



International Foundation for Electoral Systems

1620 I STREET, N.W. • SUITE 611 • WASHINGTON, D.C. 20006 • (202) 828-8507 • FAX (202) 452-0804

**PLANNING FOR THE 1993 NATIONAL ELECTIONS IN SENEGAL:
AN EVALUATION**

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**Henriette Guerin, Montreal, Quebec
Lorenzo Morris, Ph.D., Washington, D.C.
Pierre Tessier, Montreal, Quebec**

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I. INTRODUCTION

In the space of only the past few months, several nations in francophone Africa have experienced national political upheavals in the course of what might well have been peaceful electoral contests. Dramatic twists in party and leadership behavior have instead turned democratic initiatives into occasions for social disruption. Religious turbulence and governmental crises have reversed democratic practices in North Africa. Ethnic hostilities have threatened countries with civil war in the midst of constitutional reform. Moribund authoritarian regimes have been resuscitated at the expense of popular expression in West Africa. With one or two exceptions in this part of the world, Senegal stands out in providing reliable assurance of the peaceful and election-based submission of political authority to the popular will. In contrast to its regional neighbors, only Senegal carries the mark of a traditional democratic orientation and of electoral experiences which assure that democratic practices are mandated from within the nation rather than from outside pressures. The spirit of participatory government and individual rights have apparently extended into every sector of the Senegalese electorate. At the same time, these experiences and spirit have not been sufficient to assure that the practices of open participation and equitable election procedures will take root. Instead, the orientation and image of Senegalese electoral habits illustrates the under-representative way in which elections are typically conducted.

Perhaps the only claim on foreign aid for its electoral process that Senegal cannot make as persuasively as other African nations is that it fears a return to authoritarian rule. In contrast to the overwhelming norm among third world countries, Senegal has a well established history of democratic practices. Although it has obviously experienced nearly thirty years of virtual one-party rule, the institutions and practices of competitive democracy have a firm basis on which to build. Still, the country and all its potential voters lack any recent experience with competitive elections. A large portion of the electorate (close to half) has lost all interest in voting. More important, among the less than half of the electorate who vote regularly, there is a widespread impression of ritualistic voting. In a one-party system, the vote does not change the politics of those in power. As a result, voters tend to emphasize public displays of party commitment at the voting booth. Thus, an essential concept of competitive party politics in voting is missing.

What is needed, therefore, is a systematic exposure of the electorate to the practical concepts of competitive elections and party transition in order for voters to recognize and prepare for the realistic possibility that such competition and transition might eventually take place. Such exposure can most readily be developed through a massive program of civic education.

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At every level of responsibility in Senegalese politics there are noticeable inconsistencies in the prevailing interpretations of the democratic election process. On small matters and on large procedural questions the rules are often too ambiguous to assure a consistent and predictable approach to election administration. In fact, the rules alone are so often contradictory that nearly all public and political leaders that the team interviewed complained. What compensates for the ambiguities in regulation may also be that which perpetuates uncertainty and inconsistencies in decision-making. The admirable concern for a balanced representation of all political party interests in the writing of the Electoral Code may have effectively been transformed into an unwieldy pork-barrel of election regulation benefits for all participating parties. The failure of responsible government agents including the Ministry of the Interior to address the inconsistencies in the Code reflects a detrimental preoccupation with public opinion and political sensibilities. The additional failure to adequately address the absence of funding, even partial funding, for public and party obligations during the election preparations suggests either blind faith or a profound distrust for open political debate.

The Senegalese political community is currently less concerned with who may win the presidency in 1993 than with who will control the electoral process, its rules, its funding and its evaluation. The rules are still not well developed. The funding is obviously not within the control of any Senegalese group, neither the government nor the opposition parties. The evaluation of the process is, of course, in doubt until the 1993 elections have past. Yet, it is already likely that conditions like those leading to the violent rejection of the 1988 elections results will again be present. Unless there is additional aid, there will be poor and inadequate voter registration, followed by untrained polling officials on election day and few party poll watchers. In addition, election results, although tabulated by Appeals Court, can only have the credibility that party leaders are willing to accord them. Between now and February 1993 some significant progress needs to be made at the level of regulations and party consensus in order to assure peaceful elections.

With little more progress than already seems likely, however, one can expect that the elections will be democratically conducted. The strength of Senegal's democratic tradition coupled with a growing awareness in all public sectors demonstrates that greater attention will be paid to election preparations. If the support of the international community is added to some of the initiatives already undertaken in Senegal, the elections should meet international standards of fairness.

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The team of analysts brought together by the International Foundation for Electoral Systems, is in debt to all organizations and groups for the opportunity to conduct and learn from our research in Senegal. The team was invited to evaluate the overall quality and effectiveness of the government's preparation for the 1993 national elections in Senegal. The invitation came in response to a Senegalese request made of international donors including the United States for financial assistance in preparing for the elections.

The assessment, conducted primarily in and around Dakar between March 7 and March 24, 1992, was oriented toward an evaluation of the components of the electoral structure described in the election budget issued with the Senegalese aid request. The work was assisted by the US Embassy and USAID staff in Senegal. In a little over two weeks the team interviewed about 60 people, largely leaders in the Senegalese government, political parties, news media and civic associations. The team also examined a variety of data on voter registration, party participation, legal issues and related election activity. This report is an initial effort to define the parameters around which specific questions may be developed but still, the team trusts that it answers some general questions associated with Senegal's need for assistance in promoting its democratic process.

The team, a Howard University professor and two election officials from Quebec, Canada, is especially indebted to USAID Mission Director Julius Coles, to U.S. Ambassador Katherine Shirley in Senegal for their support, and of course to Laurie Cooper of IFES for organizing this project. The team owes a very large debt to Annette Adams, USAID Regional Legal Advisor who guided and encouraged work while the team was in Dakar.

A. Political History Since Independence

During the early 1960s, when internationally recognized President Leopold Sedar Senghor reaffirmed the country's independence by breaking away from the Mali Federation, regular election practices were installed in Senegal. The first test of the depth of competitive political spirit came early when President Senghor's party defeated the party of renowned scholar Cheikh Anta Diop in a 1963 election. The score on this test affirmed both the appeal of democratic competition in Senegal and the weakness of its democratic institutions and practices. The goals and rituals were retained, but much of the substance was lost. Diop's legitimate electoral opposition was followed by his arbitrary imprisonment and the beginnings of one party dominance by Senghor's UPS, Union Progressiste Senegalese (later changed to Parti Socialiste - PS).

When the current president, Abdou Diouf, came to power in 1981, a one-party orientation was already developing among the electorate. This orientation is now so strong that most of the political activists interviewed, including many of Diouf's executive employees, could agree that the Senegalese have a "one-party mentality." Although formal multiparty electoral competition began with the 1978 presidential elections, President Senghor's 81 percent majority probably encouraged a "personality-based" concept of governance that is inconsistent with open competition.

As readily as the Senegalese opposition leadership will insist that there is a pervasive one-party mentality, meaning a belief in the irreversibility of one-party domination, others will insist on the primacy of Senegalese democratic traditions. Former opposition leader and now Minister of State in coalition with the PS, Abdoulaye Wade, leader of the PDS (Partie Democratique Senegalaise) takes great pride in calling attention to Senegalese support for the French revolution of 1789 (*Le Cahier de Doléances Présenté Par le Senegal aux Etats Generaux de 1789:1989*). At the same time, limited democratic forms were promoted in Senegal. During the colonial period, especially in the region of Saint Louis, elections of local leaders were a frequent feature of colonial governance. From the perspectives of most Senegalese political leaders, therefore, a tradition and culture of democratic experimentation has been well established. That tradition is evident in the respect for basic civil and human rights observable in all aspects of Senegalese politics. To a greater extent, the civil disruptions and violent protests over the violations of democratic procedures in the 1980s serve as the evidence of democratic culture and socialization among large groups of Senegalese. Whether early history or recent competition is involved, there is clearly an electorate predisposed to expecting electoral politics.

B. Efficacy of the Electoral Process

If there has always been popular "will" for democratic elections, there has rarely been a popular "way." As two scholars recently noted "effective use of the electoral mechanism to institutionalize pluralized politics through meaningful competition... is a crucial element. Herein lies the singular importance of the 1988 Senegalese elections..." (C. Young and B. Kante, 1991:63). They provide standards on which to judge a political party's incorporation of electoral mechanisms. The effectiveness of the mechanism or the efficacy of procedures that political parties utilize in attaining their political purpose is one of the three criteria by which all parties can be judged.

The 1983 elections formally permitted the most unrestricted party competition in Senegalese history. There were about sixteen small political parties registered, of which eight remained to engage in uneven competition with the PS. Because the opposition parties were newly created, however, they posed no real threat to the PS (Young and Kante, 1991:64). By 1988, in contrast, only six parties entered the presidential race but still posed viable competition. President Abdou Diouf took 73 percent of the vote but Abdoulaye Wade won a solid 20 percent. In fact, the belief of most opposition leaders is that the real vote was much closer and perhaps in Wade's favor; hence, the persistent accusations of the vote fraud by the PS in 1988 and the fear of its repetition in 1993.

Accusations of vote fraud are accompanied by widespread distrust of all public election officials because virtually all of them are PS activists, representatives of the party as much as the government. This distrust includes the judges on the Senegalese Court who were responsible for validating and supervising the 1988 elections. Journalists repeatedly referred to evidence of fraudulent voter identification and repeat voting although it is doubtful that the final outcome was crucially altered. In response to public and opposition sentiment, however, the multiparty Reform Commission subsequently removed from the Supreme Court its election supervisory role. In the 1993 elections, supervision will be the charge of the Appeals Court, which has four times the staff of the Supreme Court (120 jurists compared to 27), while the Supreme Court retains final judgement authority.

Another legacy of the 1988 elections is the awakening of student protests and political violence. As student movements have almost surpassed military coups in overthrowing third world governments, fears regarding similar movements were no doubt entertained in Senegal. These student movements were not revolutionary protests against established political institutions; rather they were protests against their presumed corruption.

A primary target of protest was the Electoral Code itself. It was also the major target of vigorous party-based protest in 1983 but very little was done to address the complaints. The greater disruption in 1988 brought a direct reaction from Diouf but his reaction was ironically structured to respond to earlier demands. In particular, the opposition party had alleged voter fraud. Fraud, it was argued, was likely when there was no "presentation of an identity card carrying a photo" required in 1983 (M. Gounelle, "Chronique Constitutionnelle", 1987:365). Such a card is now required for voter registration but it is unlikely that it will be distributed in time for voters to meet 1993 deadlines. It is more likely to become a source of further political disruption.

A growing sense of political instability began with student protests and demonstrations in 1987 over declining student financial aid and living conditions. These protests and boycotts were followed by a massive police strike. By the time of the February 1988 elections, the pump of social activism was already primed.

At the same time, a low turnout rate of about 59 percent of the registered voters did little to affirm the electoral option. The estimated low registration rate of about fifty percent of eligible voters further gives the impression that the Senegalese place little faith in electoral approaches to their political future. The protest in March 1990 against the Diouf leadership and the boycott of the 1990 municipal elections by several opposition parties reinforced the marginalization of electoral politics (Jeune Afrique, Nov. 14-20, 1990:27).

The best test, therefore, of the efficacy and effectiveness of the electoral procedures for 1993 involves the extent to which they promote full citizen participation. First, to what extent is voter registration and turnout across the country encouraged? Second, are the formats for voter registration and voter participation being adapted to the social and educational diversity of the Senegalese electorate? Third, are the reasonable reservations by the political opposition resulting from previous controversies being addressed? As noted below, opposition complaints are currently being addressed but the voting process has hardly been made more manageable or "user friendly."

C. Equity in the Electoral Process

Evidently sensing a problem, President Diouf invited the National Democratic Institute for International Affairs (NDI) to send a high-level delegation to study its Electoral Code in 1990. The delegation, headed by Ambassador Donald McHenry, recommended substantial revision of the Code while praising its basic content. In addition to a number of problems identified in the implementation of voting procedures, its major criticism focussed on political party competition. NDI called for substantially greater role for political parties, meaning the opposition parties, in the control of election procedures. It further called for restructuring the municipal and rural council elections "to facilitate greater participation by opposition parties" (NDI, An Assessment ... 1991:44). More than merely following their advice, President Diouf went further by creating the multiparty election commission. The function of the 1991 Commission Cellulaire de la Reforme du Code Electorale (hereafter Reform Commission) was to completely revise the Electoral Code.

Despite the empirical success of the Reform Commission, it has produced as much uncertainty about the electoral future as it has resolved ambiguities of the past.

The Reform Commission rose to such a stature that its work, the new Electoral Code, is effectively untouchable. When confronted with an inconsistency between the new Code and the Senegalese Constitution, the President and the National Assembly scarcely hesitated to conform to the Code. This practice displays by Western standards an astonishing constitutional legal agility to quickly amend the Constitution rather than rewrite recent law. In some sense, the Commission itself is a spectacular achievement in the annals of multiparty politics because it brought together fifteen political parties of diverse ideological tendencies. To reach partial agreement among such a diverse group would be noteworthy by itself. To reach a tenable consensus of all parties on basic laws affecting all aspects of election procedures is truly exceptional. Senegalese leaders, the President, the Commission Chair Judge Keba Mbaye and the opposition deserve praise because their work demonstrates a serious commitment to promoting equity in political competition. By equity is meant fairness and impartiality in election procedures. Unfortunately, this orientation toward equity could not be accompanied by solid implementation planning. The astonishing consensus among the political parties was purchased at the price of realistic analysis and planning. Provisions for participation and steps for assuring equity often seem to float down from a visionary world of resources and practices scarcely available anywhere in the world.

D. Efficiency in Election Procedures

The Electoral Code was promulgated without regard either to resource constraints in government or to the inconsistency between the code's political detachment and the need for implementation by a bureaucratic structure which had been purposely excluded. At present, the implementation of the Code is largely assigned precisely to the Ministry of the Interior, the government employees most hostile to the work of the Commission.

After the details of the Code were worked out in May 1991, political party leaders expected to be called in by the government for regular consultations on election preparation. The Ministry of the Interior evidently had no such intention. Party leaders also expected and continue to request special subsidies from the Ministry to support their participation in registration procedures and in civic as well as voter education to little avail. On March 6, 1992 party delegates were called in for an

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update on Ministry actions related to registration. The meeting apparently resulted from complaints to the President about the inadequacy of registration preparations. There were also growing complaints of unfair voter registration and deliberate delays. In other words, the new Electoral Code and related practices are already showing signs of inefficiency in promoting individual and party participation. To be democratic, electoral procedures must have a minimum level of efficiency as far as voter interaction with public administrators is concerned. In this case, inefficiency shows signs of generating the same kind of protests that diminished the credibility of the last elections.

II. ELECTORAL LEGISLATION

A. The Constitution and Recent Constitutional Acts

Senegal's Constitution, promulgated on March 7, 1963, has undergone numerous amendments (14 amendments since 1967), the most recent of which date back to 1991 and early 1992.

The latest constitutional acts (No. 91-46 and No. 92-14 promulgated respectively on October 6, 1991 and January 15, 1992) amending the Constitution result from the deliberations and decisions of the Reform Commission. They are attached as Appendix C.

The amendments address the following issues in particular:

- The voting age
- The number of successive terms a President may serve
- The extension of the length of the president's term
- The possibility of independent candidacies and party coalitions
- The responsibility of the courts and tribunals in charge of overseeing the legality of the election campaign and the eligibility of candidates
- The voting conditions for election of the President of the Republic
- The time period for challenging the legality of any electoral activity by a candidate
- The conditions of eligibility to be a candidate to the presidency of the Republic
- The non-comittance of election for president and the election of deputies

These amendments were necessary to make the provisions of the Constitution conform to the decisions of the Reform Commission.

B. The Current Electoral Code

1. Development

Opposition parties have been calling for a reform of the Electoral Code since the last presidential and legislative elections of 1983 and 1988. The provisions governing these elections constituted the Code in force since 1982. Although amended since then by some ten acts, the Electoral Code has had to undergo major revisions to respond to the concerns of the political opposition, who claimed that the electoral system was open to fraud and partisan influence. A climate of trust towards

election regulations and procedures had to be created. The credibility of the election administration, subject to a long tradition of one party firmly in power since independence, had to be improved. The more active presence of political parties in the overseeing of administrative operations became necessary. The Electoral Reform Commission was created to bring government and opposition parties together in the revision of the Electoral Code.

The Reform Commission was composed of five jurists (including the former first president of the Supreme Court, Justice Keba Mbaye, who acted as president of the commission) and representatives of fifteen of the seventeen legally constituted political parties. Justice Mbaye agreed to preside over the Commission on the condition that all the political parties present achieved consensus. For him, the selection criteria for the other jurists included that they be independent, have the trust of the political parties and have been activists in favor of human rights.

2. Concerns Raised by the Reform Commission

The first stage in the Commission's deliberations consisted in deciding on options on which the electoral system reform would be based. A total of thirty-six major points was raised by the Commission. Consensus of the political parties was reached on all of the electoral system reform proposal:

3. Recommendations of the Reform Commission

Following its deliberations, the Reform Commission issued the following recommendations:

- Efforts should be made to insure the respect of the principles of democracy and to ensure the popularization of the electoral system through systematic civic and voter education programs, conducted by the public authorities, political parties and nongovernmental organizations. Information disseminated by the public media should be designed to achieve this goal.
- The deposit required from candidates or the list of candidates in the elections should be set in agreement with the political parties at a reasonable level to allow the greatest participation possible.

- Leaves of absences should be granted, where needed, to the members of electoral list preparation and card distribution commissions.
- A detailed study by the Commission concerning voting by Senegalese citizens living abroad should be submitted in due time to all the political parties, conducted in accordance with the new legislative and regulatory provisions.
- The voter registration list should be updated by the Ministry of the Interior under the control of representatives of the legally constituted political parties.
- Efforts should be made to give all Senegalese citizens 18 years of age or over a national identity card before the next renewal of the National Assembly.
- The voting system in the Gambia should be studied.

4. Legislative Component

Below is a summary of the new elements added to this legislative part of the electoral code. They mandate in particular:

1. Voting age is 18 years of age instead of 21 years of age as in the old code.
2. Voting conditions for Senegalese voters living abroad should be provided for by a special act.
3. Political parties should participate at a high level in the control of electoral process activities.
4. Testimonial proof as the means of identifying voters has been removed (only the following proofs will henceforth be accepted: passport, national identity card, military service card, driver's license, civil or military pension booklet).
5. Applications for registrations outside the revision periods are now accepted up to their 15th day before polling day (previously the 10th day before polling day).
6. Change in the color of electoral cards after each election for President of the Republic, deputies and municipal and rural councilors is mandatory.
7. Supervision of partisan electoral propaganda shall be the responsibility of the recently constituted Radio-Television High Council.
8. Distribution of voter's cards shall be the responsibility of the administration, which must organize the transportation of representatives of the political parties and pay the costs.

9. The obligation by members of the polling stations to sign the records and for each representative of the political parties or candidates present to receive them shall be enforced (previously, signing was optional and the document was only issued on request).
10. There shall be greater immunity of candidates during the election campaign and the election.
11. Coalitions of political parties and independent candidates shall be permitted.
12. The number of deputies by department shall be set at a maximum of 5 and a minimum of 1, in proportion to the population of the department (previously there was no set maximum).

The legislative part of the electoral Code comprises 202 sections to which were integrated those making up Act no. 92-15 of February 7, 1992 concerning the election of the President of the Republic and deputies to the National Assembly.

5. Main Chapters of the Electoral Code

In addition to the Code provisions specified in Section 4, the current Electoral Code sets the following rules:

The Electoral Body. The Code specifies that eligible voters be Senegalese citizens of both sexes, aged 18 years, enjoying their civil and political rights, and not imprisoned. The following persons are not eligible: soldiers, constables and police officers of every rank in active service, as well as civil servants deprived of electoral rights by the specific statutes governing them. Senegalese citizens living abroad are also entitled to vote; however, the voting procedure abroad has yet to be determined.

Electoral Lists. Preparation. The electoral lists are prepared at the district or rural community level by one or more administrative commissions. There is also an electoral list for each diplomatic or consular officer. Political parties are also part of the electoral list preparation process. Multiple registrations on the electoral list are prohibited. Each registration must be justified by one of the following proofs of identity: passport, national identity card, military service booklet, driver's license, civil or military pension booklet.

Revision of the electoral list. Electoral lists are not permanent. They are subject to an annual revision from January 2 to March 31 inclusive. However, before each general election, an exceptional revision may be ordered by decree. In this case, the deadlines provided in the annual

revision process may be moved forward or backward accordingly. For the 1993 general election, a decree was issued to proceed with an exceptional revision of the electoral lists from February 24, 1992.

The revision of the electoral lists is conducted by one or more administrative commissions in each district or rural community under the control of the political parties.

The Code specifies the methodology for the listing of, modifications to and striking of names from the electoral list. The Code also provides for the possibility for certain voters to register on the electoral list outside the revision period.

Voter Registration Card. The administration is in charge of preparing and printing voter's cards at the government's expense. The new Code stipulates that these cards must change color after each election of the President of the Republic, the deputies and the municipal and rural councilors.

Candidate Eligibility Criteria. Every Senegalese citizen may submit his candidacy and be elected on the condition that he meets the conditions to be a voter and to be registered on the electoral list. The Code specifies that the following persons are not eligible: soldiers, constables and police officers of every rank in active service as well as civil servants deprived of their electoral right by the specific statutes governing them.

Methods for Elected Offices. *Office of the President.* The President of the Republic is elected by direct universal suffrage and at the double-ballot majority election. The President can only be elected at the first ballot after obtaining the absolute majority of the popular vote, representing at least 25% of the voters registered. If no candidate obtains the required majority, the second ballot is held on the Sunday following the first ballot. At the second ballot, a relative majority will suffice.

Deputies (legislative) The number of deputies is set at 120. They are elected as follows: 50 at the single-ballot majority election held under Department's jurisdiction and 70 under the proportional election system using the national list. A maximum of five deputies and a minimum of one deputy shall be elected in each department. The number of deputies to be elected by department is set by decree based on the respective demographic size of each department. A list of deputy distribution is attached as Appendix D.

Municipal Councilors. The municipal council is made up of councilors representing the population and councilors representing economic, social and cultural groups and shall have an advisory status. No one councilor may represent more than one group at the same time. Half of the councilors representing the population are elected by majority election; the other by single-ballot proportional election with no vote splitting or preferential vote. Councilors representing the economic, social and cultural groups shall be designated by proposal of the most representative groups.

Rural councilors. Three-quarters of rural councilors are elected by direct universal suffrage and one-quarter by economic, social and cultural groups. No councilor may represent more than one group at the same time. The election takes place by universal suffrage for one half using a single-ballot proportional election based on the completed lists and for the other by a single-ballot majority list election with no vote splitting or preferential vote and without an incomplete list.

Election. Elections shall take place on Sundays. Political parties and candidates have the right to monitor all the electoral operations from the opening of the polling station to the proclaiming and posting of the results in these stations. Candidates have access to all the polling stations in the electoral division in which they submit their candidacy. Voters present in the voting room before closing time are allowed to vote. The Code specifies the voter identification and voting procedure. A major new element added to the electoral Code is the mandatory use of the voting screen. Moreover, the voter must leave with an indelible mark proving that he has voted. A stamp of the electoral division is also placed on the voter's card.

Legal Issues. The Court of Appeals is in charge of overseeing the legality of electoral operations. It designates delegates chosen from among the members of the Court of Appeal and the tribunals. Every candidate in the election may contest the legality of the electoral operations by addressing a petition to the First President of the Supreme Court. The Supreme Court must rule on the petition within five days. Penal provisions are provided for in the new Electoral Code. They include fines and terms of imprisonment.

C. Strengths and Weaknesses of the New Electoral Code

Strengths:

The 15 out of 17 eligible political parties of Senegal that participated in the electoral Code reform process boast the merits of the new code, describing it as very democratic. Indeed, it is the result of several months of negotiations which focused on the 36 points on which a consensus was reached. The major participation of the political parties in the election law reform is a premiere event in Africa. The IFES team hopes that the Senegalese example will be imitated by other African countries.

The new Electoral Code responds to the numerous demands of opposition parties; particularly those made since the last elections in 1988. A major innovation is unquestionably the lowering of the voting age to 18 years of age in a country where the population is made up mainly of young people. The increased participation of political parties and candidates in the control of all the electoral operations leaves much less room for fraud. This move toward greater transparency and the new procedures to insure the secrecy of voting and the identification of voters (mandatory visit to the polling booths, mandatory proof of identity, indelible ink, etc) will partially respond to the problems raised following the 1988 elections.

Of course, the new Code makes several innovations as does every new law, but it will have to prove itself. The true qualitative analysis of the numerous decisions implemented will only be tested when these provisions are applied.

Weaknesses:

Some will claim that the new Electoral Code is too democratic. As its elaboration was left up to the goodwill and desires for change of the political parties, it gives a great deal of responsibility to the parties and candidates relative to the little organization and financial resources that they have at their disposal. A few points of discussion have remained on the negotiation table due either to their complexity, or to the lack of interest of participants (political parties) in settling them.

This is the case, for example, regarding voting by Senegalese citizens living abroad. Theoretically, the possibility for these voters to vote exists, but in practice this is almost impossible as no voting process abroad has been provided for. Study of this issue has been postponed to a later date. The

Electora' Code is also silent on the means of financing political parties and controlling election expenses although it seems that a proposal to study this issue was presented at the request of the Reform Commission.

The election administration whose principal players at all levels (department, district, rural community) are traditionally associated with the party in power does not have to answer to a higher authority for its administration. The Electoral Code is silent on this point. The team also notes certain weaknesses in the Code concerning the voting procedure. The Code should specify provisions governing the manner in which the voter makes his choice concerning a candidate or the list of candidates in the polling booth. Moreover, although a visit to the *isoloir* is henceforth mandatory, the Code nevertheless allows a host of possibilities for identifying the choice made by voters on the polling station premises. As currently drafted, the Code does not prevent the carrying of partisan signs on the polling station premises nor does it prohibit the voter from disclosing his or her vote nor any other person from seeking to find out for whom the voter has cast his or her ballot.

D. Special Problems of Implementation

Inconsistencies in the provisions of the law reported to the team by the legal department of the Ministry of the Interior concern the following points:

Distribution of voter's cards. The legislative part of the Code provides for the complete distribution of cards no less than two months before the date the election campaign opens. The regulatory part stipulates that they can be distributed up to the day before the election campaign opens.

Voter card distribution commissions. Section R25, within the regulatory part of the code, specifies that the electoral card distribution commissions are set up two months before the electoral campaign opens. This institution would thus appear at the end of the distribution of voter's cards, if section L41 of the legislative part is to be respected.

Designation of representatives of political parties in distribution commissions. Under sections R25 and R36 of the regulatory part, the distribution of voter's cards would begin the day on which the political parties designate their representative to the competent authorities. There should be a

sufficient time period between these two operations to allow the parties to choose and designate their representatives.

Counting of the votes. Section L58 specifies that it is the responsibility of the regional tribunal to rule on the invalidity of the reports vitiated by a substantial flaw, whereas section LO.112 stipulates that the departmental or national commissions shall cancel such reports.

Use of indelible ink. The Code specifies under section L50 that indelible ink must be placed on one of the voter's fingers before he or she places the envelope containing the ballot in the ballot box. The indelible ink mark must be made after the voter has introduced the envelope into the ballot box. Thus, the envelope does not risk being stained, since the stain may mean the cancellation of the vote.

E. Role of Political Parties in the Implementation of the Code

As drafted, the new electoral Code gives political parties a very important role in the overseeing and control of electoral process operations. They are associated with the activities of the numerous commissions in charge of applying the operations and, in particular, those operations that will take place on polling day. In the current context of their means and organization support, the parties are unable to truly assume their responsibilities, in particular in designating their representatives at the electoral Commission and polling station levels, to ensure the true transparency of electoral operations and the integrity of the process.

One of the responsibilities of the political parties is to cooperate with the election administration in providing the best information possible to voters on the provisions of the law, the new practices of the electoral Code and, of course, on their voting rights. To date, the political parties do not yet seem to have become involved in the civic education campaign.

F. National Identity Card and Voter Registration Card

Virtually any Senegalese citizen over the age of 18 can vote in any national election if he or she can prove citizenship. There, however, is the rub because it is hard enough for the Senegalese to prove time period and place of birth. Among the many technical problems, for example, is that most

citizens possess no documents similar to a birth certificate. This alone would greatly complicate the process of voter registration, but there are much greater difficulties of financial and administrative origin with which voters must contend.

First among the financial problems is the prohibitive cost of the "free" national identity cards. Although the Ministry of the Interior officials insist that the cards are absolutely free to voters, virtually no one outside government received a card without some cost since the cards were first available. Normally, the greatest cost is little more than the cost of a photo and an official stamp. The photo cost should therefore be standardized at 300 francs CFA. Instead, the leaders of rural villages indicate that their people are often required to pay 1000 francs CFA for the photograph, plus 100 francs for official stamps on birth certificates and another 100 francs for related public functions. In all, they have to pay 2400 francs or approximately eighteen dollars per two heads of household plus two days' work lost. This amount becomes formidable when one considers that the estimated medium income of the peasants, who make up 70 percent of Senegalese voters, is only about 35,000 francs or \$145 a year. Even the smallest items can be expected to be discouraging for discontented voters, noteworthy when one considers that turnout rates border on fifty percent.

Still, where the potential voters are willing, they must depend first on registering at city hall *centres d'état civil* and then going with their birth certificates and four photos to the police stations (*préfectures*) to apply directly for their cards. If their profiles are processed without difficulty, the Ministry of the Interior through its center of production will authorize a national identity card. However, the applicant will not yet be registered to vote unless he or she subsequently pursues a separate voter registration card. Now, he or she must then find one of the itinerant or local "census" (recensement) Commissions to complete the registration process by inscribing his or her name on the registration list. If all the steps are successfully executed, then the voter becomes one of a minority of registered voters.

Since the registration process is so cumbersome, the problem of producing credible and comprehensive voter registration lists has become a critical issue for 1993. The Election Code calls for an August 29, 1992 deadline for the revision of the voter registration lists. Yet a literal interpretation of the law would lead many potential voters to believe that they can register up to the presidential election day, February 21, 1993. More problematic is the slowness of the distribution of the national identity cards. The monthly distribution rate should reach about 300-500,000 voters while the current rate is barely over 100,000 cards a month.

G. The Exceptional Revision/Rewriting of the Voters' List

Decree No. 92.237 (February 19, 1992) orders an exceptional revision of electoral lists. The Reform Commission planned that electoral registration lists would be updated by the Ministry of the Interior under the control of representatives of the legally constituted parties.

Section 14 of the Electoral Code stipulates that an exceptional revision may be decided by decree before each general election. It is by application of these provisions that the exceptional six-month revision of electoral lists (namely from February 24, 1992 to August 24, 1992) has been ordered.

During the deliberations on the Electoral Code reform, the Reform Commission obtained the consensus of the political parties on a reorganization of the general registration list to establish new electoral lists under the control of the political parties. Yet in these same recommendations the Reform Commission stipulated the updating of the electoral registration list. In keeping with the report of the Minister of the Interior, the President of the Republic ordered the exceptional revision of the electoral lists. The decision made the news headlines and was the source of a debate between the administration and the opposition parties. Some people advocated a total reorganization of the voter registration list on the one hand to respond to the numerous allegations of electoral list registration frauds and, on the other, to ensure the best possible electoral list taking into account the new, stricter voter identification mechanisms.

Nevertheless, the decision to choose an exceptional revision rather than a reorganization of the voters registration list was based on the desire to retain the names of voters already registered, for fear that the registration rate in the case of a total reorganization would be below that of current registrations. This affirmation from the election administration and leaders of the opposition parties denotes a total lack of confidence in the means and procedures planned to register voters and in the interest of voters to register on the electoral lists. A number of people fear that the voters already entered on the electoral lists do not have the necessary proof of identity to register on the lists or to vote. The program implemented to standardize the national identity card in order to compensate for this shortcoming does not seem to be giving the expected results. It is urgent that the Ministry of Interior disseminate a civic education and awareness program among voters concerning the importance of obtaining the national identity card and of being registered on the electoral lists.

G. Administrative Commissions

The Administrative Commissions are in charge of preparing and revising the electoral lists of the districts. Each one is made up of the mayor or his representative, a delegate of the administration designated by the prefect, and a representative of each legally constituted political party. The main functions of the Commissions are to collect and ensure the quality of information needed for voter registration; to verify the identity of the prospective voter; to receive applications for registration, modification or striking names from the list; to notify and issue registration refusals to the voter, where applicable; to notify registered persons of the striking of his or her name from the list, where applicable; and to transmit corrections and modifications of the list to the administrative authorities from February 15th to the end of June. Corrections are to be sent to the Ministry of the Interior file automation department.

III. ELECTION ADMINISTRATION

The principal responsibility for assuring the equity and efficacy of the electoral process in all republican governmental systems naturally rests with its elected representatives. Whether in a parliamentary or congressional-presidential system the essential legislative and constitutional interpretations by which the law is applied are established by the national legislature. The courts then serve as guardians and interpreters of constitutional and legislative coherence. In Senegal, by contrast, the parliament normally has less freedom than most parliaments to apply constitutional directives. The executive normally retains so much control over the legislative process that the parliament or National Assembly has served to legitimize legislation more than to promulgate it. Many people interviewed agreed in describing it as "rubber stamp" body (*chambre d'enregistrement*).

A. Role of the Reform Commission and the Ministry of the Interior

The Minister of the Interior is responsible for administering all elections in Senegal. The Minister appointed an internal electoral committee (civil servants) from La Direction des Affaires Generales et de l'Administration Territoriale (DAGAT) to coordinate and execute the 1993 electoral process. He also supervises the governance and prefects, who are appointed by presidential decree.

In the 1993 election preparations, the National Assembly's already minimal role has been usurped by the Reform Commission. This Commission, in turn, was structured to communicate like a legislative body with the executive on all electoral matters. Since the Commission was not enacted as a body continually in session, much of the real authority for interpreting the vague electoral laws fell to the Ministry of the Interior. Because the President wanted to avoid the appearance of engaging in personal and partisan interference in the electoral process, even greater interpretive and implementary authority fell to the Ministry. (Ironically, the Minister of the Interior, Madieng Kary Dieng, has reacted to this acquisition of unrequested power with reticence, trepidation and occasional disdain.) It is difficult to imagine that the Ministry would be repelled by the wide margin of authority permitted it by the Commission if it were not also for the ambiguities and inconsistencies established in its Electoral Code. The common complaint heard throughout talks with Ministry officials is that the Code is laden with unmanageable anomalies.

Still, the Ministry remains at the center of election law implementation and interpretation because all other relevant parties are unwilling to intervene for political reasons, or unable to intervene for administrative/technical reasons. More important, there are no legislative provisions for the Commission or the National Assembly to survey or intervene in Ministry decision-making. According to the Code, the executive, meaning the Ministry, controls all implementation including the budget for the elections. Perhaps the greatest indication of its independence is that the Ministry controls the funding for political party interaction with government in administering the elections - an interaction mandated by the Code. Moreover, the Commission, by not mentioning funding, left all public budgetary planning affecting the political parties to the Ministry. The Ministry to date has made few plans. Few plans are in the works even for assuring public assistance for party participation in the 1993 election organizing.

The Ministry has produced a substantial budget which includes salaries for election personnel affiliated with the political parties; that is, special Commission members and polling observers. Still, no concrete efforts have been made to assure direct government funding for these positions nor for any of the needed preparatory steps including materials and transportation.

B. Administrative Capabilities Under the New Code

Major decisions affecting the quality of equity, openness and impartiality for the Senegalese elections have been made. Yet most decisions are contingent on resources neither currently available nor very likely to be available in future. First among the tasks of opposition parties involves the roles of the centers for voter identification; second, voter identification itself. The Ministry has been able to support the voter identification centers because they are staffed by government employees of the prefectures. However, the special election obligation to provide free identification cards to all Senegalese adults is apparently so costly that no progress toward payment for the cards has been made by the Ministry. Meanwhile, only a few of the voters have these essential cards.

Similarly, the issue of subsidies needed and expected by the fifteen political parties to support their members in the voter registration Commission and in poll watching activities has not been addressed. The Ministry claims not to have and probably does not have the funds. The parties insist, in conformity with the Code, that they be present at commission meetings and at the polls. They clearly do not have the funds to pay their workers any kind of per diem, transportation or

salary allowance. The laws requiring their full participation remain in vigor while no one accepts responsibility for their implementation.

While not a budgetary matter, the Ministry's inability to resolve problems posed by inconsistency in registration deadlines is also indicative of administrative weaknesses. With obvious inconsistency between the deadline for registration list development and the deadline for submitting applications, the Ministry seems unable or unwilling to address the problem with the political leaders.

C. Ballot Secrecy Issues

The roots of voting rights concepts such as "one man one vote" can easily be found in the pre-French Revolution literature of philosophers like Jean Jacques Rousseau or U.S. forefathers like Thomas Jefferson. The Senegalese communications addressed to the French government of 1789 reflect Senegal's long established awareness of democratic principles. Such awareness, however, does not extend to some of the democratic procedures Westerners take for granted. In particular, the secret ballot is a concept whose time has not yet fully arrived in Senegal.

How and why the secret ballot has become a regular component of individual rights is not especially clear in themes of social theory. Theoretically, there is no democratic reason why one cannot be expected to vote publicly as some U.S. citizens regularly do during a presidential caucus. Concrete experiences in the history of nearly all political systems provide sufficient justification for the secret ballot. Party pressures on voters, physical intimidation and economical reprisal are among the deprivations of the rights of voters whose secrecy is not respected. Ironically, none of this seems to have intimidated the Senegal government. The concept of ballot secrecy will be duly promulgated but substantive respect and commitment to it are doubtful.

Except in its interviews with educated opposition leaders, the team was told that ballot secrecy should be considered optional for the voter. Everyone should have the right to secrecy. Hence, there is widespread acceptance of the private voting booth or *isoloir*. No one, however, should be pressured to vote secretly. One judge involved in election adjudication told the team that "voters should have the courage to show their vote to the public."

The 1993 secret ballot will exist in fact but perhaps not in substance. The long decades of one party dominance has made the need for voter secrecy seem irrelevant to most voters. In this regard, Senegal's use of existing, highly visible separate ballots for each candidate is consistent with the tradition of public voting. According to some elected officials, the Senegalese have a tradition of holding up for public view their ballot and choice during an election. Such public demonstration serves to stimulate a sense of community and even nationhood where everyone is content with a one-party system. Still, the possibility for voter intimidation is clearly aggravated without a secret ballot. In the absence of civic education campaigns, it is not clear that villagers will understand their right to secrecy.

D. Partisan Politics at Polling Places

Multiparty politics has historically assured competitive elections in Senegal but they have not always been equitably competitive. The inequity was obvious from the 1970s when the dominant party established firm control of state office. Although non-PS members hold some public offices, there is no doubt as to which party nearly all public officials claim allegiance. The habit wearing the "colors" of the dominant political party could therefore have served to reinforce a voter's social status in the villages.

Ministry officials interviewed were often impressed by what seems a party tradition among voters. As one official put it, "We cannot stop people from wearing what they want even if it has partisan significance on Election Day." Other officials proudly claimed a tradition of wearing tee-shirts or boubous or other clothing provided by their preferred party. Nearly all of the accessories and clothing are currently provided by the PS while other parties are deprived of comparable resources.

IV. CURRENT ELECTION POLICIES AND PROCEDURES

A. Role of Polling Officials

The Electoral Code does not contain provisions concerning electoral boundaries as such. The country is divided into 10 administrative regions, 30 departments decentralized into 90 smaller groupings, 48 commercial sections and 317 rural communities.

Polling places are staffed by the presiding officer, the assessor, and the secretary, all appointed by the Ministry of the Interior or someone acting on his authority (the Prefect or regional governor). Each candidate or legalized political party may designate someone to represent him or her on polling day as an official of the polling place. The delegates must be registered voters from the communes or rural communities where the polling station is located. All officials may be present at the polling station during polling hours. Two members of the polling staff must be present at all times in the polling station during polling hours. All must be present for vote counting. Polling officials and candidate delegates may transfer their vote to the polling station to which they have been assigned.

The Presiding Officer is responsible for the polling procedures:

- Ensure an adequate supply of ballots and envelopes.
- Verify that party representatives have their badge or accreditation letter from the Ministry of the Interior.
- Verify that the delegate from the Commission Department du Recensement des votes has a Mission Order from the First President of the Appeal Court.
- See that no partisan propaganda or ballots are distributed near the polling station.
- Ensure that every voter takes an envelope and a ballot for each candidate before voting behind the screen or entering voting booth.
- After vote counting, proclaim and post the results in the polling station and fill out the *proces-verbal*.

- Maintain peace and order in the poll. The officer may decide if the presence of security agents is required.

The Electoral Code makes no mention of the procedures to be followed after the count for the used and unused ballots, or how the remaining election equipment and materials are disposed of. The IFES team suggests that these matters be immediately clarified.

B. Ballot Design

Voting in Senegal for the presidential and legislative elections in 1993 will be by multiple ballots (one ballot for every candidate for the presidential election and a ballot for every party for the legislative election).

The Presidential Election: The size of the ballot will be 90 x 110 mm. The ballot will contain the type of election, the date, the name of the candidate, his profession, the name of the party being represented, a photograph and symbol of the party. Candidates are allowed to choose any colors for the ballot, except any combination of green, yellow and red, the colors of the Senegalese flag.

Legislative Election: The size of the ballot will be 210 x 297 mm. The ballot will contain the type of election, the date of voting, name of the political party, names and profession of all the list of candidates and running mates in the department they represent, and the party symbol. Again, the parties are allowed to choose the color of their respective ballot, except any combination of green, yellow and red.

C. Mechanics of the Process and Procedures at Designated Polling Stations

The total number of registered voters to be processed per polling station is 600. The polling stations open at 8:00 am and close the same day at 6:00 pm. Before the opening of the polling station, the president must verify that the number of envelopes corresponds to the number of registered voters on the electoral list. If the number does not correspond, it is noted in the *proces-verbal*. The president also makes sure that the requisite materials are ready for use, such as indelible ink pads, the district stamps, etc. He has to make sure that the voting screens or voting compartments are set up in a manner to guarantee the secrecy of the vote. Before allowing the first person to vote, the president opens the ballot box and shows the polling officials and voters that the box is empty.

Once this is established, the ballot box is locked by the president who keeps the key. The president notes at what time the voting begins.

Upon entering the polling station, the voter must present her or his registration card and have his or her identity verified by the presentation of one of the required documents: the National Identity Card, passport, driver's license, military card, pension card (civil or military). The voter's name is verified and noted on the electoral list. The voter takes an envelope and ballots available for each candidate or party and passes behind the voting screen or into the voting compartment. The voter places the selected ballot in the envelope. Before he inserts his envelope into the ballot box, a polling official dips a finger in indelible ink. The voter then shows the polling officials that he or she has only one envelope and places the envelope in the ballot box himself. After voting, the voter card is stamped with the date of the vote. The voter must then leave the polling station.

To speed up the voting process and to increase ballot secrecy, the team recommends that one of the polling officials present the envelope and all ballots to the voter, since voters do not always take a copy of each ballot and thus it can be determined for which candidate he or she voted.

D. Vote Counting and Certification of Election Results

The polling station closes at 6:00 pm. Voters already inside the polling station shall be allowed to vote. The governor and prefect have the discretion to extend polling hours should the situation warrant.

After the balloting ends, the presiding officer proceeds to the count. First, he notes the closing hour of the poll. The ballot box is opened and the envelopes are checked and counted. If the number of envelopes is greater than the number of registered voters who have voted that day, the president notes this on the *proces-verbal*. The president then designates among the pollworkers present a number of scrutinizers who can read and write in the official language. Representatives of candidates are present are also permitted to designate scrutinizers. Once the scrutinizers have been designated, they are divided into four groups. One group extracts the ballot from the envelope and passes it to another scrutinizer group, which reads the name of the candidate or party out loud. The number of votes expressed in favor of each candidate is tabulated by two other groups of scrutinizers on tally sheets.

Ballots are considered null and void:

- a) if they are nonregulation ballots
- b) if an envelope contains several ballots
- c) if found loose in the ballot box or in nonregulation envelopes
- d) if they or the envelopes contain any information or signature or any recognizable sign

After the results are tabulated, they are entered immediately onto the *proces-verbal*. The president announces the results, which are immediately posted in the polling station.

The *proces-verbal* is the most important document of the voting process. Noted on this document are the results, the names of polling officials and party representatives, the number of voters registered on the electoral list, and the number of individuals who have voted. Also noted in the document are incidents or problems which arose during the day and how they were solved. The null and void ballots are not attached.

It is compulsory that all members of the polling station sign the *proces-verbal*. If anyone refused to sign, this fact and the reasons for it are noted on the *proces-verbal*. A copy of the results must be handed to each candidate's representative present.

The presiding officer will without delay enclose in a sealed envelope (addressed to the President de la Commission Départemental de Recensement des Votes) two copies of the *proces-verbal* along with the related documents. The envelope will be handed to the Commission delegate, who should have in his possession an order of mission from the First President of the Appeal Court.

The envelope is transmitted via the designated person to the President of the Reform Commission. The Commission will verify the documents and prepare a report within 24 hours to the President of the Reform Commission, who will proceed to make a preliminary announcement of the results. The President of the Reform Commission then forwards all documents related to the electoral process to the Supreme Court for the proclamation of the official results.

V. STRUCTURE OF THE PARTY SYSTEM AND COMPOSITION OF THE ELECTORATE

A. Party Diversity

"Un mauvais arrangement vaut mieux qu'un bon proces." A leader in one of Senegal's fifteen political parties reflecting on the operational consensus between the major political parties commented that a bad agreement is more valuable than a good judicial hearing. It is better to have an uncomfortable agreement among political parties, involving often unmanageable administrative rulings, than to have the fifteen parties fight out their preference in the courts -- fights which the PS would generally win. This attitude probably best describes the current relationship among the major political parties. All parties but the PS are probably dissatisfied with their relationship as prescribed by electoral laws but all are equally afraid of the unknown alternatives. In some sense, the opposition parties are seemingly as afraid of an open electoral contest with the PS as they are of its alleged abuse of government resources. Party leaders now feel free under the new Electoral Code to insist on direct public subsidy for their voter representation, education, and eligibility inspection activities. In the absence of donated funds, they are generally willing to appeal to international donors to subsidize their work.

In sharp contrast to United States party history, President Senghor ordered the creation of a three party system in 1974. Senghor hoped to promote a careful ideological balance among parties by creating three slots: a socialist one (the PS), a liberal democratic one (PDS), and a communist one. As a consequence, several of the current political parties spent the last years of the 1970s in a kind of polite clan-estine posture. Most of the parties are on the political left of the PS and PDS (see parties in Appendix B).

Coming in a very distant third in the 1988 presidential elections was Landing Savane, leader of the AND/JEFF/PADS party, a Marxist party with an unrepeatable name resulting from endless coalition-building. Savane is probably the most vigorous of the opposition leadership in insisting on continuing evidence of PS fraud and election manipulation. His general distaste for PS and PDS is, however, shared by other opposition parties.

The recent intimacy of the PS with the Minister of State Wade's party, the PDS, has taken the form of a bipartisan coalition. Almost unnoticed in the last election, Abdoulaye Bathily, a history professor, is widely viewed as the strongest opposition to Abdoulaye Wade in the absence of President Diouf. A great many informal interviews suggest that Wade is no longer popularly considered as part of the opposition because of his role in the Diouf administration. Bathily's party,

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the LD-MPT, is one of the few that can credibly claim to have a nationwide organization. It contrasts with another university-based party, the RND, led by Professor Ely Madiodo Fall, which has a well established but fairly elite urban following. It was a distant third in the 1983 elections. A few other parties, though evidently small in membership, such as the PDS/R led by Serigne Diop, have the kind of "interest group" based substructure that would indicate real growth potential. The parties with growth potential normally have a youth organization, a feminist issues group, labor union support and at least some interaction with Moslem leadership (the marabouts).

Perhaps a tell-tale sign of the weakness of most parties is their total lack of membership or support records. They generally do not even offer numerically based propaganda about their size. It is quite clear that the PS and PDS are the strongest parties with the PS well in the lead.

Interest Group Components

While religious and regional parties are outlawed by the Senegalese Constitution, there is overwhelming evidence of Moslem leadership support for President Diouf. Two major Moslem groups, the Mourrides and Tidjanes, are regionally concentrated around Dakar. According to interviews, Prime Minister Wade overcame some of the Tidjane marabouts' pull on their followers to vote for Diouf, a Mourride, because of Wade's Tidjane background.

There are over 120 labor unions in Senegal, most of which were formed in the late 1970s. At the top in influence and size is the CNTS, Confederation Nationale des Travailleurs Senegalais, a coalition of labor groups. The CNTS traces its origin back to the militant anticolonialism of the 1950s. It grew up with Senghor and remains fiercely loyal to his party. Unlike American labor organizations which show some flexibility in their political affiliations, the CNTS leadership is perhaps more partisan than the typical PS activists.

For the purpose of cooperating to promote electoral participation, the most noticeable gap between the political parties and interest groups involves civic education. As a PDS leader declared, "Civic education: there is no such thing in this country." There have been virtually no nationwide "get out the vote" campaigns. The PS has been too satisfied with its huge margins of victory to bother. A few other parties want to seek the benefits of massive vo5th Floor - HP LaserJet IJHPII5TH.PRS
Political Party-Based Education

There have been repeated suggestions by political party leaders that some form of foreign donor aid could serve to raise the general level of voter consciousness and participation. The Constitution forbids direct foreign aid to political parties, but indirect aid has been suggested. Such aid would presumably be directed towards broad civic/voter education and be handled by a non-partisan local group. Some party leaders suggest that aid be channeled through the government under international supervision. Other leaders are too distrustful of the Ministry of the Interior and prefer an independent body.

Whatever the method proposed, the IFES team feels that the parties are themselves too disorganized to use such aid efficiently and reliably. More importantly, the worst fears of foreign intervention in domestic affairs would be revived by such aid. Any amount of money sufficiently large to influence voter consciousness in this 55 percent illiterate country would be completely disruptive. It would transform party politics and party competition in ways that could seriously mortgage their political autonomy. One of the real blessings of Senegal's current political party structure is that it is replete with independent self-directed activists and leaders. This party independence is an intimate part of the democratic structure that the U.S. seeks to promote in Senegal.

Campaigning

The new Electoral Code allows political parties a three week campaign period instead of the former limit of two weeks. Even the extended period verges on a mockery of presidential campaigning by comparison with U.S. standards. When one considers the additional constraints on communication in Senegal, it is hard to justify such a restricted campaign period. What is more curious is the firm insistence by political opposition leaders that the shorter time period helps them compete more equitably with the PS. They complain that longer campaign periods would permit PS leaders to further abuse their control of governmental resources for partisan purposes.

Ultimately, the campaign period issue illustrates a classic choice between greater support from the state and greater individual freedom for private associations. By not demanding a more lengthy campaign period, the political parties have surrendered their campaigning freedom, so treasured in the U.S., in exchange for more equitable regulation of government spending. Regrettably, the party freedom has been sacrificed without the benefit of better regulation. There is no effective separation of PS and government expenditures in pre-official campaign periods. Some form of consistent

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review and public exposure of campaign spending would obviously be useful in assuring equitable multiparty competition.

VI. CIVIC EDUCATION

Civic education in the U.S. and in most Western countries begins in elementary school and continues through the end of compulsory school attendance. In Senegal, this approach to civic education must confront a major barrier reflected in the limited access to formal education for half of the population. Even among the Senegalese who have received a basic education, the complementary political experiences and reinforcement associated with most electoral participation are often lacking. Neither the limited TV or radio stations regularly produce any kind of politically educational programming. Moreover, there has been very little public exposure to competitive elections. It is around competitive elections that voter interest and mobilization are most readily promoted. As a consequence, voting has the highly ritualistic character of a patriotic and loyalistic community rally. Rather than a competitive selection process, voting is more often a declaration of commitment to the dominant party. The behavior attributed to the typical voter is more characteristic of societies where meaningful political choice is made outside the polling booth. The function and significance of electoral participation may therefore need to be reinforced through civic education programs for previous voters as well as programs for the new voters.

The areas of civic education where Senegal seems to have the greatest need involve both voting rights and administrative responsibilities. There is perhaps as great a risk in Senegal that significant numbers of potential voters will be deprived of the vote through sheer system inefficiency as through social or individual bias. The electoral system is laden with complexities which present a maze for the potential voter. Beginning with the renewed need for individually initiated voter identification, through the options for and restrictions on election day political party activities, the rules are largely unknown. In addition to the need for the training of local election officials, there is a need to develop a broad community of understanding and support for relevant electoral procedures. This kind of effort could be divided into two kinds of civic education programs to accompany election official training programs. The education programs should focus first on basic voter education and second on "public information."

Basic civic education programs may be developed along several formats. For new voters, young and old, special education modules may be promoted by local teachers. Where schooling is awkward or inappropriate, special programs developed around mobile video program units may be useful. Regular educational programs, including civic group-sponsored colloquia and radio discussions can be effective. Among the areas that should be explored in the area of basic civic education are voting rights and ballot secrecy, complaint procedures, the roles and responsibilities of political parties, individual options for voter registration and election day activities and rules.

The judges in Senegal interviewed by the IFES team frequently did not share the nearly universal perception that uniform secrecy of the ballot is an essential component of voting rights protection. It is a positive sign that some judges in Senegal, particularly on the appellate level where power is lodged, recognized the need for change of old voting habits. This consciousness will better equip them to redress grievances regarding voting procedure. Still, basic educational efforts are needed to penetrate consciousness of the bulk of the population. On the basis of the team's interviews, that need evidently extends to some of the more educationally advantaged people in Senegal as well. Beyond basic principles, there is a simple need to disseminate election information across the country. For these of purposes, a variety of information communication approaches should be envisioned. A range of approaches may be outlined as follows:

<u>Purpose/Topics</u>	<u>Communications Media</u>
Registration and Polling Requirements	T.V. and Radio
Voter identification regulations	Newspapers, schools, civic groups/leaders
Office and Candidate Choices	Targeted pamphlets for civic organization and party distribution
Polling places/times	Newspapers/brochures, posters, "How to Vote" Brochures, special civic programs, support Services
Familiarizing political party representatives with their particular districts and constituency	Brochures and Regional seminars
Promoting voter security and non-partisan polling administration	Publicity in all media
Explaining the new Electoral Code to voters	Seminars on a regional basis

In a sense, the greatest resource for voter education can be found in the multiple political parties which animate the processes of electoral regulation if not the elections themselves. The national party leaders, all well educated and capable, seem to understand the electoral process as well as

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anyone in government. Moreover, they are eager to acquire as much financial support as possible, some of which they would devote to broad voter education. Unfortunately, for all their understanding of the electoral process, none of them have been able to suggest a non-partisan, non-interventionist form of voter education assistance for political parties. Good and effective political parties can not be directly regulated by government (beyond assurances of equal treatment under law and financial integrity). As a consequence, the use of a voter education subsidy could not be clearly separated from partisan fund expenditures. Ironically, the only real evidence of weakness in democratic temperament widely reflected by nearly all political party leaders interviewed was their request for direct aid to the parties. That would clearly be inconsistent with the idea of open competitive party politics. Even if the funding could redress a continuous abuse of public funds by one party, it would risk simply facilitating further party corruption. At best, the only option for outside funding and voter education activities by political parties should involve programs under the complete control of a non-partisan group. Undoubtedly, party leaders and activists can contribute to their own parties and to the voters at large by encouraging all politically neutral, democratically oriented social groups to take the initiative in civic education.

In general, civic education and voter information services are best managed by educational institutions and civic associations. There are numerous private, non-profit agencies which provide civic and voter education training on an international basis. These agencies generally provide for the "training of trainers" as well so that their work can be more widely disseminated through local instructors.

VII. INTERNATIONAL OBSERVERS

The value of international observation delegations is most evident when they do more than observe elections. In the ideal situation, international observers are invited to a host country to observe an electoral process which transpires smoothly and democratically. When the ideal is far from the reality, when violence erupts and democracy is corrupted, the presence, international contacts and reports of the observers acquire a much greater value than the record of their observations of the process in a peaceful situation. The role of an international observer is in this sense as much to "affirm" or critique as it is to observe or report.

On the other hand, when elections approach the democratic ideal, international observers can have their greatest value although it may be least evident to the unobservant critic. Where the election process is under suspicion and where there is a history of election fraud, it is often the international observers that can most readily put such suspicion to rest. It is especially important where military regimes can and are seeking to overturn democratically elected governments that objective affirmation of the integrity of the electoral process be available. It is also important for public tranquility where tightly organized militant political parties have a special interest in promoting public disruption. While it is hardly predictable, the possibility of politically motivated protest of election results is far from remote in Senegal. More likely, some of the fifteen political parties, given their own structural weaknesses, will be unable to accommodate any outcome without protests.

In any case, international observers help to legitimize or discredit the elected government. It is therefore important if not essential for observer teams to show consideration to the current government by seeking its endorsement of the observation process. As the "Guidelines for International Election Observing" recommend, observer team should secure an invitation from the established government (International Human Rights Law Group, 1984.13). That invitation might well not be extended with uniform support by all sectors of the government but some government recognition seems essential.

While no predictions are certain, nearly all public and party officials have expressed a willingness and/or desire to have international observers in 1993. The opposition party leaders interviewed expressed a strong desire for international observers. Senegalese government officials were somewhat less enthusiastic. Some officials encourage such delegations and others see them as inevitable. At least one the Minister of the Interior sees "no reason for having them." On the whole, however, the Senegalese leaders want to have these observers around to witness the process.

IFES Pre-Election
Assessment: Senegal

Even the strong opposition party support for international observers was not without some contingency. Most felt that the numbers and geographical distribution of previous observer teams as in 1988 were far too thinly distributed to effectively evaluate the elections. They argue that in 1993 a substantial sample of voting places around the country need to be exposed to such teams. They recommend that the electoral process from ballot distribution to the final declaration of the vote counts be subject to such observation.

These recommendations by the opposition leaders are particularly noteworthy given the special problems of the parties. They are formally expected to field two observers in each of the 7500 voting places as well as observers in vote counting centers. Because of their small sizes and the need to feed and reimburse these party workers, they cannot do it. Most of the parties cannot even come close. As a consequence, there will be far fewer party observers than anticipated in the electoral code. This shortfall is already a source of partisan controversy. International observers could probably help to mitigate or confirm the suspicions resulting from the lack of party observers.

Almost as important as the perspective of the observers is the presence of the observers themselves. In potentially violent and unstable elections, they can serve to discourage violence and to reassure timid voters. In more peaceful elections, as Senegal's should be, their mere presence serves as an expression of international support for the democratic process. They have become a testament to the international community of human rights advocates.

VIII. BUDGET INFORMATION

Following are the summary budget figures presented by the Senegalese Government in support of 1993 elections. The complete budget is attached as Appendix C.

BUDGET - ELECTIONS 1993 (265 CFA = US\$1)

NATIONAL IDENTITY CARD	REGISTRATION	PRESIDENTIAL ELECTION	LEGISLATIVE	T O T A L
1,660,214,520	714,858,500	4,237,439,162	2,348,739,052	8,961,251,234
				US\$33,816,042.39

1988 BUDGET FOR PRESIDENTIAL AND LEGISLATIVE ELECTIONS = CFA 3,085,000,000 (\$11,641,509.43)

IFES Pre-Election
Assessment: Senegal

TWO PART SUMMARY OF THE 1993 PRESIDENTIAL ELECTIONS BUDGET
FOR 4,237,439,162 CFA (US \$15,990,336.46)

	C F A	US \$ Equivalent
1. Vehicles, Fuel, Repairs, vehicle/airplane hire, communication/radio material, transportation	1,673,700,854	\$6,315,852
2. Incidental Expenses	385,210,742	1,453,625
3. Food	234,634,900	885,415
4. Communications material, materials for maintaining order	462,185,749	1,744,097
5. Indemnities	556,870,000	2,101,396
6. Supplementary hours (Salary and Per Diem)	80,000,000	301,887
S U B T O T A L	3,392,602,245	<u>\$12,802,273</u>
1. Civic Education/training	56,162,000	211,932
2. Mobilization	32,052,225	120,952
3. Equipment, office supplies, election materials (urnes, isoaloirs, lamps, stamps etc.)	236,947,775	894,142
4. Printing (Ballots, forms)	519,663,917	1,960,996
S U B T O T A L	844,825,917	3,188,022
T O T A L	4,237,455,162	15,990,397

Source: Direction de l'Automatisation des Fichiers (DAF)

IFES Pre-Election
Assessment: Senegal

IFES TEAM BUDGET RECOMMENDATIONS - PRESIDENTIAL ELECTIONS

OPTION NO. 1 - CIVIC EDUCATION	C F A	\$US
1. National Identity Cards	21,000,000	79,245
2. Voter Registration	26,814,000	101,185
3. Presidential Election	30,000,000	113,208
S U B T O T A L	77,814,000	<u>293,637</u>
OPTION NO. 2 - CIVIC EDUCATION TRAINING		
1. Training Allowances for Trainers	4,062,000	15,320
2. Training Allowances for prefects, sous-prefects, others	14,150,000	53,396
3. Training Materials	20,000,000	75,471
S U B T O T A L	38,212,000	<u>144,188</u>
OPTION NO. 3 - ELECTORAL MATERIALS		
<u>Printing</u>		
Ballot paper - Presidential Election	278,460,000	1,050,792
Vote checking register	3,740,625	14,116
Tally Sheets	4,000,000	15,094
Posters, for electoral Code publicity	1,350,000	5,094
<u>Material</u>		
Indelible ink pads	16,500,000	62,264
Ballot boxes - Subsidies	10,000,000	37,736
Voting screens - Subsidies	13,250,000	50,000
Lamps - Subsidies	6,000,000	22,642
Official electoral envelopes	18,720,000	70,642
Paper for electoral list	55,237,492	208,443
<u>Equipment</u>		
Electricity and Generators (DAF)	30,455,000	114,924
S U B T O T A L	437,713,117	1,651,748
SUMMARY		
Option No. 1 - Civic Education Budget	77,814,000	293,638
Option No. 2 - Training	38,212,000	144,188
Option No. 3 - Electoral Materials	437,713,117	1,651,748
G R A N D T O T A L	<u>553,739,117</u>	<u>\$2,099,573</u>

Budget NOTES!!!!!!!!!!!!!!!!!!!!

IX. CONCLUSIONS AND RECOMMENDATIONS

In some sense, the spectacular success of the Reform Commission may foreshadow major, if not also spectacular, political discontent with election preparation progress. A number of deadlines imposed by the Commission on government, specifically the Ministry of the Interior, will probably not be met, or even approached. Provisions for voter education and mobilization mandated by the Commission are not being implemented. Perhaps more important, the widespread expectations of political party leaders that they would share in election planning and administration have been substantially unsatisfied.

The goals for government subsidy of private political party activities, from poll-watching to campaigning, far exceed reasonable expectations by most standards. Still, the existence of those goals in the national election budget, however inoperable, has meant a reorientation of the major political parties. They appear to be less capable now of mounting independent campaigns than they might otherwise have been. In some cases, the party leaders, for examples, Landing Savane and Abdoulaye Bathily appear to have the personal popularity needed to attract some voters, but they do not include a party base. In this regard, much of the criticism of the Socialist Party is aimed at its second echelon leaders rather than at President Abdou Diouf. Many in the opposition believe that party members are profiting and profiteering from Diouf's undeniable popularity. An indication of useful areas of support for international donors is contained in the following recommendations.

1. Pollworker Training. An extensive training program and guidelines on electoral procedures should be developed for election officials involved at all levels of the election. The Ministry of Interior is responsible for training election officials (prefects, sous-prefects) who in turn train the polling clerks in their area. With the modifications of the Code concerning rules and procedures of the electoral process, it is evident that training will require highly qualified individuals. The prefects and sous-prefects with all due respect are not specialists in election procedures. If all the prefects were to receive a standardized training course, it is more likely that the training they would then provide would reduce the likelihood of a variety of interpretation on voting and counting procedures.
2. Civic Education. Given the low levels of participation in Senegal's last two elections and the addition of a new age group, 18 to 21 years old, to the electorate, it is likely that the majority of Senegalese have no recent experience in voting. Moreover, only a minority of potential voters could be old enough to remember the last really competitive election. As a consequence, a major program of voter education is needed in Senegal to promote full participation in elections. More

importantly, civic education should be used to encourage the belief that political change can come through regular elections. Such a program can best be maintained through the public education system and universities and/or through the few private civic associations. More narrowly oriented public civic education programs may also be promoted through the national government but, at present, the mechanisms are not clearly in place.

3. National Identity Cards. The distribution of the national identify card and the distribution of the voter registration card (*carte électorale*) involve two laborious and costly processes. While the national identity card is expected to be almost universally distributed to all adults, the registration card will only be distributed to eligible voters. The processes of distribution can, nevertheless, be construed to overlap. If the registration card were distributed along with the identity card, substantial savings could be realized. In addition, the double distribution might encourage wider voter participation.

Obviously, the long-term distribution of the cards could be efficiently separated because voters move from district to district. In the short term, however, very little displacement can be expected before the 1993 elections. There is, therefore, little apparent reason for not distributing them simultaneously, except, of course, for administrative regulations. The presumably small portion of voters with other acceptable pieces of identification, such as a passport, but without an identify card, can easily be permitted to request a registration card directly from either the Commission or an appropriate office in the Ministry of Interior. It is urgent that the government implement and disseminate a civic education and awareness program among voters concerning the importance of obtaining the national identity card and of being registered on the electoral lists.

4. Ballot Design. The Election Code does not prescribe any procedure for disposing of the multiple unused ballots in the voting booth after the voter has selected the preferred ballot. As a first step, we recommend that uniform regulations be established and circulated for disposing of ballots in a way that is attentive to the protection of voter secrecy.

As a major step, the team recommends that in order to regulate this problem for the future, the issuance of a single ballot be considered. The use of a single ballot would be advantageous for voter secrecy without discouraging the illiterate from voting.

5. Ballot Secrecy. A tradition or practice founded on a clear expression of the popular will is always deserving of deference. We cannot, therefore, expect that the forms of voter secrecy required in the U.S. and Europe would necessarily be imposed in Senegal. Still, a movement toward the maximum level of voter secrecy needs to be encouraged. The kind of subtle pressure on voters that have existed in the past to demonstrate their choices publicly should be discouraged. The encouragement of secrecy may be simply treated as part of civic education or it may be more forcefully promoted. To speed up the voting process and to increase ballot secrecy, the team recommends that one of the polling officials present the envelope and all ballots to the voter, since voters do not always take a copy of each ballot and thus it can be determined for which candidate he or she voted. International donors may well consider imposing some contingency on aid tied to the level of guaranteed voter secrecy.

6. Voting Rights of Citizens Abroad. The Senegalese Electoral Code does not provide procedures for permitting the Senegalese who live abroad to vote in their country of residence. There appears to be a large number of such potential voters. For example, at least a million Senegalese live in the neighboring countries. The Reform Commission studied the possibility of according these Senegalese the vote but encountered many complexities in seeking a solution. The Commission postponed a study of the relevant organic law.

The IFES team believes that a study of alternative voting procedures for Senegalese residents abroad that would involve their voting in their places of residence should be undertaken. We recommend that technical assistance to this end be provided.

7. Nonpartisan Campaign Commissions. Given the long history of domination in government by one party throughout the Senegalese public sector, there is a substantial belief among all other political parties that government funds and resources are used for partisan purposes. Clearly, none of the fifteen political parties approach the resources of the dominant party. In order to provide some assurance of non-partisanship in the use of government resources, we believe that an independent agency or Commission should be empowered to survey and regularly report on campaign and partisan expenditures. Such an agency could be modeled after "elections commissions" in other countries. In this regard appropriate research and technical advice should be supported through international assistance.

8. International Observers. The disturbing and potentially destabilizing sequence of events following Senegal's 1988 presidential elections fully justifies national and international concerns for the peaceful execution and follow-up of the next presidential election. Fortunately, Senegalese political parties and the government have undertaken major electoral reforms to reassure the interested public. Still, like all changes that have never been put into practice, the success of these reforms is far from guaranteed. The spirit of democracy seems to reign in Senegal but the additional appearance of its practical implementation is still needed.

International observers in 1993 can play a valuable role in reassuring the electorate and the diverse opposition parties of the level of integrity in the elections. Given some skepticism about the adequacy of observers in diverse regions, international observers can only be reassuring if they arrive in larger numbers with more balanced distribution than in the previous elections.

9. Electoral Boundaries. The electoral Code does not contain provisions concerning electoral boundaries as such. The country is divided into 10 administrative regions, 30 departments decentralize in 90 area disseminates, 48 commercial sections and 317 rural communities. The team suggests that electoral districts be labeled as soon as possible to facilitate planning for equipment and election materials inventory and distribution.

APPENDICES

Appendix A: List of Interviews Conducted

List of Interviews Conducted

U.S. Embassy

Katherine Shirley	U.S. Ambassador
Prudence Bushnell	Deputy Chief of Mission
Edward Malcik	Political Officer
Mamadou Gassame	Economic/Commercial
Mamadou Sidibé	Assistant Political Officer

USAID

Julius Coles	Mission Director, USAID/Senegal
Annette Adams	Regional Legal Advisor
Mamadou Kané	Project Development Officer

USIS

Robert Palmeri	Director
El Hadj Sarr	Public Affairs Officer

Supreme Court

Assane Bassirou Diouf	First President
Maimouna Kané	Secretary General
Basilé Senghor	Procureur General
Tidiané Sylla	Secretary General of the President
Yanssoupha Ndiaye	First President - Appeal Court
Serigne Lamine Diop	Minister of Justice

Ministry of Interior

Khary Dieng	Minister of Interior
Siley Malé	Director, DAGAT (Direction du Affaires générales et de l'Administration Territoriale)

Oumar Signaté	Director - DAF (Direction de l'automatisation des fichiers)
Mamadou Dia Mbaye	Principal Civil Administrator
Raoul L. Deaye	Director, DAGAT
Mr. Torres	Attorney for the Ministry
M. Souleymane Ly	Chef de la division et de la legislation, DAGAT

Political Parties

Abdoulaye Wade	Minister of State and PDS Leader
Lending Savane	Leader of AND/JEFF/PAD
Seriengé Diop	PDSR Leader
Babacar Niang	PLP Leader
Boubacar Sall	President, PDS Parliamentary Group
Ely Madiodo Fall	Leader, RDN
Abdoulaye Bathily	Leader, LD-MPT
Mbaba Suisse	Secretary General, LD-MPT

Others

Pape Samba Kané	CAFARD Libere newspaper
Sidy Lamine Niassé	WAL-FADJRI newspaper, Director
Tidiane Kassé	Journalist Wal-Fadjri
Babacar Kanté	Lawyer and Dean, Law Faculty, St. Louis
Abdou Karim Kamara	Prefect of Rufisque (department of Dakar)
Boubacar Biague	Assistant to the Prefect of Rufisque
Roman Bougue	President, Centre d'Etat Civil, Rufisque
Alioune Diop	President, Commission de Revision des Listes Electorales of Sebikotane
Djibert Diop	Chef de la Communauté Rural de Sebikotane
Oumar Sane	Secretary General, CNTS (syndicate)
Oumar Tall	Secretary General, Syndicate National d'Enseignement elementaire

Appendix B: List of Political Parties and Leaders

APPENDIX

Senegalese Political Parties and Leaders

1. Parti Socialist - Abdou Diouf
Secretaire General
- Abdou Aziz Ndao
Secretaire Charge de la vie
politique
2. Parti Democratique - Abdoulaye Wade
Senegalates Secretaire General
Birth, Place/Year: St.Louis, 1926
3. Parti Africain de - Majmout Diop
L'Independance Secretaire General
Birth, Place/Year: St. Louis, 1922
4. Mouvement Republicain-
Senegalais
5. Rassemblement National-
Democratique Ely Fall
Secretaire General
Birth, Place/Year: Diourbel, 1938
- Moustapha Diallo
Secretaire General Adjt.
Birth, Place/Year: St. Louis, 1929
6. Mouvement pour le - Mody Diagne
Socialisme et L'Unite Coordinateur National
Birth, Place/Year: St. Louis, 1921
7. AJ/MRDN - Landing Savane
Secretaire General
Birth, Place/Year: Bignona, 1945
8. Ligue Democratique - Abdoulaye Bathily
Mouvement pour le Secretaire General
Parti du Travail Birth, Place/Year: kedougou, 1937
9. Parti de L'Independance - Amath Dansokhe
et du travail Secretaire General
Birth, Place/Year: Kedougou, 1937

10. Union pour Democratie - Hamedine Racine Guisse
Populaire Secretaire General
Birth, Place/Year: St. Louis, 1940
- Malick Diallo
Secretaire General Adj.
Birth, Place/Year: Dakar, 1945
11. Parti Populaire - Oumar Wone
Senegalais
Birth, Year: Podor, 1929
12. Organization Socialiste - Wbaye Bathily
des Taavailleurs Secretaire General
Birth, Place/Year: Dagana, 1942
- Obeye Ba
Secretaire General Adjt.
Birth, Place/Year: Kaolack, 1953
13. Ligue Communiste des - Mahout(?) Saleh
Travailleurs Secretaire General
Birth, Place/Year: Louga, 1952
- Amadou Sarr
Birth, Place/Year: 1949
14. Parti pour la - Babacar Niang
Liberation du Peule Secretaire General
Birth, Place/Year: Kaolack, 1930
15. Parti Africain pour - Aly Niane
l'Independence des Secretaire General
Masses(PAIM) Birth, Place/Year: Mboss, 1953
16. Union Democratique - Mamadou Fall
Senegalaise Renovation Secretaire General
Birth, Year: 1920
17. Parti Democration du - Serigne Diop
Denegal/Renocation Secretaire General
Birth, Place: Thies, 1953
- Doudou Kamara
Secretaire General Adjt.

Appendix C: Amendments to the Senegalese Constitution

Election - Related 1991-92 Amendments to
The Senegalese Constitution

Article 1

Le suffrage peut être direct ou indirect. Il est toujours universel, égal et secret.

Tous les nationaux sénégalais, des deux sexes, âgés de 18 ans accomplis, jouissant de leurs droits civils et politiques, sont électeurs dans les conditions déterminées par la loi.

TITRE III

DU PRESIDENT DE LA REPUBLIQUE
ET DU GOUVERNEMENT

Article 21

Le Président de la République est élu au suffrage universel direct et au scrutin majoritaire à deux tours.

Il n'est rééligible qu'une seule fois.

Article 22

La durée du mandat présidentiel est de sept ans.

Article 23

Tout candidat à la Présidence de la République doit être exclusivement de nationalité sénégalaise, jouir de ses droits civils et politiques et être âgé de 35 ans au moins.

Article 24

Toute candidature, pour être recevable, doit être présentée par un parti politique légalement constitué ou être accompagnée de la signature d'électeurs représentant au moins dix mille inscrits domiciliés dans six régions à raison de cinq cents au moins par région. Les candidats indépendants, comme les partis politiques, sont tenus de se conformer à l'article 3 de la Constitution. Chaque parti ou coalition de partis politiques ne peut présenter qu'une seule candidature.

Article 27

Les Cours et Tribunaux veillent à la régularité de la campagne électorale et à l'égalité des candidats pour l'utilisation des moyens de propagande dans les conditions déterminées par une loi organique.

Article 28

Le scrutin a lieu un dimanche. Nul n'est élu au premier tour s'il n'a obtenu la majorité absolue des suffrages exprimés représentant au moins le quart des électeurs inscrits. Si aucun candidat n'a obtenu la majorité requise, il est procédé à un second tour de scrutin le deuxième dimanche suivant celui du premier tour. Seuls sont admis à se présenter à ce second tour les deux candidats arrivés en tête au premier tour. En cas de contestation le second tour a lieu le deuxième dimanche suivant le jour du prononcé de l'arrêt de la Cour Suprême.

Au second tour, la majorité relative suffit.

Les Cours et Tribunaux veillent à la régularité du scrutin dans les conditions déterminées par une loi organique.

La régularité des opérations électorales peut être contestée par l'un des candidats, devant la Cour suprême, dans les soixante douze heures qui suivent la proclamation provisoire des résultats par une commission nationale de recensement des votes instituée par une loi organique

Si aucune contestation n'a été déposée dans les délais au greffe de la Cour suprême, la Cour proclame immédiatement les résultats définitifs du scrutin.

En cas de contestation, la Cour statue sur la réclamation, dans les cinq jours francs, du dépôt de celle-ci. Son arrêt emporte proclamation définitive du scrutin ou annulation de l'élection.

En cas d'annulation, il est procédé à un nouveau tour de scrutin dans les vingt et un jours francs qui suivent.

Article 49

Les députés à l'Assemblée nationale sont élus au suffrage universel et direct. Leur mandat est de cinq ans.

Les Cours et Tribunaux veillent à la régularité de la campagne électorale et du scrutin dans les conditions déterminées par une loi organique.

Une loi organique fixe le nombre des membres de l'Assemblée nationale, leurs indemnités, les conditions d'éligibilité, le régime des inéligibilités et des incompatibilités.

Article 75 bis

Le Président de la République peut prononcer, par décret, la dissolution de l'Assemblée nationale, après avis de son Président, lorsqu'elle a adopté une motion de censure à l'encontre du Gouvernement dans les conditions fixées à l'article 75.

Le décret de dissolution fixe la date du scrutin pour l'élection des députés. Le scrutin a lieu quarante cinq jours au moins et soixante jours au plus après la date de publication dudit décret.

Il ne peut être procédé à une nouvelle dissolution dans l'année qui suit la date de la proclamation définitive de cette élection.

L'Assemblée nationale dissoute ne peut se réunir ; toutefois, le mandat des députés n'expire qu'à la date de la proclamation de l'élection des membres de la nouvelle Assemblée nationale.

Appendix D: Distribution of Deputies by Department

DEPARTMENT	NO. OF DEPUTIES
Region of Dakar	
Dakar	12
Pikine	11
Rufisque	3
Region of Ziguinchor	
Bignona	3
Oussouye	2
Ziguinchor	3
Region of Diourbel	
Bambey	3
Diourbel	3
Mbacke	4
Region of Saint-Louis	
Dagana	5
Matam	4
Podor	3
Region of Kaolack	
Kaffrine	6
Kaolack	5
Nioro du Rip	3
Region of Thies	
Mbour	5
Thies	6
Tivaouane	5
Region of Louga	
Kebemer	3
Liguere	2
Louga	3
Region of Fatick	
Fatick	4
Foundiougne	2
Gossas	3
Region of Kolda	
Kolda	2
Sedhiou	5
Velingara	3
Region of Tambacounda	
Bakel	
Kedougou	2
Tambacounda	2
	3

Appendix E: Senegalese Electoral Budget Request

AF/mlg

REPUBLIQUE DU SENEGAL
UN PEUPLE - UN BUT - UNE FOI01118
No

MEFP/DCFT

MINISTRE DE L'ECONOMIE,
DES FINANCES ET DU PLAN

Dakar, le 17 SEP. 1991

DIRECTION GENERALE DU BUDGET
ET DE L'ASSISTANCE AU DEVELOPPEMENTDIRECTION DE LA COOPERATION
ECONOMIQUE ET TECHNIQUE MX

LE MINISTRE

O B J E T : Requête de financement du programme d'action
en vue des scrutins de février 1993.

Monsieur le Directeur,

En février 1993, des élections présidentielles et législatives seront organisées au Sénégal. Le nouvel environnement politique, juridique et économique dans lequel ces scrutins vont se dérouler exige de l'Etat sénégalais des moyens financiers importants.

La mise en oeuvre du programme d'action objet de la présente requête, dont je vous prie de bien vouloir trouver, ci-joint deux (2) exemplaires, devra permettre à l'Etat de créer le cadre démocratique nécessaire pour tous les partis politiques en lice.

Ce programme d'action se compose des différents volets suivants :

- établissement généralisé de la carte nationale d'identité ;
- refonte du fichier général des électeurs ;
- formation.

Monsieur le Directeur
de l'USATD

--- D A K A R ---

.../...

I - ETABLISSEMENT GENERALISE DE LA CARTE NATIONALE D'IDENTITE

Ce volet du programme d'action permettra d'identifier tous les électeurs potentiels, plus particulièrement les jeunes âgés de 18 ans et plus et non encore détenteurs de cartes d'identité.

Cette généralisation qui doit se dérouler de fin septembre 1991 à janvier 1993 est indispensable pour la confection des listes électorales plus complètes et plus fiables. Les actions prévues se situent au niveau de toutes les structures impliquées dans la production des cartes d'identités, à savoir :

- les Centres d'état civil	699.110.000 Francs ;
- les Centres d'instruction	409.090.000 Francs ;
- le Centre de production	517.309.000 Francs ;
soit un coût total de 1.626.309.000 Francs.	

II - REFONTE DU FICHER GENERAL DES ELECTEURS

La Commission Nationale de réforme du code électoral a, entre autres, retenu dans ses propositions qui rencontrent l'agrément du Gouvernement, la refonte du fichier général des électeurs en vue de l'établissement des listes électorales nouvelles sous le contrôle des partis politiques.

Le coût de ce volet se chiffre à la somme de 753.900.000 Francs qui se décomposent comme suit :

- fonctionnement des Commissions de recensement :	402.500.000 Francs ;
- saisie des données informatiques :	260.400.000 Francs ;
- sensibilisation information :	41.000.000 Francs ;
- heures supplémentaires :	50.000.000 Francs.

.../...

III - FORMATION

La mise en oeuvre des deux premières composantes du programme d'action nécessite que des actions de sensibilisation et de formation soient menées en direction de tous ceux qui sont impliqués, notamment :

- les autorités administratives et judiciaires et
- les membres des différentes commissions de recensement.

Le coût de cette composante se chiffre à 101.379.000 Francs qui couvrent :

- 1)- la formation, les séminaires et les supports pédagogiques dans le cadre des centres d'état civil : 9.975.000 Francs ;
- 2)- mêmes actions au niveau des centres d'instruction : 21.119.000 Francs
- 3)- idem au niveau du centre de production des cartes : 9.000.000 Francs
- 4)- formation dans le cadre de la refonte du fichier des électeurs : 11.285.000 Francs ;
- 5)- sensibilisation et formation à l'éducation civique dans le cadre des opérations électorales : 50.000.000 Francs.

Le montant global de la présente requête se chiffre ainsi à la somme de 2.481.588.000 (deux milliards quatre cent quatre vingt millions cinq cent quatre vingt huit mille) Francs toutes composantes confondues.

En raison de l'intérêt tout particulier que le Gouvernement du Sénégal attache à la mise en oeuvre de ce programme d'action, je vous saurais gré des dispositions utiles que vous prendrez auprès des autorités de votre pays en vue de l'aboutissement de cette requête.

Veillez agréer, Monsieur le Directeur, l'assurance de ma haute considération./-



Director of the National Institute of Statistics of Senegal

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REPUBLIQUE DU SENEGAL

MINISTERE DE L'INTERIEUR



REQUETE DE FINANCEMENT
DU PROGRAMME D'ACTION
EN VUE DES SCRUTINS
DE FEVRIER 1993

- Septembre 1991 -

S O M M A I R E**PRESENTATION****I ETABLISSEMENT GENERALISE DE LA CNI****II REFONTE DU FICHER GENERAL DES ELECTEURS****III FORMATION****IV A N N E X E S**

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PRESENTATION

En Janvier 1991, le Chef de l'Etat a adressé au Ministre de l'Intérieur deux directives essentielles portant sur :

- l'établissement généralisé de la carte nationale d'identité
- l'élaboration des listes électorales plus complètes et plus fiables.

Pour procéder à l'établissement généralisé de cartes nationales d'identité à l'horizon 1993, c'est l'ensemble de la filière de production qu'il faut renforcer et rationaliser soit :

- les centres d'état civil;
- les centres d'instruction;
- le centre de production.

S'agissant des listes électorales, le Chef de l'Etat a mis en place une Commission Nationale de Réforme du Code électoral dans le souci d'améliorer le système électoral actuel en vue de consolider la démocratie, avec la participation de l'ensemble des partis politiques intéressés.

Cette Commission a retenu, dans le cadre des 36 propositions, "la refonte du fichier général des électeurs, en vue de l'établissement de listes électorales sous le contrôle des partis".

Enfin, l'ensemble de ces 2 projets suppose un important volet "FORMATION" dont les cibles seront les autorités administratives et les membres des différentes commissions impliquées dans la mise en oeuvre de ces opérations.

T ETABLISSEMENT GENERALISE DE LA CARTE NATIONALE D'IDENTITE

La généralisation de la carte nationale d'identité découle d'une directive du Chef de l'Etat adressée au Ministre de l'Intérieur en Janvier 1991 : "Pour qu'en liaison avec le Ministre de la Justice, des mesures soient prises pour l'établissement généralisé de cartes nationales d'identité. L'objectif étant que chaque citoyen ait sa carte nationale d'identité avant 1993 en vue, entre autres, d'une identification plus exacte de l'électeur".

Cette généralisation est une exigence :

- de l'environnement juridique dans la mesure où la loi 62-14 du 20 février 1962 sur la carte nationale d'identité rend obligatoire la détention de ce document pour tout citoyen âgé de 15 ans au moins;

- de l'environnement politique car la carte nationale d'identité est une donnée incontournable pour la confection de listes électorales plus complète et plus fiable aux fins d'asseoir la démocratie sénégalaise tout en facilitant au delà une gestion plus efficace de ce fichier;

- de l'environnement économique parce qu'il est devenu plus que nécessaire de fixer de façon définitive l'état des personnes pour une maîtrise de la démographie sans laquelle les instruments de mesure économiques sont écartés.

La population cible (les citoyens ayant 15 ans et plus non détenteurs de cartes) peut être évaluée à 2.500.000 à l'horizon 1993. En effet, à cette date les plus de 15 ans seront 4.500.000 dont il faut soustraire les détenteurs actuels de cartes nationales d'identité, au nombre de 2.000.000.

La généralisation devra s'effectuer d'octobre 1991 à Janvier 1993, soit sur 16 mois.

Il faudra ainsi assurer une production moyenne mensuelle de 156.000 cartes soit 8 fois plus que la production actuelle qui est de 20.000 cartes.

En conséquence, il faudra renforcer toute la filière de production de cartes :

- les centres d'état civil;
- les centres d'instruction;
- le centre de production.

Les centres d'état civil

Ces centres sont un maillon fondamental de la filière, car ils délivrent aux demandeurs, l'extrait du registre des naissances, qui est la pièce de base du dossier de demande. Ces centres sont actuellement au nombre de 450.

Les centres d'instruction

Ces centres sont constitués par les Commissariats de Police, les Brigades de Gendarmerie, les Sous-préfectures.

Ils reçoivent le public pour l'établissement des dossiers, qu'ils transmettent ensuite au centre de production.

Ils sont actuellement au nombre de 168.

Le centre de production

Il s'agit de la Direction de l'Automatisation des Fichiers (DAF) du Ministère de l'Intérieur, qui traite l'ensemble des demandes en provenance de tout le pays. Le centre gère également, le fichier informatisé de la carte nationale d'identité.

Le budget pour le renforcement de toute la filière et pour la conduite des opérations sur le terrain pendant les 16 mois de campagne, s'établit comme suit :

- Volet ETAT CIVIL.	:	699.110.000FCFA
- Volet CENTRE D'INSTRUCTION	:	409.690.000FCFA
- Volet CENTRE DE PRODUCTION	:	517.509.000FCFA
TOTAL	:	1.626.309.000FCFA

Il s'agit là d'un budget additionnel, nécessaire à l'exécution définitive de l'enregistrement des faits d'Etat Civil et de la conservation des registres à côté de l'effort fait par le gouvernement au travers du budget de l'Etat Sénégalais. Les spécifications générales de chacun des volets sont fournies dans la suite du document.

Telle est la logique dans laquelle s'inscrit la présente requête.

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I-1 VOLET ETAT CIVIL.

1- OBJECTIFS ET ORGANISATION

1.1 Objectif

Ce volet est une véritable opération de réhabilitation de l'état civil et, à ce titre, deux objectifs sont poursuivis :

- procéder à l'enregistrement des personnes ne figurant pas actuellement dans les registres d'état civil (inscription tardive). Cette population est estimée à 3.000.000.

- reconstituer les actes des personnes figurant dans des registres, partiellement ou entièrement détruits. Le nombre d'actes est estimé à 600.000.

Ce travail sera réalisé outre les 450 centres existants, par 100 commissions administratives itinérantes, de 3 membres chacune, officiant dans les 317 communautés rurales du pays.

1.2 Acquis

Deux projets complémentaires sont en réalisation. Nous avons d'une part le financement du FNUAP, et d'autre part le projet d'expérimentation de l'utilisation du D.O.N. comme moyen d'archivage électronique, financé par le CRDI.

Financement FNUAP

C'est une action à deux phases.

La première phase est dénommée "Projet SEN/84/P02 financé à hauteur de 150.000 \$ US pour une période de 3 ans (85-89) elle a permis :

- la conception de modèles d'imprimés types de relevés des statistiques des naissances, des mariages et des décès ainsi que la conception de modèles de cahiers des villages et de quartiers, pour une meilleure collecte des statistiques et faits d'état civil;

- la création, d'un Comité national de l'état civil, et au niveau régional et d'un comité régional de l'état civil décret n° 85 535 du 9 mai 1986;

la mise en oeuvre d'un vaste programme de formation qui a permis de doter tous les centres d'état civil de la deuxième édition du mémento d'état civil d'une part, mais aussi de concevoir, d'élaborer et de diffuser un manuel d'information et de formation en matière d'état civil d'autre part.

La deuxième phase "Projet SEN/89/P04 devait concerner l'amélioration de l'exploitation des données d'état civil par une mise en place de l'outil informatique pour assurer un taux d'enregistrement des naissances et des décès au moins égal respectivement à 70% et 50% malheureusement cette phase n'a pas encore débuté.

Financement CRDI

L'objectif est d'expérimenter l'utilisation du disque appliquée numérique (D.O.N) comme moyen d'archivage électronique. C'est donc un test, co financé par le CRDI à concurrence de 40 263 000 francs CFA et le gouvernement du Sénégal pour une contre partie de 47 773 000 FCFA sur l'état civil de la commune de Rufisque.

Le planning de réalisation prévoit:

- une phase de digitalisation, scannarisation des documents (passif);
- une phase de mise en place de logiciel pour la prise en compte des nouveaux faits d'état civil;
- une phase d'interfaçonnage entre les deux procédures (ASCIT, DON);
- une évaluation qui devra déboucher sur un choix de généralisation ou non du système.

C'est donc dans cette perspective que se situe cette démarche pour résorber dans l'enregistrement des faits d'état civil et leur conservation.

1.3 Mode opératoire

Les commissions sont créées par le gouverneur de région selon les dispositions du décret 77-686 du 29 Juillet 1977 qui détermine également leur composition.

Les chefs de village et délégués de quartiers, en leur qualité d'auxiliaire de l'administration appuieront les commissions.

Les notables et les élus participeront au programme de sensibilisation.

Les commissions travailleront sur des fiches conçues en rapport avec le Ministère de la Justice (voir projet de fiche en annexe).

Avec une estimation du temps de remplissage d'une fiche à 5 minutes et la fixation d'une période de fonctionnement de 16 mois, le nombre de commissions retenu est de 100.

Les fiches sont remplies en trois exemplaires :

- Deux exemplaires sont transmis par semaine au procureur de la République par procès-verbal valant bordereau d'envoi; celui-ci sera signé de tous les membres de la commission.

- Le troisième exemplaires est envoyé par semaine aux sous-préfets ou aux maires, selon le cas pour archivage.

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Les envois au procureur sont faits par le canal des autorités administratives.

Des séminaires d'un jour par région seront organisés en direction de l'encadrement régional. Cette formation sera démultipliée à l'échelon départemental par les autorités administratives locales, à l'intention des membres des commissions.

Une enveloppe financière de 699.110.000FCFA est requise pour la couverture de toutes les charges afférentes aux centres d'état civil.

11. BUDGET PREVISIONNEL

Ce budget comporte 4 postes principaux :

- sensibilisation et supports publicitaires;
- fonctionnement des commissions administratives;
- fonctionnement des centres d'état civil et des services de la Justice;
- matériels roulants.

21. Sensibilisation et supports publicitaires

Ce compte servira pour la campagne de sensibilisation et l'élaboration des documents pour les séminaires et la formation des agents.

l'orfalt radio, télévision, presse écrite	12 000 000
Supports publicitaires	4 000 000
	<u>16 000 000</u>

SOUS-TOTAL 16 000 000

22. Fonctionnement des commissions administratives

Cette dotation prévoit le matériel nécessaire au fonctionnement des commissions, ainsi que les indemnités des agents et leur déplacement.

Fonctionnement des commissions

imprimés divers	70 100 000
fournitures de bureau	25 210 000
- indemnités membres	96 000 000
- déplacement commissions	112 000 000
	<u>303 310 000</u>

**Appendix F: Modifications to Constitution Regarding
Presidential and Legislative Elections**

III) ROJET DE LOI ORGANIQUE N°26/91
RELATIF A L'ELECTION DU PRESIDENT
DE LA REPUBLIQUE ET DES DEPUTES
A L'ASSEMBLEE NATIONALE.

COMPOSITION DU DOSSIER

- 1°) Exposé des Motifs ;
- 2°) Projet de Loi.

III) PROJET DE LOI ORGANIQUE N° 26/9
RELATIF A L'ELECTION DU PRESID
DE LA REPUBLIQUE ET DES DEPUTE
A L'ASSEMBLEE NATIONALE.

EXPOSE DES MOTIFS :

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Le projet soumis à votre attention résulte des travaux de la Commission Nationale de Réforme du Code Electoral.

En vertu des articles nouveaux 27 et 49 de la Constitution, les Cours et Tribunaux veillent à la régularité de la campagne électorale et du scrutin ainsi qu'à l'égalité des candidats pour l'utilisation des moyens de propagande pour l'élection du Président de la République et des Députés à l'Assemblée Nationale. L'objet du présent projet de loi organique est de faire application de ces dispositions constitutionnelles.

Pour des raisons pratiques et de cohérence, un seul projet concernant à la fois l'élection du Président de la République et celle des Députés, a été élaboré. Deux titres traitent successivement chacun de ces sujets. L'ensemble sera intégré au Code électoral.

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I - ELECTION DU PRESIDENT DE LA REPUBLIQUE

Le Titre premier, qui concerne l'élection du Président de la République est divisé en cinq chapitres relatifs, respectivement, au dépôt des candidatures, à la campagne électorale, aux opérations électorales, au recensement des votes et à la proclamation des résultats, enfin au contentieux de l'élection.

En ce qui concerne le chapitre premier relatif au dépôt des candidatures, le système de présentation des candidats a changé. Ceci résulte du nouvel article 24 de la Constitution.

Désormais, un candidat peut être présenté par un parti politique légalement constitué ou une coalition de partis. Il peut aussi se présenter en candidat indépendant. Pour ce faire, sa candidature doit être accompagnée de la signature d'électeurs représentant au moins dix mille inscrits domiciliés dans six régions à raison de cinq cents au moins par région. Chaque parti politique ou coalition de partis ne peut présenter qu'une seule candidature. De plus, la déclaration de candidature doit être accompa-

gnée d'une déclaration sur l'honneur par laquelle le candidat atteste que sa candidature est conforme aux dispositions de l'article 3 de la Constitution et qu'il a exclusivement la nationalité sénégalaise. (Article LO 88 du projet).

Le dépôt de la déclaration de candidature s'effectue dans les conditions fixées à l'article 24 de la Constitution par le mandataire du parti politique, de la coalition de partis qui a donné son investiture. Un droit de réclamation contre la liste des candidats arrêtée par la Cour Suprême est prévu. Ce droit est ouvert à tout candidat dans le délai des vingt quatre heures qui suivent la publication, par la Cour Suprême, de la liste des candidats. La Cour Suprême doit statuer sur ces réclamations sans délai. (Article LO 93 du projet). Les candidats ne peuvent utiliser les mêmes couleurs, sigle et symbole. En cas de contestation, la Cour Suprême tranche sur la base de l'ordre d'ancienneté du parti qui investit le candidat et, pour les candidats indépendants, suivant la date du dépôt. Les articles LO 91, LO 92 et LO 94 de la loi 82-10 du 30 juin 1982 portant Code électoral n'ont pas été modifiés.

En ce qui concerne la campagne électorale, elle fait l'objet du chapitre 2. La durée de la campagne en vue de l'élection du Président de la

République est désormais de vingt et un jours. C'est la Cour d'Appel qui veille à l'égalité entre les candidats. Elle intervient, le cas échéant, auprès des autorités compétentes pour que soient prises toutes les mesures susceptibles d'assurer cette égalité. La Cour Suprême ne s'occupe désormais que du contentieux de l'élection du Président de la République. La Cour d'Appel hérite ainsi d'un droit d'intervention dans le domaine de l'exécutif qui était jusqu'ici dévolu à la seule Cour Suprême : (Articles LO 95 et LO 96 du projet).

Il revient au Haut Conseil de la Radio-Télévision d'assurer l'égalité entre les candidats dans l'utilisation du temps d'antenne. Cet organisme bénéficie pour cette attribution, d'un droit d'intervention : (Article LO 96 du projet). Les candidats reçoivent un traitement égal dans l'utilisation des moyens de propagande. Le Haut-Conseil de la Radio-Télévision peut s'opposer à la diffusion d'une émission de la campagne électorale en cas de contravention aux règles posées par la constitution. Sa décision motivée peut faire l'objet d'un recours pour excès de pouvoir. Le Haut-Conseil de la Radio-Télévision peut, aussi saisir la Cour d'Appel préalablement à la diffusion d'une émission de la campagne électorale officielle. La saisine de la Cour d'Appel est suspensive de la diffusion de l'émission. La

Cour statue dans un délai de quarante huit heures. Ses arrêts en la matière ne peuvent faire l'objet d'aucun recours. Le Haut-Conseil de la Radio-Télévision veille en outre à la l'égalité des candidats dans la présentation et les commentaires des déclarations, écrits, activités des candidats et la présentation de leur personne.

Est désormais interdite toute activité assimilable à une campagne électorale trente jours avant l'ouverture officielle de la campagne. Les candidats sont en outre astreints, en vertu de l'article LO 103 du projet, au dépôt d'un cautionnement dont le montant est fixé par arrêté du Ministre de l'Intérieur au plus tard 180 jours avant celui du scrutin. Ce cautionnement est remboursé aux candidats ayant obtenu au moins 5 % des suffrages exprimés. L'idée de ce cautionnement est d'éviter la prolifération de candidatures fantaisistes pouvant affecter la clarté du scrutin.

Les articles LO 97 et LO 99 de la loi 82-10 du 30 juin 1982 portant Code électoral n'ont pas été modifiés.

Le chapitre 3 a trait aux opérations électorales. Pour permettre à la Cour d'Appel de veiller à la régularité du scrutin, l'article LO 105 du projet institue des délégués. Il sont nommés par ordonnance du Premier

Président de la Cour d'Appel et sont choisis parmi les membres de la Cour d'Appel et des Tribunaux. Ces délégués sont chargés de veiller à la régularité de la composition des bureaux de vote, des opérations de vote, du dépouillement des suffrages et au respect du libre exercice des droits des électeurs et des candidats. Ils procèdent à tous contrôles et vérifications utiles. Ils ont accès à tout moment aux bureaux de vote et peuvent exiger l'inscription de toutes observations au procès-verbal, soit avant la proclamation des résultats des scrutins, soit après. Les autorités administratives et les Présidents de bureaux de vote sont tenus de fournir tous les renseignements et de communiquer tous les documents nécessaires à l'exercice de cette mission, ainsi qu'un exemplaire du procès-verbal des opérations électorales, lorsque le délégué leur en fait la demande. A l'issue du scrutin, le délégué dresse un rapport qu'il remet au Premier Président de la Cour d'Appel au plus tard dans les vingt quatre heures qui suivent la clôture du scrutin avec copie au Président de la Commission Départementale de Recensement des Votes instituée à l'article L0 111 du projet.

En vertu de l'article LO 107 du projet, il est institué le principe de la non concomitance des élections présidentielles et législatives. En aucun cas, l'élection du Président de la République et celle des Députés ne doivent avoir lieu le même jour.

Aux termes de l'article LO 109 du projet, les représentants des candidats membres des bureaux de votes sont tenus de signer le procès-verbal des opérations électorales. L'absence de signature doit être motivée. Une copie du procès-verbal est obligatoirement remise au représentant de chaque candidat. Chaque Président de bureau de vote confectionne sans délai un pli scellé à l'adresse du Président de la Commission Départementale de Recensement des Votes. Le pli contient deux exemplaires du procès-verbal des opérations électorales accompagnés de toutes les pièces qui doivent y être annexées. Il fait l'objet de transmission directe par le truchement d'une personne assermentée.

Les procès-verbaux et l'ensemble des pièces relatives aux opérations électorales sont transmis à la Cour Suprême aux fins de la proclamation définitive des résultats. (Article LO 110 du projet). L'article LO 104 de la loi numéro 82-10 du 30 juin 1982 n'a pas été modifié.

Le chapitre 4 est relatif au recensement des votes et à la proclamation des résultats.

En ce qui concerne le recensement, il a été institué une Commission Départementale et une Commission Nationale de Recensement des Votes en vertu de l'Article LO 111 du projet.

La Commission Départementale de Recensement des Votes est composée d'un Magistrat, président ladite commission et désigné par le Premier Président de la Cour d'Appel, d'un représentant de chaque parti, de chaque coalition de partis et de chaque candidat ayant pris part à l'élection.

Au plan national, la Commission Nationale de Recensement des Votes est présidée par le Premier Président de la Cour d'Appel. Elle comprend en outre, un représentant de chaque parti, de chaque coalition de partis et de chaque candidat ayant pris part à l'élection.

La Commission Nationale de Recensement des Votes procède à la proclamation provisoire des résultats tandis que la Cour Suprême effectue la proclamation définitive des résultats conformément aux dispositions de l'article 29 de la Constitution.

L'article LO 112 du projet décrit la procédure de recensement des votes par les Commissions Départementale et Nationale instituées à l'article LO 111 du projet.

Le chapitre 5 est relatif aux contentieux des élections. Le projet fait application des dispositions de l'article 29 de la Constitution qui permettent le dépôt par les candidats, d'une réclamation contre les opérations du premier tour de scrutin.

C'est ainsi que l'article 29 organise une procédure de communication rapide de la requête, afin de concilier les impératifs d'une bonne justice avec le souci de ne pas prolonger à l'excès l'incertitude électorale. Ce système figurait déjà dans la loi 82-10 de juin 1982. C'est pourquoi les articles LO 113 à LO 116 de celle-ci n'ont pas fait l'objet de modification.

II - ELECTION DES DEPUTES A L'ASSEMBLEE NATIONALE

Le nombre des députés reste maintenu à cent vingt (Article LO 117). Une loi ordinaire fixe leur nouveau mode de désignation.

Aux termes de l'article LO 154 du projet, la durée de la campagne électorale est de vingt et un jours. Ce titre relatif à l'élection des députés

tés à l'Assemblée Nationale renvoie sur de nombreux points à celui relatif à l'élection du Président de la République. Il donne les mêmes pouvoirs à la Cour d'Appel et au Haut-Conseil de la Radio-Télévision en ce qui concerne le contrôle de la campagne électorale et des opérations électorales. L'article LO 156 établit le régime de la répartition du temps d'antenne mis à la disposition des candidats. Il est prévu un article L 156 bis, contenu dans un titre VI bis portant dispositions transitoires, qui déroge aux dispositions de l'alinéa 2 de l'article LO 156 et qui stipule que le temps d'antenne, à répartir entre les listes de candidats lors du premier renouvellement de l'Assemblée Nationale qui interviendra après la promulgation du projet, est égal pour toutes les listes de candidats.

En ce qui concerne les opérations électorales et le recensement des votes, c'est le même régime que l'élection du Président de la République. Il en est de même pour la proclamation des résultats de l'élection qui revient à la Cour Suprême.

Le projet abroge les dispositions de la loi numéro 82-10 du 30 juin 1982 auxquelles il se substitue. Les articles LO 125 à LO 142, LO 149, LO 151, LO 155, LO 156 à LO 162, LO 164 à LO 166 de la loi numéro 82-10 du 30 juin 1982 n'ont pas été modifiés.

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En ce qui concerne les opérations électorales et le recensement des votes, c'est le même régime que l'élection du Président de la République. Il en est de même pour la proclamation des résultats de l'élection qui revient à la Cour Suprême.

Le projet abroge les dispositions de la loi numéro 82-10 du 30 juin 1982 auxquelles il se substitue. Les articles LO 125 à LO 142, LO 149, LO 151, LO 155, LO 158 à LO 160, LO 164 à LO 166 de la loi numéro 82-10 du 30 juin 1982 n'ont pas été modifiés.

Les dispositions du projet constituent une garantie importante d'un système électoral qui permette la tenue d'élections libres et transparentes c'est-à-dire insusceptibles de contestations sérieuses. Elles s'inscrivent dans la tradition de régime démocratique et de pluralisme dont jouit depuis longtemps la nation sénégalaise.

Appendix G: Modifications to Legislative Part of Electoral Code

PROJET DE LOI N° 27/91 PORTANT
MODIFICATION DU CODE ELECTORAL
(Partie Législative).

COMPOSITION DU DOSSIER

1°) Exposé des Motifs

2°) Projet de Loi.

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PROJET DE LOI N° 27/91 PORTANT
MODIFICATION DU CODE ELECTORAL
(Partie Législative).

EXPOSE DES MOTIFS

Il s'est avéré nécessaire de revoir nombre des dispositions de la loi 82-10 du 30 juin 1982 portant code électoral afin de traduire les trente six options levées par la Commission Nationale de Réforme du Code Electoral et qui ont fait l'objet d'accord entre les partis politiques membres de ladite Commission. La numérotation des articles a été autant que possible sauvegardée et il convient d'intégrer au texte les articles constituant la loi organique numéro.....du..... relative à l'élection du Président de la République et des députés à l'Assemblée Nationale. Il apparaît dès lors de meilleure technique juridique d'abroger et de remplacer entièrement la loi 82-10 du 30 juin 1982 même si nombre de ses dispositions subsistent. On s'emploiera à relever les innovations qui résultent des options ci-dessus mentionnées

TITRE PREMIER

Le titre premier est relatif aux dispositions communes à toutes les élections. L'article L premier a été modifié pour tenir compte dans sa nouvelle rédaction de l'option relative à la majorité électorale a dix huit ans. Cet âge électoral était de vingt et un ans dans l'ancien code.

L'article L 7 a été complété. C'est ainsi qu'il prévoit que les conditions dans lesquelles les sénégalais établis à l'étranger exercent leur droit de voter sont déterminées par une loi. Cet article tient compte de l'option relative au vote, à l'intérieur ou à l'extérieur des sénégalais établis à l'étranger. Le vote des émigrés lorsqu'ils se trouvent sur le territoire national était prévu dans l'ancien code aux articles L 13 (inscription sur les listes électorales) et article L 23 alinéa 4 (inscription en dehors des périodes de révision des listes).

La mise en oeuvre du vote de nos compatriotes établis à l'étranger dans leur pays d'accueil étant complexe, la Commission Nationale de Réforme du Code Electoral a recommandé qu'une étude détaillée soit menée en vue de dispositions législatives et réglementaires à prendre.

L'article 14 a été modifié. Il concerne les listes électorales. Elles font désormais l'objet d'une révision annuelle placée sous le contrôle de l'administration et des partis politiques légalement constitués.

L'article L 16 a subi une modification. C'est ainsi que la preuve testimoniale a été supprimée et les pièces d'identification restreintes. Sont retenus : le passeport, la carte nationale d'identité, le livret militaire, le permis de conduire et le livret de pension civile ou militaire. Cet article traduit l'option relative à l'identification de tous les électeurs.

Les demandes d'inscription en dehors des périodes de révision sont désormais recevables jusqu'au quinzième jour avant celui du scrutin (article L 24 du projet).

L'article L 29 du projet donne un pouvoir de contrôle et un droit de regard ~~aux~~ ^{aux} partis politiques légalement constitués sur la tenue du fichier général des électeurs.

En ce qui concerne les cartes électorales, elles doivent changer de couleur après chaque renouvellement des mandats du Président de la République, des députés et des conseillers municipaux et ruraux. (article L 32 du projet).

Les réunions électorales connaissent un nouveau régime aux termes de l'article 35 du projet. Elles se tiennent librement sur l'ensemble du territoire national pendant la campagne électorale officielle. Déclaration écrite en sera faite au moins vingt quatre heures à l'avance à l'autorité compétente.

L'article L 37 du projet détermine le régime de la propagande déguisée. Sont qualifiés comme actes de propagande déguisée, toute manifestation ou déclaration publique de soutien à un candidat, ou à un parti politique ou coalition de partis faite directement ou indirectement par toute personne ou association ou groupement de personnes quel'en soit la qualité, nature ou caractère. Sont assimilées à des propagandes ou campagnes déguisées, les visites et tournées à caractère économique, social ou autrement qualifiées, effectuées par toutes autorités de l'Etat sur le territoire national et donnant lieu à des manifestations ou déclarations, ce durant les trente jours qui précèdent l'ouverture de la campagne officielle. Le Haut Conseil de la Radio-Télévision est chargé de veiller à l'application stricte de cette interdiction et doit proposer des formes appropriées de réparation au bénéfice de tout candidat lésé.

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L'article L 41 organise le transport obligatoire par l'Administration ✓
des membres des commissions chargées de la distribution des cartes
électorales qui se trouvent être des représentants des partis politiques
légalement constitués. La distribution des cartes d'électeurs doit avoir
pris fin au plus tard deux mois avant le scrutin.

L'article L 43 institue les mandataires qui remplacent les délégués
de l'ancien système. Les mandataires représentent les candidats ou liste
de candidats.

La composition des bureaux de vote a changé aux termes de l'article
L 44 du projet. Chaque bureau de vote est composé d'un président, d'un
assesseur, d'un secrétaire désignés par le Préfet ou par le Gouverneur et
d'un représentant par candidat ou liste de candidats en qualité de mem-
bres.

L'article L 58 du projet établit le régime applicable aux procès-
verbaux des opérations électorales : signature obligatoire par les membres ✓
du bureau de vote ; remise aux représentants des candidats ou liste de
candidats ; affichage et transmission directe par le truchement d'une

personne assermentée. On peut relever ici un allègement du rôle du Ministère de l'Intérieur. Cet article décrit en outre la procédure de recensement.

L'article L 83 du projet aménage l'immunité des candidats. De l'ouverture officielle de la campagne électorale jusqu'à la proclamation des résultats du scrutin, aucun candidat ne peut être poursuivi, recherché, arrêté, détenu ou jugé pour des propos ou actes se rattachant directement à la compétition électorale.

TITRE II

Le Titre II est relatif à l'élection du Président de la République. Les articles de la loi organique n°..... du.....(Titre Premier), sont intégrés au projet de Code électoral. Ils deviennent ses Articles LD 87 à LD 116 sans modification.

TITRE III

Le Titre III traite de l'élection des députés à l'Assemblée Nationale.
Il intègre les articles de la loi organique n°.....ou.....
(Titre II).

L'article L 118 du projet ouvre la possibilité à chaque parti politique et aux coalitions de partis de présenter des listes de candidats. Cette possibilité est aussi ouverte aux personnes indépendantes lesquelles doivent le faire au plan national et se conformer à l'article 3 de la Constitution. Pour pouvoir présenter une liste, les personnes indépendantes doivent recueillir la signature de 10 000 électeurs inscrits domiciliés dans six régions à raison de 500 au moins par région.

Le projet institue un nouveau mode de scrutin pour l'élection des députés (Articles L 119 à L 123). Les députés sont élus à raison de 50 députés au scrutin majoritaire à un tour dans le ressort du département et de 70 députés au scrutin proportionnel sur une liste nationale. Pour le scrutin de liste nationale, il est appliqué le système du quotient national. La répartition des restes se fait selon le système du plus fort reste.

Dans chaque département, seront élus cinq députés au plus et un député au moins. Le nombre de députés à élire dans chaque département est déterminé par décret en tenant compte de l'importance démographique respective de chaque département. Ce mode de scrutin allie la nécessité d'une majorité stable et la prise en compte des différentes forces politiques du pays.

TITRE IV

Les dispositions relatives à l'élection des conseillers municipaux (article L 167 à L 183) comportent trois innovations.

L'article L 167 modifie la composition du conseil municipal. Celui-ci se compose désormais de conseillers représentant la population et de conseillers représentant les groupements à caractère économique social et culturel ayant un statut consultatif.

L'article L 168 précise le nouveau mode de scrutin des conseillers municipaux. Les conseillers représentant la population sont élus pour 1/2 au scrutin majoritaire et pour 1/2 au scrutin proportionnel à un tour sur des listes complètes, sans panachage ni vote préférentiel. La moitié des

sièges est attribuée à la liste de candidats qui a obtenu la majorité des suffrages exprimés. Pour l'autre moitié des sièges, il est appliqué le système du quotient municipal. La répartition des restes se fait selon le système du plus fort reste.

L'article L 163 organise le recensement des votes. Ce recensement s'effectue au Tribunal Départemental par la Commission Départementale de Recensement des Votes. Le résultat est proclamé par le Président de la Commission et les procès-verbaux sont archivés par le Greffier en Chef du Tribunal Départemental.

TITRE V

En ce qui concerne les dispositions spéciales à l'élection des conseillers ruraux (articles L 188 à L 201), une seule modification substantielle est à relever. Elle a trait au mode de scrutin.

L'article L 192 dispose que les conseils ruraux sont élus, pour 3/4 au suffrage universel direct et pour un quart par les groupements à caractère économique, social et culturel notamment les coopératives, les

groupements d'intérêt économique, les associations sportives et culturelles. L'élection au suffrage universel des conseillers ruraux a lieu pour moitié selon le scrutin proportionnel à un tour sans panachage, ni vote préférentiel et sans liste incomplète. Pour l'élection au scrutin proportionnel des conseillers ruraux, il est fait application du mode de calcul prévu pour les conseillers municipaux (article 166 alinéa 2).

TITRE VI

Les dispositions concernant le contentieux des élections aux conseils municipaux et ruraux (articles L 202 à L 208) ne comportent aucune modification substantielle.

TITRE VI BIS

Ce titre VI Bis est relatif aux dispositions transitoires et comporte un article unique LO 156 Bis. Se reporter au projet de loi organique n°.....
.....du..... (Titre II).

TITRE VII

Il comporte un article unique L 209 et est relatif aux dispositions finales. IL abroge les dispositions contraires à la présente loi et notamment, la loi 82-10 du 30 juin 1982 portant Ccde électoral.

Le présent projet constitue une avancée significative dans le processus d'approfondissement de la démocratie dans notre pays. Il intègre les différentes préoccupations des formations politiques qui composent le paysage politique du Sénégal. Il restaure la confiance des partis politiques dans notre système électoral et permet d'élargir et d'approfondir la participation des citoyens sénégalais à la vie politique de leur pays.