

7. Voter registration and voter registers

The legal framework should require that voter registers be maintained in a manner that is transparent and accurate, protects the right of qualified citizens to register, and prevents the unlawful or fraudulent registration or removal of persons.

Transparency

The right to vote is violated if the legal framework makes it difficult for a person to register to vote, as normally a person who is not registered cannot legally vote. The right to vote is also violated if the legal framework fails to ensure accuracy in voter registers or facilitates fraudulent voting. The international standard for voter registration is that the register must be comprehensive, inclusive, accurate and up to date, and the process must be fully transparent. The process should facilitate the registration of a qualified voter, while at the same time safeguarding against the registration of ineligible persons. Some of the fundamental issues that must be clearly defined in the legal framework for elections are:

- Citizenship and age qualifications;
- Residential qualifications;
- Methods of voter registration;
- Process for dealing with objections and appeals;
- Identification of voters; and
- Documentation required by voters.

All the above must be clearly stated, objectively determinable and not subject to arbitrary decision.

Transparency requires that voter registers be public documents that can be monitored and made available for inspection at no cost to the requester. The legal framework should clearly specify who may inspect voter registers, how the inspection will take place, and the period when voter registers are available for public inspection. It should also specify who is permitted to request registration changes, additions and deletions, the procedure for making such requests, and during what time period such requests may be made. Requests for changes, additions and deletions in voter registers should only be limited to a minimum time period before a given election in order to finalize registers. A person should not be limited to making requests that relate only to herself/himself. When a person is permitted to make a request that affects another person, such other person must be notified of the request and be permitted to respond to the request. Changes, additions and deletions should be made only upon the presentation of specific documentation and in accordance with the procedure identified in the legislation. Before finalizing voter registers, in addition to the general public, all registered political parties should also be given notice of and provided access to such registers so that they may verify, object to or seek to add such names as they wish. Decisions on requests should be made expeditiously, within a set time period provided by the law. Decisions must be subject to appeal to be determined expeditiously, also within a set time-period.

The legal framework may provide that the responsibility to register lies either with the individual -- *passive voter registration* where the individual voter has the responsibility to approach the registration authorities to get herself/himself registered -- or with the state -- *active voter registration* where the state, the EMB or other authorized body sends its official enumerators from

house to house to register voters. In some cases the responsibility may be a combination of both active and passive voter registration. In all cases, however, the final responsibility for the accuracy of the voter registers lies with a local or central state authority or EMB, which must ensure that voter registers are maintained in an accurate and transparent manner. This should both facilitate and protect the right of citizens of legal age to register and prevent unlawful or fraudulent registration.

The legal framework should require that voter registers be systematically updated and corrected in a transparent manner to allow electoral participants and voters the opportunity to review their accuracy. It should also provide for voter registers to be updated either on a continuous basis or periodically by a certain cut-off date, in advance of polling.

Protection of personal data and information

The legal framework often requires that a person disclose certain information to authorities when registering as a voter or as a candidate. Legislation related directly to voter registration should not allow for the collection, use or dissemination of such personal data or information for any purpose other than the exercise of suffrage rights. This includes provisions that relate to fingerprints, photographs and personal identification numbers, as well as to ethnicity or other factors that could lead to discrimination or place the voter at risk of personal harm. The legal provisions should specify what personal information and data will be publicly listed on the voter register. As an alternative, some jurisdictions rely on the civil registration as the basis of their voter registers.

The legislation should also clearly state the permitted uses of information obtained from inspection of the voter registers and whether the information can be used for purposes other than challenging the registration of a particular voter. In particular, the law should state whether the information may or may not be used for the campaign activities of political parties and candidates, for police investigations or for commercial or other purposes. The legal framework should also state the sanctions for misuse of information obtained from voter registers.

Checklist

- Does the registration process provide for accurate voter registers? Is the process itself transparent?
- Does the legal framework contain provisions for regular and timely updating of voter registers before an election?
- Are the requirements for voter registration stated in clear and unambiguous language?
- Does the law clearly identify what documents are necessary to register as a voter?
- Are the provisions for challenging a registration decision stated in clear and unambiguous language?
- Is the time period for challenging a registration decision clearly stated?
- Are voters protected from the wrongful disclosure of personal data?