



19th April 2017

STATEMENT ON THE KPMG AUDIT OF THE REGISTER OF VOTERS

On 12 April 2017, after learning that KPMG had won the contract for the audit of the voters' register, Kura Yangu Sauti Yangu (KYSY) met with representatives of the KPMG team leading the audit. The purpose of the meeting was to gain an understanding of KPMG's methodology and timeline.

It is to be recalled that the audit of the register of voters is one of the key decisions made by the Joint Parliamentary Select Committee on Matters Relating to the Electoral and Boundaries Commission, and that the purpose of the audit was to restore public confidence in the register of voters.

During the meeting, KPMG explained its audit methodology, which consists of three primary processes. First, the firm proposes to review the legal framework governing elections and the process by which the IEBC conducted voter registration. Second, KPMG says it will conduct an internal analysis of the register to identify duplicates, incomplete entries and registrants' personal details. KPMG says that registrants' details will be cross-checked against the national databases of IDs, passports, births and deaths. Third, KPMG says it will conduct an inclusiveness check to assess how the register reflects the diversity of the Kenyan population. At the end of the process, KPMG will submit a report of its findings to the IEBC. KPMG says it will take 21 days to complete the audit, but time does not begin to run until the IEBC submits the register to the firm. To date, KPMG has not received the register.

Based on the above methodology, KPMG's audit hopes to inform Kenyans about the extent to which the voters' register includes people who are legally eligible to be on the register. It is important to note that KPMG's audit will be limited in its utility because it will only be able to provide information about whether or not people in the register are theoretically eligible to be included. As explained below, it will not be able to substantively comment on people's lived experiences with registration or on how voter registration problems are disenfranchising parts of the population.

Voter registration audits are meant to inform stakeholders about a range of issues. First and foremost, in most cases, audits of voters' registers aim to mitigate mistrust about the independence and/or impartiality about the authority responsible for compiling the register or to address a lack of public confidence in the legitimacy of the register. Second, an audit provides important information related to the accuracy of the data contained in the register. Specifically, an audit report provides a collection of useful statistics related to how much of the register contains inaccurate or outdated information, including, for example, registration details of those who have passed away, multiple entries of the same registrant, underage registrants, foreign registrants, etc. Third, and perhaps most critically, an audit reveals important information about people's experiences with the registration process. Typically, this is done through "list to voter"/"voter to list" methods. The former is meant to ensure that every name in the register is that of an actual person eligible to vote and that his/her info is correct and up to date, while the latter seeks to determine what proportion of the eligible voting population is on the register.

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These methods are based on face-to-face interviews with a statistically random selection of the voting age population, and they are vital parts of the audit process because they probe individuals' personal experiences with the process of registration and thus have the unique power to demonstrate the pitfalls in the process and highlight where authorities' attention must be directed. These interviews reveal information not just about people who are on the register but – critically – about people who attempted to register and failed, or who did not bother to try and register at all. Fourth, an audit evaluates the technological components and infrastructure of the process and register.

In Kenya, domestic observation has already provided useful, first-hand knowledge related to problems with the voter registration process. Findings include:

- Elites' use of coercive registration tactics, including the withholding of public services and access to public areas to those who cannot provide proof of registration;
- The IEBC's use of registration notebooks to record registrants' information;
- Serious and widespread technological problems and failures;
- Widespread evidence of shared national ID numbers;
- Broad evidence of people who have never registered yet find themselves already in the register
- Widespread proof of people who were registered for the 2013 election, and even voted, but who are now not in the register;
- Systematic evidence of individuals being denied IDs, either through overly burdensome vetting processes, lengthy and unreasonable delays and/or bribery.

Observers also noted disturbing instances in which individuals who went to register found that they were already registered but in areas that were not at all related to their places of residence or employment. These individuals were told that they would have to travel to the place in which they were registered to change their details.

KYSY would like to point out a number of shortcomings in the methodology proposed by KPMG. KPMG's methodology is unable to capture many of the above-listed problems, because it is based largely on desk reviews and cross-checking of data against national databases, the validity of which have already been questioned. Relying on these databases potentially leaves out sizeable portions of the population, especially those who live in remote areas or who are nomadic and whose information may not be contained in these databases. Just because a Kenyan birth is not included in the register of births, for example, does not make that individual any less Kenyan or ineligible to register to vote.

There are also transparency issues with regard to the methods that KPMG has chosen. KPMG is unable to provide information about the caliber and backgrounds of the staff members that will be employed in this assignment. Secondly, KPMG regards its client to be the IEBC but seems not to have considered ways of keeping the general public informed about the experiences that the audit will produce. As a result, there is no mechanism for ensuring that the public can independently follow the audit process. Thirdly, the report of the audit will be presented to the IEBC with no provision that this should simultaneously be shared with the public.

Going forward, KYSY recommends the following:

- KPMG and the IEBC must clarify which set of data will be audited. Specifically, will KPMG audit the biometric register, the green book, or both? If not both, how will the validity of the non-audited list be verified?
- KPMG should seriously consider augmenting its methodology with voter-to-list methods, which is a standard part of international best practice in audits of voters' registers.

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- Considering the environment of mistrust in Kenya, KPMG should also invest in making its process public and independently observable.
- The IEBC and KPMG must immediately create and implement a plan to regularly engage with the public on the progress and results of the audit. This engagement should include regular stakeholder meetings in which participants can ask questions.
- KPMG should inform the public as soon as the IEBC submits the register, and the IEBC must make that version of the register public.
- When its audit is complete, KPMG should publicly hand over its final report to the IEBC.
- The IEBC must immediately make the final report publicly accessible on its website.

About Kura Yangu Sauti Yangu

Kura Yangu Sauti Yangu (KYSY) is a citizen movement spearheaded by a number of like-minded civil society organizations (Kenya Human Rights Commission, Independent Medico-Legal Unit, Constitution and Reforms Education Consortium, the Africa Centre for Open Governance, the Civil Society Organization Reference Group, Inuka Trust, Katiba Institute, Freedom House, and the Kenyan Section for International Commission of Jurists) who have come together to proactively support Kenya's preparations for the 2017 elections with a view to ensuring that the country minimizes the risks related to dysfunctional electoral systems and practices.

KYSY was formed at the start of 2016 as a coalition of civil society organizations that seek to promote political dialogue in relation to preparations for the elections that will take place in August. Since February, 2016, the Coalition has conducted bilateral consultations with various state and non-state actors, including the IEBC, the National Women's Steering Committee, The Kenya Correspondents Association, the Law Society of Kenya, trade unions, faith based organizations, the Federation of Kenya Employers, Article 59 Commissions, the Kenya Union of Journalists, the Kenya Private Sector Alliance, the Council of Governors, the Chief Justice, the Coalition for Reforms and Democracy (CORD), the National Rainbow Coalition Kenya (NARC Kenya), the Amani National Congress (ANC), Kenya African National Union (KANU) and some of the 2013 presidential candidates such as Paul Muite and Prof. James ole Kiyaiipi. KYSY also met with the Deputy President, William Ruto, and the Leader of Majority in the National Assembly, Aden Duale. In all these consultations KYSY was able to share its objectives as well as invite them to participate in the political dialogue KYSY intended to instigate.

KYSY held a high profile launch on 15th May, 2016 that was attended by the leadership of opposition parties, the Inspector General of Police Joseph Boinett and the then IEBC Chairman, Isaac Hassan.

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