to vote. Political parties and candidates need to conduct such education activities in order to ensure that their supporters are able to go to the polls and vote. Civic organizations need to conduct such activities in order to protect citizens rights and public interests as part of their mandates.

All of these sources should provide potential voters with information about where, when and how to initially register to vote; where, when and how to collect voter ID cards (if any); where, when and how to verify the quality of the preliminary voter registry; where, when and how to file a claim or objection to add, update or remove a name from the voters list; and how, if possible, to rectify the problem, should their names not appear on the voters list at their polling station. For political parties and civic organizations, efforts to monitor the process should be coordinated with voter education initiatives and with election day pollwatching and domestic observation efforts.

### SELECTING AND TRAINING REGISTRATION OFFICIALS

**W**ho is chosen to serve as a registration official and how he or she is trained has a profound impact on the conduct of voter registration. For continuous registration, whether individual-initiated or state-created, officials are typically full-time employees who work directly for the government or election body responsible for maintaining the voters list. With individual-initiated periodic registration ad-hoc personnel, such as teachers, are employed to work at centers during the voter registration exercise. State-initiated periodic registration also employs temporary workers to conduct door-to-door enumeration. In all circumstances, voter registration officials must accomplish their tasks effectively and impartially. If registration officials are perceived as biased towards a particular party, or are perceived as incompetent, then political parties and the public are unlikely to have confidence in the process.

Four methods are often used to address these issues in the selection of registration officials:

- ▶ Requiring literacy and educational criteria;
- ▶ Requiring minimum knowledge through the use of standardized tests;
- ▶ Requiring political impartiality of officials; or
- ▶ Requiring political balance among nominees.

People must be able to read and in some countries must have completed a minimum number of years of education to be eligible to serve as registration officials. Countries, such as Guyana, have also introduced standardized tests to help ensure that the selection of officials is based on skills and knowledge. However, simply using educational criteria does not address the need for political impartiality in voter registration. Additionally, in some societies, people of a particular gender, ethnic, linguistic, religious or other group may have historically had more educational opportunities, which could lead to bias among registration officials. The selection of voter registration officials must take into account such demographics to ensure the integrity of the process.

In addition to ensuring competence, steps must be taken to guarantee political impartiality. For instance, registration officials may be required to pledge to be impartial when carrying out their responsibilities. In addition, political parties may be provided an opportunity to challenge the appointment of officials who they believe are biased.

However, some countries appoint party representatives to be registration officials according to a formula to achieve a political balance rather than individual impartiality. In Mozambique, for instance, government and opposition parties nominate supporters to be election officials. They are then assigned to responsibilities in pairs so that there is always a pro-government and pro-opposition person present. In Albania, politically balanced enumeration teams went door-to-door to conduct voter registration in 2000.

Once officials have been selected they must be properly trained. Training, in itself, is a sizeable and complex task that election authorities must integrate into other registration activities.