



Independent Electoral and Boundaries Commission

Independent Audit of the Register of Voters

KPMG Kenya

31 May 2017

This report contains 216 pages

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The Chief Executive Officer / Secretary

Independent Electoral and Boundaries Commission (IEBC)

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Nairobi

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Dear Sir

Report of the Independent Audit of the Register of Voters

We are honoured to submit the [Executive Summary of the] report of the audit of the Register of Voters.

The audit encountered many challenges. From the weight of high expectations borne of a history of mistrust, to unwarranted public vilification in an arena where we chose not to respond. The timescales set out in the Election Laws (Amendment) Act were observed more in the breach than the letter. There were delays in Commissioners taking office, procurement of the audit was also delayed, contracting and commencement were put on hold in observance of court orders, information required for the audit was slow in coming and required considerable additional time to obtain, and there were operational challenges leaving KPMG racing against time as the elections calendar wore on with very thin margins left.

Aided on by the purposeful interpretation of the constitutional provisions relating to the audit: that the higher order purpose for the audit of the Register of Voters is to secure the sovereign power of the people of Kenya; and that the audit of the Register is a constitutional function of the IEBC, KPMG laboured on against all the challenges. Teams had to work through many nights to deliver on this audit. We were determined to live up to our commitment to serve the Constitution and people of Kenya.

We thank the Commissioners, the CEO/Secretary and staff of the IEBC for their cooperation. We also acknowledge the support and cooperation we received from the third party State Agencies responsible for providing the reference data. We received vibrant views and useful input from various stakeholders including political parties, inter-religious leaders, civil society, private sector, the media and the general public. We also thank Parliament for supporting the IEBC to exercise its constitutional function of auditing the Register of Voters.

We believe we have done our part. We have presented the historical context informing the audit, a review of the legal framework guiding the audit, and an overview of the systems processes leading to the production of the Register as well as the controls over the infrastructure on which the Register is hosted. Above all, we have scrutinized both the

biographic and biometric details in the Register, compared these to the reference data based on the requirements of the Constitution, and identified exceptions that need to be addressed to enhance the accuracy of the Register. Time is of the essence in addressing the issues identified before the Register is certified for the elections in August 2017.

Where improvements are required in other State Agencies, we have noted these in our report only to the extent of their impact on the accuracy of the Register. We have also indicated where there was any limitation of scope, the reasons and the implications thereof. It is important to pay attention to the essential detail in the main report in order to benefit fully from this first ever independent audit of the Register of Voters in Kenya under the new constitutional dispensation. Whilst we acknowledge that the report will be presented to Parliament, there are details that will need to be kept confidential on account of implications to the control environment over the Register.

It is now up to the IEBC, Parliament, stakeholders and above all, the people of Kenya in whom sovereign power has been vested by the Constitution to do their part. To quote Margaret Mead: "I personally measure success in terms of the contribution that an individual makes to her or his fellow human beings". And our very own 2004 Nobel Peace Prize winner, the late Prof. Wangari Maathai said: "It's the little things people do that will make a difference. My little thing is planting trees." We have made our contribution. We have done our little thing: contribute to building public trust and inspiring confidence in the Register of Voters and electoral process.

Irrespective of the challenges that the other players may encounter, if they are also relentless in their pursuit of this higher order constitutional purpose for enhancing accuracy in the Register of Voters, they too can contribute to credible, free, fair and peaceful elections in August 2017. They can contribute to the progressive deepening of democracy well into the future. Then Kenya can enjoy the promise of the Constitution and the prayer that is the National Anthem.

We are honoured to have been of service to the Constitution and people of Kenya.

Yours

Josphat Mwaura

CEO

KPMG Kenya



Independent Electoral and Boundaries Commission
Independent Audit of the Register of Voters
Government

Contents

1 Introduction	3
1.1 Context leading up to the audit of the Register of Voters	3
1.2 Contracting, commencement and Terms of Reference	6
1.2.1 Contracting and commencement	6
1.2.2 Terms of reference, objectives and scope	6
1.3 Stakeholder engagement	7
1.3.1 Presentations on the approach, methodology and expected outcomes	7
1.3.2 Key issues arising from stakeholder engagement	8
1.4 Restriction on distribution of report	11
1.5 Limitations and subsequent events	11
1.6 Legal advice	12
2 Approach and Methodology	13
2.1 Summary description of our methodology	13
3 Executive Summary	18
3.1 Contracting and commencement	18
3.2 Background and context	19
3.3 Stakeholder engagement	21
3.4 Overview of our approach and methodology	22
3.4.1 Review of the legal framework	24
3.4.2 Review of voter registration systems and processes	24
3.4.3 Internal analysis and data analytics on the Register of Voters	25
3.4.4 Comparison against reference data and biometric analysis	29
3.4.5 Report on the audit of the Register of Voters	30
3.5 Summary of key findings and recommendations	32
3.5.1 Review of the legal framework	32
3.5.2 Review of voter registration systems and processes	33
3.5.3 Analytics of the Biometric Register of Voters	43
3.5.4 Database controls and infrastructure security	48
3.5.5 Analysis of inclusiveness of the register	51
4 Legal Framework	56
4.1 Context and clamour for a credible RoV	56
4.2 Legal basis for the audit of the RoV	56
4.3 Overview of the legal framework	57
4.3.1 The Elections Laws	59
4.3.2 Citizenship and Related Legislations	61
4.4 Key issues and recommendations from the legal review	62
4.4.1 The people of Kenya enjoy unfettered sovereign power under the Constitution	62
4.4.2 The Commission's constitutional mandate to maintain and audit RoV	62
4.4.3 Operationalisation of KCFNMS	63
4.4.4 Rationalisation of the registration of deaths	63
4.4.5 Rationalisation of Election laws and regulations to enhance accuracy	64
4.4.6 Clarification on expired passports	64
4.4.7 Giving effect to the disqualification criteria under Article 83	64
4.4.8 Enhancing control over transfer of voters	65
5 Voter registration, transfer and updating process	66
5.1 Overview	66

Independent Electoral and Boundaries Commission
 Independent Audit of the Register of Voters
 Government

5.1.1	Description of audit procedures carried out, sources and description of documents and records obtained/analysed	66
5.2	Voter registration processes.....	69
5.2.1	Voter registration - preparatory processes	69
5.2.2	Voter registration – enrolment of applicants.....	74
5.2.3	Voter registration – upload of applicant records.....	81
5.2.4	Voter registration – deduplication processes.....	84
5.3	Voter transfer and change of particulars processes.....	87
5.3.1	Voter transfer process	87
5.3.2	Change of particulars process	88
5.4	Voter removal processes.....	91
5.4.1	Removal of deceased voters from the RoV.....	92
5.4.2	Removal of voters convicted of electoral offences.....	103
5.4.3	Removal of voters declared to be of unsound mind	104
5.5	Conclusion System and Processes.....	106
6	Analysis of the RoV	107
6.1	Overview	107
6.1.1	Internal Analysis of the RoV	108
6.1.2	NRB Data Analysis.....	108
6.1.3	DIS Data Analysis	108
6.1.4	CRS Data Analysis	108
6.2	Data Governance.....	108
6.2.1	Data Governance Observations and Findings.....	109
6.2.2	Recommendations on Data Governance.....	112
6.3	Understanding Data Tables in the Voter Registration system.....	113
6.3.1	Observations and findings on the completeness of the RoV.....	114
6.3.2	Recommendation on completeness of the RoV.....	116
6.4	Analysis and results.....	116
6.4.1	Data Certification.....	116
6.4.2	The Commission data validation tests	117
6.4.3	The Commission Data Compared with NRB Data	120
6.4.4	The Commission Data Compared with DIS Data.....	122
6.4.5	Inspection of other fields for mismatches including names, DOBs and gender from NRB and DIS.....	125
6.4.6	The Commission Data Compared with CRS.....	127
6.5	Summary of all findings	129
6.6	Biometric analysis	136
6.6.1	Sampling technique	136
6.6.2	Observations and findings.....	137
6.6.3	Summary of findings.....	139
7	Database controls and infrastructure security	141
7.1	Overview	141
7.1.1	Security governance framework.....	147
7.1.2	Database maintenance and operations	152
7.1.3	Infrastructure security and penetration testing.....	158
7.2	Conclusion: Database controls and Infrastructure security	163
8	Analysis of inclusiveness of the RoV.....	164
8.1	National distribution of registered voters by county	164
8.1.1	Distribution of registered voters across age bands.....	166
8.1.2	Inclusiveness of women in voter registration.....	170



Independent Electoral and Boundaries Commission

Independent Audit of the Register of Voters

Government

8.1.3	Participation of the Youth.....	175
8.1.4	Inclusiveness of persons with disabilities	180
8.1.5	Inclusiveness of Diaspora in voter registration	185
8.1.6	Inclusiveness of Prisoners in voter registration	188
8.1.7	Conceptual framework.....	191
8.1.8	Comparative analysis of African countries performance	197
8.1.9	Benchmark study.....	204



Independent Electoral and Boundaries Commission
Independent Audit of the Register of Voters
Government

List of abbreviations

Detailed descriptions and explanations of terms and abbreviations relevant to this report are listed below. These descriptions and explanations serve to clarify our report and are not intended to be authoritative.

Abbreviation	Details
AD	Active Directory
AFIS	Automatic Fingerprint Identification System
ARO	Assistant Registration Officer
BCP	Business Continuity Plan
BVR	Biometric Voter Registration
CAA	Constituency Administrative Assistant
CCTV	Closed Circuit Television
CEC	Constituency Elections Coordinator
CMP	Crisis Management Plan
CRS	Civil Registration Services
DICT	Director ICT, Independent Electoral and Boundaries Commission
DIS	Department of Immigration Services
DOB	Date of Birth
DR	Disaster Recovery
DVREO	Director Voter Registration and Elections Operations, Independent Electoral and Boundaries Commission
ECK	Electoral Commission of Kenya
EMB	Electoral Management Body
ERM	Enterprise Risk Management
ETAC	Elections Technology Advisory Committee
GoK	Government of Kenya



Independent Electoral and Boundaries Commission
Independent Audit of the Register of Voters
Government

Abbreviation	Details
HO/HQ	Head Office / Headquarters
HR	Human Resources
ICT	Information Communication Technology
IEBC	Independent Electoral and Boundaries Commission
IS	Information Systems
ISO	International Organization for Standardization
ISP	Internet Service Provider
IT	Information Technology
KIEMS	Kenya Integrated Elections Management System
KNBS	Kenya National Bureau of Statistics
NRB	National Registration Bureau
PWD	Persons with disability
REC	Regional Elections Coordinator
RICT	Regional ICT Officer
RO	Registration Officer
RoV	Register of Voters
RPO	Recovery Point Objective
RTO	Recovery Time Objective
The Commission	Independent Electoral and Boundaries Commission
UNDP	United Nations Development Program
UPS	Uninterrupted Power Supply
VLAN	Virtual Local Area Network

1 Introduction

1.1 Context leading up to the audit of the Register of Voters

On 5 July 2016, Parliament debated the motion proposing to establish a Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission (JPSC-IEBC or the Committee). In an unprecedented move, Parliament resisted any attempt to amend even a comma or a full stop and instead deferred to the leaders of the political party coalitions who had negotiated and drafted the motion¹. The bipartisan motion was unanimously passed on 6th July 2016 and the JPSC-IEBC was set off to address matters that were necessary to restore trust and confidence in the IEBC, and in the electoral process.

The Hansard records that the motion proposing to establish the JPSC-IEBC was anchored on Articles 1(1) and 1(2) of the Constitution. Parliament noted that the primary reason for establishing the JPSC-IEBC were the issues raised by sections of the Kenyan society on the “credibility, impartiality, integrity and independence of the IEBC, the electoral processes and the electoral law; and the need to have the August 2017 general elections conducted by a body enjoying the broad confidence of most Kenyans.”² This is the background informing the eventual proposal for the audit of the Register of Voters (RoV) recommended by the JPSC-IEBC, and unanimously passed by Parliament in the same spirit as the motion.

While the motion in Parliament and deliberations of the Committee were necessitated by the pronouncements and agitation against the IEBC earlier in 2016, the controversy surrounding the electoral body and the voter register has dogged Kenya for several decades. It manifests itself as mistrust between those who are perceived to be on the side of the authorities in power and therefore perpetrators of injustice, against those who are excluded, oppressed or marginalized. Unfortunately, this divide happens to be mostly along tribal lines as noted in the Akiwumi Commission report: “Because of the past, the then imminent multi-party parliamentary and presidential elections saw the emergence of opposition political parties based on tribal allegiances. This was also exemplified by the tribal pattern of the results of the democratic parliamentary and presidential elections held in 1992 and 1997. In this respect, and we must not deceive ourselves, the ordinary mwananchi even now, regards himself firstly as a member of his tribe, and only secondly, as a national of the country. The onus is clearly therefore on tribal leaders not to take advantage of this dangerous and fragile situation, but rather preach peace and co-existence.”³ Sadly, political leaders did not heed this counsel and the country almost sunk to the brink in the 2007/8 post-election violence. It was from that dark experience that Kenyans resolved to give themselves the new Constitution that set a new path for governance, social co-existence and inclusive prosperity. In particular, in the preamble to the Constitution, we now acknowledge the Almighty God, honour “those who heroically struggled to bring freedom and justice to our land⁴”, and take pride in “our ethnic, cultural and religious diversity, and determined to live in peace and unity as one indivisible sovereign nation.”⁵ the Constitution was intended to put behind us the tribal divides alluded to by the Akiwumi Commission.

¹ Official Hansard Report, 5 July 2016

² Ibid

³ Report of the Judicial Commission of Inquiry into the tribal clashes that had occurred in Kenya since 1991 and chaired by Justice Akilano Molade Akiwumi (The Akiwumi Commission), 19 August 1999

⁴ Constitution of Kenya, 2010

⁵ Ibid

Independent Electoral and Boundaries Commission

Independent Audit of the Register of Voters
Government

Prior to the promulgation of the new Constitution in August 2010, Kenya had paid a heavy price from the historical mistrust occasioned by poor governance and political competition. This mistrust was translated into clamour for power, raising the stakes in influencing voting patterns, either through physical disruption of populations, manipulation of the Register of Voters, or outright rigging. This inevitably led to pre-election violence, disputed elections and post-election violence. The Akiwumi Commission inquired into the tribal clashes that had occurred in Kenya between 1991 and October 1998 and noted that political competition was the primary cause of the tribal clashes: “We have no doubt that the tribal clashes were politically motivated and that existing conducive situations were exploited” (ibid).,

In 1997, faced with the prospect of mass action spearheaded by the then National Convention Executive Council (NCEC), the Government and Parliament agreed to a set of minimum reforms under the auspices of the Inter Parties Parliamentary Group (IPPG). The minimum reforms were intended to inject greater independence in the electoral body, impartiality by the State and media and commence the process of a broader constitutional review. Whilst not anchored in law, the IPPG reforms provided for consultation and input by political parties in the appointment of Commissioners to the Electoral Management Body (EMB), the Electoral Commission of Kenya (ECK). The resulting Commissioners of the ECK were appointed in this spirit of consultation and bi-partisanship. The Constitutional review process that the IPPG had agreed upon commenced after the 1997 elections, remained incomplete by the time the 2002 elections were held, and was restarted after the NARC Government came into power. However, the review process was poisoned by divisions within the NARC Government, resulting in the defeat of the draft Constitution at the referendum in 2005.

In the lead up to the 2007 general elections, one of the major contentions by opposition parties was that the Government had reneged on the IPPG reforms and unilaterally appointed new Commissioners to the ECK. When the 2007 election was held on 27 December 2007, the final results were disputed and the country was plunged into post-election violence which claimed over 1,100 lives, resulted in destruction of property worth millions of shillings, and the country was on the brink of a complete breakdown in law and order. This was arrested and resolved with the help of international mediators led by the former Secretary General of the United Nations, Kofi Annan. The team recommended several reforms, including the establishment of two key Commissions to look into the causes of the violence and electoral disputes: the Commission of Inquiry on Post-Election Violence (CIPEV) chaired by Justice Philip Waki (The Waki Commission), and the Independent Review Commission (IREC) on the General Election held on 27 December 2007 chaired by Justice Johann Kriegler (The Kriegler Commission). The Kriegler Commission returned a damning indictment on the conduct of the 2007 elections and blamed the shambolic elections on both sides of the political divide, conduct of stakeholders and the incompetence of ECK. One of the areas that the Kriegler Commission focused on was the lack of a credible, accurate and reliable Register of Voters. On this, the Kriegler Commission noted that:

“without a credible, clean and verified Register of Voters, the people of Kenya are denied their right to exercise their sovereign power.⁶”

While the 2010 Constitution made several changes to the manner elections are conducted and sought to implement the recommendations of the Kriegler Commission, disputes relating to elections still arose from the 2013 general elections. A total of 188 Election Petitions were filed in Court, including an election petition on the presidential election that was determined by the

⁶ Report of the IREC, September 2008: pages 77-78



Independent Electoral and Boundaries Commission

Independent Audit of the Register of Voters

Government

Supreme Court. The Register of Voters was one of the critical areas of contestation in the Supreme Court Petition.

It is the 2013 disputed elections together with reports of corruption and impropriety in IEBC that catalysed the push for the reform of the Commission which spilled into street protests that cost lives and disrupted economic activity. This formed the basis for the establishment of the JPSC-IEBC to resolve the impasse and rebuild confidence in the Commission and electoral process. The JPSC-IEBC recommended that for the 2017 elections, "The Independent Electoral and Boundaries Commission engages a professional reputable firm to conduct an audit of the Register of Voters for the purpose of verifying the accuracy of the Register, updating the Register and recommending mechanisms to enhance the accuracy of the Register."⁷

As a result of the Committee's recommendations, the audit of the Register of Voters was made a statutory obligation under the Elections (Amendment) Act, No. 36 of 2016.⁸ This amended the Elections Act, 2011 to introduce a new Section 8A which provides that:

"1) The Commission may, at least six months before a general election, engage a professional reputable firm to conduct an audit of the Register of Voters for the purpose of -

- a) verifying the accuracy of the Register;
- b) recommending mechanisms for enhancing the accuracy of the Register; and
- c) updating the Register."⁹

The law further provided for the early engagement of a professional reputable firm to conduct the audit for the purposes of the general elections constitutionally scheduled for 8 August 2017.

In addition to this law, we have also established that the audit of the Register of Voters is a necessary component of the exercise of the Constitutional functions of IEBC, and in particular those relating to the continuous registration of citizens as voters and regular update of the Register of Voters, as well as adherence to the general principles of the electoral system.

Against this backdrop, the audit of the Register of Voters therefore presents the IEBC with an opportunity to build public trust and inspire confidence in the Register and electoral process in the lead up to the general elections in August 2017. In addition, the audit is also an opportunity to capture important lessons that can inform reform efforts to deepen democracy and truly honour the sovereign power of the people of Kenya.

KPMG has taken this context into account and carried out the audit through a comprehensive methodology purposed to honour and secure the sovereign power of the people of Kenya, and which respects the IEBC's constitutional independence on matters relating to the registration of voters and updating of the voters' roll.

It is the tragic circumstances briefly outlined in this context that the audit is trying to cure by inspiring confidence in the credibility of the electoral process and the Register of Voters as a key contributor to credible, free, fair and peaceful elections. In this way, the audit can act as a

⁷ Republic of Kenya, Report of the Joint Parliamentary Select Committee on Matters Relating to the Independent Electoral and Boundaries Commission (Parliament of Kenya, 11th Parliament, 4th Session, 16th August, 2016)

⁸ Elections Amendment Act, Act Number 36 of 2016 (commenced on 4th October, 2016)

⁹ Section 8A, Elections Act, 2011.



Independent Electoral and Boundaries Commission

Independent Audit of the Register of Voters

Government

catalyst to refocus the country to the promise and high aspirations that Kenyans have for themselves in the Constitution. It is a task that KPMG took on with deep commitment.

1.2 Contracting, commencement and Terms of Reference

1.2.1 Contracting and commencement

KPMG Kenya (KPMG) was retained by the Independent Electoral and Boundaries Commission (IEBC) to carry out the audit of the Register of Voters as provided for under the Elections Act. The audit was initially planned to commence in December 2016 but was delayed by a legal challenge which was determined on 30 March 2017, allowing the audit to commence. Another two applications were subsequently filed in the High Court which both IEBC and KPMG continued to defend. The first of these applications was determined on 27 April 2017 while the second is yet to be determined. These legal challenges and the public vilification that followed were to test KPMG's commitment to provide these services. But we were convinced right from the proposal process that we were serving the Constitution and people of Kenya, and would not relent from that focus and commitment.

1.2.2 Terms of reference, objectives and scope

In the Request for Proposal (RFP), IEBC provided the terms of reference which formed the basis of our Technical Proposal and an integral part of the Contract for the audit of the Register of Voters.

The overall objectives of the services were defined as to:

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

The specific terms of reference for the services are outlined below:

- Review the legal framework relating to voter registration
- Review the voter registration process, voter transfer process and voter update processes
- Review the Biometric Registration System Database that hosts data on registered voters
- Review the process of identifying and removing deceased voters from the Register of Voters
- Assess the accuracy of the Register of Voters in terms of completeness of the details of voters' data, matching of voters details (Biometrics) to the voter
- Assess inclusiveness of the Register of Voters in relation to eligible voting population based on gender, age and geographic distribution
- Review and recommend improvements on existing mechanism for continuous update of the Register of Voters
- Analyse the security of the registration of voters' data and infrastructure; and
- Make recommendations for enhancing the accuracy and inclusiveness of the Register of Voters.

Independent Electoral and Boundaries Commission
 Independent Audit of the Register of Voters
 Government

Under the terms of the Contract between the IEBC and KPMG, the IEBC was to present the Register of Voters to be subjected to the audit. In addition, the IEBC was also to procure or facilitate access to the duly certified state agencies reference data for the purposes of the audit. The date of engagement was predicated on the provision of this information. These were availed to KPMG as summarised in the table below:

Table: Presentation of the Register of Voters and Reference Data for the audit.

Reference Data and Register of Voters	No. of records provided	Date of Certification
National Passports Data duly certified by the Director of Immigration as provided in section 5 of the Kenya Citizenship and Immigration Act, or provided in section 16 of the Kenya Citizenship and Foreign Nationals Management Service Act.	1,291,576	13 April 2017
Provisional Biographic Register of Voters duly certified by the Commission Secretary / CEO	19,646,673	24 April 2017
Provisional Biometric Register of Voters duly certified by the Commission Secretary / CEO	19,647,835	14 May 2017
Data on National IDs from the Principal Registrar of Persons under the National Registration Bureau in accordance with section 5 of Registration of Persons Act. This certification was received from the Directorate of Immigration and Registration of Persons, and signed by the Director of National Registration	25,323,059	15 May 2017
Data on Deaths from the Principal Registrar of Births and Deaths appointed under section 3 of the Births and Deaths Registration Act, duly certified by the Director, Civil Registration Services.	435,175	19 May 2017

1.3 Stakeholder engagement

1.3.1 Presentations on the approach, methodology and expected outcomes

We recognized in our Technical Proposal that the audit of the Register of Voters was not only aimed at meeting the objectives set out in the RFP, but also building confidence and trust in the register and assuring a broad cross-section of stakeholders that our approach was purposed to secure the sovereign power of the people of Kenya who had invested their time and effort to register as voters. Above all, our approach had to demonstrate our understanding of the landscape and the need to ensure that stakeholders had confidence in the expected outcomes.

Independent Electoral and Boundaries Commission

Independent Audit of the Register of Voters

Government

We agreed on the various categories of stakeholders with the IEBC and developed a comprehensive presentation¹⁰ setting out our methodology, approach and expected outcomes.

This presentation was delivered to various stakeholders including:

- Political Parties
- Inter-Religious Council of Kenya (IRCK)
- Representatives of various Civil Society groups
- Representatives of the Private Sector
- Government representatives particularly responsible for maintaining and providing the reference data required for the audit
- Both electronic and print media for countrywide dissemination
- Representatives of International Missions in Kenya.

— A list of the participants in these events is attached¹¹ at annexure 2.

1.3.2 Key issues arising from stakeholder engagement

The stakeholder engagement process included robust engagement with participants and whilst they agreed that the methodology adopted was comprehensive, they also raised a number of issues that included:

- Distinction between audit of the voter register and research on voter registration
- Mistrust of the IEBC and agencies providing the reference data
- Safeguarding the independence of the IEBC
- Risk of unauthorized access to IT systems
- Communication of the results of the audit to stakeholders
- Post-implementation review before certification of the register.

We address each of these concerns in turn below:

1.3.2.1 *Distinction between audit of the voter register and research on voter registration*

A number of stakeholders seemed to expect that the audit of the register is synonymous with research on voter registration. It therefore became important to clarify the scope of the audit of the Register of Voters against the expectations of research on voter registration. The latter is an important but separate process particularly aimed at establishing whether the EMB has effective mechanisms to ensure that eligible voters are not disenfranchised in the registration process. Research on voter registration also captures important lessons about the experience of registered voters in the registration process, as well as establishing the reasons and obstacles that lead to apathy by eligible citizens who do not register as voters.

Given that over 5.6 million eligible citizens have not been registered as voters, it was recommended that IEBC should conduct this research on voter registration to establish the

¹⁰ Refer to Annexure 1 - KPMG stakeholder presentation

¹¹ Refer to Annexure 2 – List of participants at stakeholder engagement events

Independent Electoral and Boundaries Commission
Independent Audit of the Register of Voters
Government

reasons for this exclusion, and to make appropriate arrangements to achieve greater coverage in the voter registration process. Such research would also identify the inter-agency issues that may be impacting the registration process and an appropriate multi-agency framework set up to address the issues. While this is an important undertaking, it is outside the scope of this audit and consequently not a focus of this report.

1.3.2.2 Mistrust of the IEBC and agencies responsible for reference data

A common theme that emerged from the engagement with various stakeholders is a deep distrust of the IEBC, and to a lesser extent, the state agencies providing reference data for the audit. Virtually every stakeholder noted that the country was looking to KPMG to provide a trusted report on the audit as other agencies, including the IEBC, had not inspired confidence in their conduct and performance. Concern was raised about the quality and integrity of data that was expected to be used in the audit. The level of trust and confidence in these institutions was indicated to be low, and required considerable scrutiny as part of the audit process.

We clarified to the stakeholders that the scope of the audit is limited to the Register of Voters and the processes within the IEBC to arrive at that Register. Our scope did not include an audit of the other agencies with statutory responsibility for providing the information required by the IEBC. We however assured stakeholders that our methodology included certification of data by specific authorised officers providing the state agencies reference data. This certification is intended to ensure ownership of the reference data by the persons mandated to maintain that data under the respective laws, and to reduce the risk of deliberate fraud. We also noted that the data provided would be subjected to review with the appropriate level of professional skepticism and cross-reference with other sources. We indicated that this is the limit of our tests of this data as the scope of the audit did not cover these state agencies. There may however be need in the future to consider the independent audit of the processes and integrity of data in the state agencies to ensure that the IEBC is provided with credible information for the voter registration and update process.

1.3.2.3 Safeguarding the independence of the IEBC

When challenged about the need to safeguard the independence, trust and confidence in the IEBC that is secured under the Constitution, stakeholders indicated that the IEBC has to demonstrate consistent competence and integrity, and assert its independence before it could earn the trust of stakeholders.

We also engaged in vibrant discussions on the hierarchy of power; from the Almighty God acknowledged in the preamble to the Constitution, the sovereign power of the people of Kenya in Article 1, and the IEBC as the custodian of a critical process by which that sovereign power is exercised and delegated, as provided in Article 249(1) and Article 1(3) of the Constitution.

Stakeholders recommended that, if IEBC is to enjoy the vantage place reserved for it in the Constitution, the Commission has to prove itself as a credible institution worthy of the trust and confidence of most Kenyans. The Commission's historical record has not demonstrated this and hence a fundamental change programme will be required to achieve the desired transformation. That change programme will need to transform the IEBC into an institution that conducts itself in a manner that asserts its independence in accordance with the constitutional

Independent Electoral and Boundaries Commission

Independent Audit of the Register of Voters

Government

hierarchy of power and the high place reserved for the IEBC. In addition, the IEBC will need to build its capacity and embed the highest standards of integrity to demonstrate excellence and the highest standards of performance in the discharge of its constitutional mandate. This will require the IEBC to be accorded appropriate resources to achieve this transformation. The case for this investment is made by the high price the country pays when the IEBC is not able to win the trust and confidence of most Kenyans.

It was recommended that this transformation agenda be the top priority for the IEBC and all stakeholders after the 2017 elections. These recommendations were born out by our review of the systems and capacity of IEBC relating to the Register of Voters. The IEBC needs to invest in people with the character and capacity aligned to its role, and systems and processes that win the confidence of stakeholders.

1.3.2.4 Risk of unauthorized access to IT systems

Given that the Register of Voters is held in IT systems, stakeholders were also concerned about the control environment over the technology systems, and in particular to manage the risk of unauthorized access and manipulation of the Register in a manner that can undermine the sovereign will of the people of Kenya. A number of stakeholders were therefore keen to understand the standards we were applying to confirm the integrity of the data that we were being provided with, as well as the security of the environment in which this data is maintained.

We assured stakeholders that our methodology included appropriate tests of technology controls relating to the Register and the infrastructure it was hosted in.

In our technical proposal, KPMG had proposed to carry out penetration testing on the RoV Database to establish the risk of unauthorized access and manipulation of the data hosted in the register. The IEBC however did not authorize these tests. The Commission advised KPMG that it is acquiring new ICT infrastructure for purposes of the elections. The Commission further advised that the law requires that the system to be used in the elections be tested and certified at least 60 days before the elections. Additionally the Commission stated that it has put in place other measures to ensure that the security and integrity of the entire system for the elections including the biometric register, undergo the test as one-system-test instead of having isolated tests.

We wrote formally to the Commission on several occasions to explain the implications of this limitation of scope on the integrity of data in the system, and therefore the credibility of the register. The IEBC indicated that it would reconsider its decision and communicate to us accordingly. At the time of preparing this report, the authorisation for these tests had not been provided. Should these penetration tests be authorised by the Commission, the work will be carried out after the submission of this report and a supplemental report issued to the Commission.

1.3.2.5 Communication of the results of the audit to stakeholders

A number of the stakeholders wanted to know about the mechanisms that were being put in place to report the results of the audit back to stakeholders. We noted that the reporting responsibility defined under the law is to the IEBC who will then report to Parliament within 14 days. As the democratically elected representatives of the people, this reporting to Parliament



Independent Electoral and Boundaries Commission

Independent Audit of the Register of Voters

Government

was expected to satisfy the requirements of Article 10 with regard to participation of the people.

In order to achieve the objective of rebuilding public trust and confidence, stakeholders requested that IEBC put in place mechanisms for broader communication of the results to key stakeholders and the Kenyan public. These recommendations, while outside what KPMG can deliver, are an important prerequisite of enhancing public trust and should be considered by both IEBC and Parliament so that the findings of the audit are publicly available and widely disseminated. In addition, there should be a framework for reporting progress in the implementation of the recommendations to the public. This will ensure that IEBC is accountable and go a long way in rebuilding trust and confidence in the electoral process.

1.3.2.6 *Post-implementation review before certification of the register*

Whilst stakeholders were satisfied with the comprehensiveness of the methodology, they wanted to know whether KPMG would have any role in validating that all the recommendations of the audit have been properly implemented before certification of the register for downloading to individual kits and use in the general election. We pointed out to the stakeholders that this was another manifestation of the mistrust of the IEBC and informed them that this was not included within the scope of the audit. However, we undertook to relay the request to the IEBC in our regular reporting of progress.

The IEBC has indicated that it will consider the request by stakeholders and report as appropriate.

1.4 Restriction on distribution of report

As provided in the Constitution and the law, this report was prepared solely for the Independent Electoral and Boundaries Commission (IEBC) for the purposes of implementing the recommendations arising from the audit of the Register of Voters. We also recognize that under the law, the IEBC is obligated to submit a copy of the report to the National Assembly and the Senate. This report should therefore not be utilised for any other purpose. In deliberations and subsequent public dissemination of the findings, both IEBC and Parliament should take cognizance of the nature of some of the findings which are necessarily confidential and require to be treated as such.

In discharge of their roles, both IEBC and Parliament take sole responsibility for determining the level of disclosure of the findings. KPMG does not accept any liability for any disclosure, publication or use of the report other than discussions and implementations of the recommendations arising from the audit.

1.5 Limitations and subsequent events

We have attempted to include all information relevant to the Register of Voters. However, it is possible that documents and information exist which were not made available to us, or which we were unable to locate.

Any documents or information brought to our attention subsequent to the date of this report which would affect the findings listed below, will require our findings to be adjusted and qualified accordingly.



Independent Electoral and Boundaries Commission
Independent Audit of the Register of Voters
Government

Vulnerability Assessment and Penetration Testing

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1.6 Legal advice

Although our report may contain references to relevant laws and legislation, we do not provide legal opinion on the compliance with such laws and our findings in this report are not to be construed as providing legal advice. Our discussion of the relevant laws is intended solely to facilitate the determination of applicable facts which may be relevant to the interpretation and/or application of such laws. Should such interpretation require legal advice, we recommend that independent legal advice be obtained.