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# Contesting the electoral register during the 2019 elections in Senegal. Why Allegations of Fraud Did not End with the Introduction of Biometrics.

Cecilia Passanti

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Everyday Practices and Processes of Negotiation

Edited by Susann Baller



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CECILIA PASSANTI

## CONTESTING THE ELECTORAL REGISTER DURING THE 2019 ELECTIONS IN SENEGAL

### Why Allegations of Fraud Did not End with the Introduction of Biometrics

»Dans mon pays, il y avait une crise politique, une crise de confiance entre les acteurs. Pour les rassurer il fallait un fichier [électoral] sans reproche, non contesté, dans lequel tout le monde a confiance et la biométrie a paru la solution. [...] Ça fait bientôt vingt ans qu'on met en place cela et c'est quoi le bilan ? Nul. On a vendu pendant longtemps aux gens que c'est une panacée, le seul moyen d'avoir un fichier fiable. Au contraire, ce qu'on voit aujourd'hui est que tous les fichiers continuent être contestés. Bien qu'on ait la biométrie on a la contestation. Et donc, on l'a vendu comme une chimère!.«

Electoral and biometric technologies carry a promise that can be understood in terms of their social function. Their goal is to use automation to resolve an issue that has been defined as a political problem: disputed elections. Electoral registers – lists of people of voting age – are the result of a set of bureaucratic processes: the counting of citizens, the collection of their data, the production of a »formal« identity attested by a national identity card, and electoral districting. But in various African electoral contexts, many political actors consider the electoral register untrustworthy. These actors believe it to contain duplicate voters or false identities, which those in power can use to provide extra votes to their favoured candidates, radically influencing the electoral results. These disputes can call into question the legitimacy not only of the electoral process, but of the elected authorities themselves, and thus of the state, leading to moments of more or less profound crisis.

Since the 1980s and 1990s, the production of electoral registers has gradually been automated almost everywhere in Africa. In Senegal, the creation of the Direction de l'Automatisation du Fichier (DAF, Directorate for the Automation of Records) within the Ministry of the Interior in 1977 marked the beginning of the gradual introduction of computing into the management of state records<sup>2</sup>. This process was first called computerization (*informatisation*), and later digitization (*numérisation/digitalisation*). Its most recent incarnation has been based on the introduction of a »new«<sup>3</sup> technology: biometrics. This particular electoral technology enables

- 1 »In my country, there was a political crisis, a crisis of trust between actors. To reassure them, a flawless, uncontested [electoral] register was needed, one that everyone trusts, and biometrics seemed to be the solution. [...] It's been nearly twenty years since we implemented that, and what's the outcome? None. It was sold to people for a long time as a panacea, the only way to get a trustworthy register. On the contrary, what we see today is that all the registers continue to be contested. Although we have biometrics, we have contestation. And so, it was sold as a pipe dream«: Interview, technical advisor on the development of the biometric electoral register, 30 September 2019, Paris.
- 2 Interview, Minister of Higher Education, Research and Innovation, 20 February 2019, Dakar.
- 3 For a broader perspective on the novelty of new technologies (and their impact on social change) see David EDGERTON, *The Shock of the Old: Technology and Global History since 1900*, New York 2006.

the detection of voters who are registered multiple times in a database. It carries the promise of the production of trustworthy electoral registers, which will not be contested by anyone taking part in elections. However, looking back after several years of development of electoral registers in Africa, the technical advisor quoted above maintains that this promise has not been fulfilled. The aim of the present article is to shed light on the tension between technological promise and the reality of contested electoral records<sup>4</sup>. It focuses on the disputes surrounding the events of the 2019 presidential election in Senegal and their links with biometric technology in the constitution of the electoral register.

### Biometrics in Senegal: a microtechnology integrated into a national bureaucratic network

Any system for organizing elections, old or new – paper electoral lists, pen and ballot, ballot boxes, the secret ballot, etc. – can be understood as an electoral technology<sup>5</sup>. But starting in the 2000s, African governments, in collaboration with the private digital identity sector, began to develop cutting-edge technologies for managing electoral processes: voting machines, systems for transmitting results, vote counting software, smart cards, etc. Most of these technologies are based on digitizing the management of voters' identities: i.e. processes aimed at identifying voters based on bodily characteristics, verifying their identities, and assigning them a unique identification number. This system is generically known as biometrics. In Senegal, the Direction de l'Automatisation du Fichier has been using biometrics since 2005 to produce state electoral registers. In practice, biometrics consist of a national network of employees and machines working to allocate a single voter card to each citizen. The technological infrastructure involved (computers, camera, and fingerprint scanners) is provided by two companies, Iris Corporation Berhad and Synapsys Conseil, and is managed by police officers who are trained in data entry and treatment. The identity card features classical identity data (identity number, first and last names, date and place of birth, registration centre, place of residence) and electoral information (voter number, geographical data, polling place and station, or »person not on the electoral register«), but also biometric data: a digital image of the voter's fingerprints. This pattern (»metric«), an unrepeatable feature of each individual, is recorded as an image on the digital electoral register, along with those of all other registered voters. The software at the core of biometrics works on this database and is able to recognize similar or duplicate fingerprints. The procedure for recognizing the similarities between fingerprint photos is automatic and is based on mathematical processes<sup>6</sup>. However, like much of the work done by digital systems, it is embedded in a larger network which is far from eliminating the involvement and labour of human beings<sup>7</sup>.

The present article proposes to shed light on how biometrics – this small software nested in a much broader bureaucratic network – is interwoven with the conflicts over elections that it is supposed to resolve. Elections thus need to be analysed from the perspective of disputes. By placing emphasis on controversy, I underscore the continuity of discontent from one election to the next rather than accentuating the ruptures in this process. On the one hand, this viewpoint complements an electoral sociology that emphasizes voting, participation, campaigning,

- 4 Bruno LATOUR, *Science in Action. How to follow Scientists and Engineers through Society*, Harvard, MA 1987.
- 5 Romain BERTRAND, Jean-Louis BRIQUET and Peter PELS (eds.), *The Hidden History of the Secret Ballot*, Bloomington, IN 2007.
- 6 Keith BRECKENRIDGE, *État documentaire et identification mathématique. La dimension théorique du gouvernement biométrique africain*, in: *Politique Africaine* 152/4 (2018), p. 31–49.
- 7 Antonio CASILLI, *En attendant les robots. Enquête sur le travail du clic*, Paris 2019.

and results and often is centred on the electoral event as a break with the past<sup>8</sup>. On the other hand, stressing continuity resituates technology among social and political actors so that it can be analysed by sociology. Technology is not a revolutionary social force but is interwoven with other social forces. Instead of seeing technology and politics as two strictly separated fields of knowledge, I promote a vision of technology as a political element among others. In the case study, electoral contestation continues even with increased use of technology because protests and their reasons are deeper and shape society more strongly than technology. Therefore, the latter is interwoven with pre-existing forms of contestation that target the bureaucratic and administrative infrastructure of elections. The issue here is thus not to assess whether or not the contestation of Senegalese elections by the opposition is well founded. Nor is it to determine whether or not those in power use the technology appropriately (this is done by evaluation processes for electoral technology). Instead, it is a question of tracing the reciprocal construction of a »technological solution« and its »problem«: contested elections between technology and politics.

The general underlying issue is that of the relationship between the introduction of a technology and social change. What effect would the introduction of biometrics have on contested elections<sup>9</sup>? This question must be answered against technological determinism, understood as the idea that technology was developed outside and independently of society and that, once implemented within a process, it would inevitably improve or change society<sup>10</sup>. In this vision, technology is seen from the outset as a key factor in social change. Instead, we need to rethink the nature of social change presumably determined by the introduction of technology. The article aims to shed light on the interrelationship between contested elections, biometric technology, and bureaucracy, in order to show how the technological is embedded in the political context, incorporated into a repertoire of contestation<sup>11</sup>. This is a complex issue that cannot be resolved by viewing a technology as essentially beneficial while charging the humans acting behind it with bad faith.

The article consists of three parts: (a) the more general context of electoral and bureaucracy-related protests in Senegal, (b) the controversy surrounding the introduction of the biometric identity card, which in Senegal also serves as a voter card, and (c) the controversy around the new 2018 electoral law, which imposed changes – including a system requiring candidates to collect signatures from voters – that were seen as government strategies to exclude opposition candidates. It is based on my observation of the Senegalese electoral process from January to June 2019: the administrative process for the production of voter cards, civil society monitoring mechanisms, and the conduct of election day (February 24). During this period, I assembled an archive of daily press coverage both on paper and online. Here I mainly cite the national (»Dakar Times«, »EnQuête«, »WalfQuotidien«) and international press (»Le Monde«, and »Jeune Afrique«). The press is an active player in election protests; it echoes, amplifies and produces

8 An emphasis on conflict in the study of elections also has its limitations. Such accounts reproduce a vision of African elections as events wholly defined by conflict. This reduction of elections to their contentious aspects fails to capture the fact that they are also largely peaceful, shared events with accepted rules. It is thus important to recognize this risk, and avoid producing a caricatural, oversimplified image of Senegalese electoral politics that is far removed from the generally peaceful and consensual reality.

9 The other half of the question will be asked elsewhere: what do contested elections do to biometrics?

10 James FERGUSON, *The Anti-Politics Machine. Development, Depoliticization, and Bureaucratic Power in Lesotho*, Minneapolis, MN 1994; Bruno LATOUR, *We have never been modern*, Cambridge, MA 1993.

11 Issaka K. SOUARÉ, *Les partis politiques de l'opposition en Afrique. La quête du pouvoir*, Montréal 2018, p. 157–166.

mainstream popular discourse. For this reason, articles in the press are a good context to observe the logic and rhetoric of electoral disputes. As Bonhomme says, »the relationship between popular discourse and journalistic discourse is circular – each echoes the other«<sup>12</sup>. The press is thus simultaneously an amplifier, an instrument for legitimizing public speech, and an arena of conflict. In addition, the article is based on excerpts of interviews: with a technical advisor involved in the development of biometric electoral registers, and with the representative of the Commission Électorale Nationale Autonome (CENA) within the Direction de l'Automatisation du Fichier (DAF). They were conducted as part of my doctoral research on electoral technologies in Senegal and Kenya, which began in January 2018. These excerpts represent ideas shared by other actors interviewed as part of this research.

### The context of the protest: contesting the electoral register as a political repertoire

Senegal offers a rich context for studying the relationship between technology and electoral disputes. The country is often taken as a positive example of democracy in Africa, but each of its elections has nonetheless been disputed<sup>13</sup>. This tension between the country's democratic stability and its recurring pattern of disputed elections is a key feature of the context in which the role of technology in Senegalese elections must be analysed<sup>14</sup>. Technology influences the electoral process, but it did not bring a recurring pattern of disputed elections to an end. Like previous elections in Senegal, the 2019 election was contested. It nonetheless represented a historic turning point: for the first time, the major historical parties – the Parti Démocratique Sénégalais (PDS) and the Parti Socialiste (PS) – were not represented<sup>15</sup>. As we will see later, the candidates of the PDS and the PS were excluded from the competition on the grounds of failure to comply with new conditions for admission introduced by the 2018 electoral law. The candidates in the 2019 election were the incumbent Macky Sall (in power since 2012), Idrissa Seck (former prime minister under Abdoulaye Wade, 2002–2004), Ousmane Sonko (an »anti-system« representative of the country's youth), El Hadj Issa Sall, and Madické Niang. During this election marked by the entry of some new political players, something was as it had always been: the public conflicts over the trustworthiness of the electoral register. These conflicts are a continuation of previous political contestation of the strategic use of electoral districting. There have been traces of gerrymandering since the time of Senghor, but little research has been published on the subject<sup>16</sup>. Starting in 2005, the digitization of the electoral register promised to provide a response to regular election disputes since the 1980s. These criticisms emerged with the fraudulent elections of 1983, 1988 and 1993. In those years, the opposition accused the ruling party, the PS, of manipulating the electoral register. They said that this manipulation had

12 Julien BONHOMME, *La sorcellerie à l'ère des médias*, in: Sandra FANCELLO (ed.), *Penser la sorcellerie en Afrique*, Paris 2015, p. 83–116.

13 Tarik DAHOUE, Vincent FOUCHER, *Le Sénégal, entre changement politique et révolution passive*, in: *Politique africaine* 96/4 (2004), p. 6–7; Christian COULON, *La tradition démocratique au Sénégal. Histoire d'un mythe*, in: Christof JAFFRELOT (ed.), *Démocraties d'ailleurs. Démocraties et démocratisation hors d'Occident*, Paris 2000, p. 69–83; Assane THIAM, *Une Constitution, ça se révisé! Relativisme constitutionnel et État de droit au Sénégal*, in: *Politique africaine* 108/4 (2007), p. 145–153.

14 Alioune Badara DIOP, *Espace électoral et violence au Sénégal (1983–1993). L'ordre public otage des urnes*, in: *Africa Development/Afrique et Développement* 26/1–2 (2001), p. 145–193.

15 Nelly ROBIN, *L'élection présidentielle de 2019 au Sénégal*, in: *Afrique contemporaine* 267–268/3 (2018), p. 187–204.

16 Gérard SALEM, *La Santé dans la ville. Géographie d'un petit espace dense. Pikine (Sénégal)*, Paris 1998, p. 287.

allowed Abdou Diouf, the President of the Republic since 1981 and the successor of Léopold Sédar Senghor (1960–1980), to remain in power. The opposition was mainly represented by the PDS, the party of Abdoulaye Wade, but also by the Parti de l'indépendance et du travail (PTI) and And-Jéf/Parti Africain pour la démocratie et le socialisme. With the presidential election of 2000, Wade became the symbol of political alternation, before coming in turn to embody the political establishment over the course of consecutive terms from 2000 to 2012<sup>17</sup>. In 2012, Wade failed to win a third term in an election that was highly contested, particularly by the popular movement »Y'en a marre« (»Enough is enough«). Macky Sall won in the second round.

During the 2019 elections, the opposition in turn accused Macky Sall of »neutralizing his opponents«<sup>18</sup> through a partisan use of technological, bureaucratic, legislative, and legal elections infrastructure: the law, judicial bodies, the electoral register, the voter registration process, and the distribution of voter cards. According to Sall's defenders, these procedures were used to ensure the proper conduct of the election, and to put an end to electoral fraud. Nevertheless, they were once again perceived, rightly or wrongly, as administrative procedures used in service of the governing party's electoral strategies. Contested electoral registers are thus now part of the repertoire of political contestation generally. We may then ask the question: how did the electoral register become the symbolic and historical focus of political frustrations with governments? To answer it we must seek to understand, first, why elections are still contested despite the use of technology, and second, how biometric technology and bureaucracy are constructed as political tools.

### The controversy around the ECOWAS biometric identity card

»[L]es personnes qui ont voté pour Macky Sall n'existent pas physiquement. Elles sont virtuelles, sont des personnes à qui on a créé une carte d'électeur avec une photo et on les a mises dans un fichier qu'on refusait de donner aux candidats de l'opposition<sup>19</sup>.«

Barthélémy Dias, mayor of the municipality of Mermoz-Sacré-Cœur, disputed the victory of Macky Sall in the presidential election of February 24, 2019, accusing him of winning using non-existent voters created using the procedures for producing electoral identification. This excerpt is just one of various narratives showing that, despite the now longstanding digitization of the electoral register, significant parts of both the political class and the population in Senegal continue to see electoral victory as the result of large-scale administrative fraud<sup>20</sup>. Citing their own tallies, the four losing candidates declared that the results published by the national vote counting commission (CNRV) were not representative of the will of the people. Idrissa Seck, who came second in the presidential race, became the spokesperson for this movement<sup>21</sup>:

17 Momar Coumba DIOP, Mamadou DIOUF and Aminata DIAW, *Le baobab a été déraciné. L'alternance au Sénégal*, in: *Politique africaine* 78/2 (2000), p. 157–179.

18 Laurence MARFAING, Dirk KOHNERT, *Les élections présidentielles de 2019 au Sénégal ou la lente ascension des nouvelles générations*, in: *Canadian Journal of African Studies/Revue canadienne des études africaines* 53/2 (2019), p. 355–366.

19 »[T]he people who voted for Macky Sall do not physically exist. They are virtual, they are people for whom a voter card was created with a photo and they were put in a file to that [the authorities] refused to give to opposition candidates.« Assane MBAYE, *Barth démontre un vaste tripatouillage de l'état civil*, in: *EnQuête*, 1 April 2019.

20 Macky Sall was elected by absolute majority in the first round (58.44%); Idrissa Seck followed with 20.50% of the vote; Ousmane Sonko with 15.48% of the vote; and Issa Sall and Madiké Niang together won 5% of the vote.

21 Benjamin ROGER, *Présidentielle au Sénégal. »L'opposition est unanime, il n'y a pas de possibilité de victoire au premier tour«*, in: *Jeune Afrique*, 25 February 2019.

»Aujourd'hui la CNRV vient de publier des résultats qui reflètent parfaitement la commande du candidat sortant. Nous rejetons fermement et sans aucune réserve ces résultats. Nous ne ferons aucun recours devant le Conseil Constitutionnel. Force est de constater que le candidat sortant a confisqué la volonté du peuple souverain et sera seul à assumer les conséquences face au peuple et face à l'histoire<sup>22</sup>.«

To understand the contestation of the 2019 results, they must be situated in the context of the country's political history, and of at least two recent events in particular. The first is the legislative election of 30 July 2017, which was held in a climate of bitter contestation; the second is the 2018 electoral law, which introduced amendments that were rejected by the opposition<sup>23</sup>.

The tensions around the legislative elections of 30 July 2017 resulted mainly from the introduction of the biometric identity card, following the directives of the Economic Community of West African States (ECOWAS). This card is a multipurpose instrument, at once an identity card and a voter card. It was conceived as a standardized document to facilitate movement and trade among the ECOWAS member states. The opposition (represented at the time by the coalition of Abdoulaye Wade and the party of Khalifa Sall) complained that its introduction at the end of 2016 came too late. They argued that the process would be too long for the system to become fully operational before the legislative elections, which were scheduled for 30 July 2017. A representative of the Commission Électorale Nationale Autonome (CENA) within the Direction de l'Automatisation des Fichiers (DAF), which was tasked with monitoring the production and distribution of these cards, explained to me in an interview:

»Les cartes biométriques ont été introduites pour la préparation des élections législatives. C'est là où ça a posé de problèmes parce que c'est tombé brusquement. Il y avait une division: certains n'étaient pas pour l'instauration de ces cartes car c'était un période trop court, on a pris presque trois/quatre mois pour préparer les cartes. Les partis politiques n'étaient pas d'accords parce qu'ils disaient qu'il fallait attendre après l'échéance électorale... En effet, ça n'était que le gouvernement qui était d'accord. Tous les autres, même au niveau de la direction de la Direction Générale des Élections (DGE) avaient refusé<sup>24</sup>.«

The new biometric technology was introduced in a non-consensual environment. As the day of the 2017 legislative elections approached, many voters, and in particular those who had registered first, complained that they had not yet received their voter card<sup>25</sup>. Some went actively in

22 »Today the CNRV has published results that perfectly reflect the orders of the outgoing candidate. We reject these results firmly and without the slightest reservation. We will not appeal to the Constitutional Council. It is clear that the outgoing candidate has confiscated the will of the sovereign people, and he alone will assume the consequences before the people and before history.« SDTV2000, Contestations des résultats par Idrissa Seck, <https://www.youtube.com/watch?v=FZn2JthCduE>, made available online 28 February 2019, consulted on 23 Mars 2019.

23 Electoral Institute for Sustainable Democracy in Africa (EISA), Mission d'évaluation préélectorale 2019. Rapport, 14 January 2019, <https://www.eisa.org.za/pdf/sen2019pam.pdf>.

24 »The biometric cards were introduced to prepare for the legislative elections. This is where it caused problems, because it happened suddenly. There was a division: some people were not in favour of establishing these cards because it was too short a period. It took us almost three/four months to prepare the cards. The political parties didn't agree because they said that we had to wait until after the election... In fact only the government agreed. All the others, even in the Direction Générale des Élections (DGE), had refused.« Interview, Representative of the CENA at the DAF, 23 February 2019, Dakar.

25 Amadou NDIAYE, Législatives sénégalaises. À quatre jours du scrutin, 30 % d'électeurs sont sans carte, in: *Le Monde*, 27 June 2017.

search of this document, confronting the labyrinths of Senegalese bureaucracy. Others asked for help from civil society to find them. The failures of the electoral identification system were then integrated into the repertoire of contestation of the ruling powers. The problems of distribution were seen as planned errors, results of the administration's political bad faith and of a selective strategy aimed at marginalizing opposition voters (young people, students, the people of Casamance)<sup>26</sup>. To calm the associated political protests, the Constitutional Council, under the direction of the government, announced just a few days before the election that it would be possible to vote with just a *récépissé* (official document acknowledging application) for the new biometric card, an older non-biometric identity card, or a passport<sup>27</sup>. The opposition again expressed outrage. Was this a way of accepting unregistered voters at polling stations? Or a way to stuff the ballot boxes with fake votes for the ruling coalition? A march was organized on 25 July 2017 against delays in the distribution of the cards, and was interrupted by the police<sup>28</sup>.

The discourse of the economist Samba Sylla Ndongo reported by EnQuête in April 2019 illustrates a repertoire similar to that of 2017:

»Le pouvoir s'est arrangé pour inscrire [dans le fichier] le maximum de personnes dans tous les départements qui lui sont favorables. Au contrario partout où l'opposition est forte, il y a eu moins de populations inscrites. Le cas de Dakar est simplement pathologique. La population dans la capitale a dégringolé de 18 000 électeurs entre 2012 et 2019. C'est impossible, à cause de la croissance de la population. Les rares départements perdus par la majorité ont eu les plus faibles taux d'inscription, ceux gagnés par la majorité les plus forts«<sup>29</sup>.

This is just one example of a widespread popular narrative, which both fed and echoed journalistic discourse. The arguments focused on the selective management of the electoral register and on differential registration in different areas. During the lead-up to the 2019 election, headlines such as »Macky Sall's >10 commandments< to win«<sup>30</sup>, and »New electoral divisions, new polling stations. Thousands of electors won't vote!«<sup>31</sup>, or »Macky Sall is surely the best electoral strategist in the history of Senegal«<sup>32</sup> and »Barth demonstrates massive tampering with the civil registry«<sup>33</sup>. These articles illustrate the same repertoire of contestation of the ruling pow-

26 Olivier LIFFRAN, Législatives au Sénégal. Le mauvais feuillet des cartes électorales, in: Jeune Afrique, 29 June 2017.

27 Amadou NDIAYE, À la veille des législatives, de nombreux Sénégalais se demandent s'ils pourront voter, in: Le Monde, 29 June 2017.

28 ID., L'ex-président Abdoulaye Wade se dit »éternel« et sûr de sa victoire aux législatives sénégalaises, in: Le Monde, 26 June 2017.

29 »The government has arranged to register as many people as possible in all the *départements* that are favourable to it. But wherever the opposition is strong, less of the population has been registered. The case of Dakar is simply pathological. The population in the capital plummeted by 18,000 voters between 2012 and 2019. That is impossible, because of the growth of the population. The few *départements* that were lost by the majority had the lowest registration rates, those won by the majority the highest.« Mor AMAR, Macky Sall est sans doute le meilleur stratège électoral de l'histoire du Sénégal, in: EnQuête, 1 April 2019.

30 Pape SAMB, Les »10 commandements« de Macky Sall pour remporter, in: WalfQuotidien, 21 January 2019.

31 »Nouveau découpage électorale, des milliers d'électeurs ne voteront pas. De 900 électeurs par bureau à 600, des milliers de changement de bureau, pas de sensibilisation«, in: Dakar Times, 28 January 2019.

32 SAMB, Les »10 commandements« de Macky Sall (as in n. 30).

33 MBAYE, Barth démontre un vaste tripatouillage (as in n. 19).

ers, and highlight its continuity between the legislative elections of 2017 and the presidential elections of 2019, despite the introduction of a new biometric voter identity card.

### The new electoral law and the primacy of political dialogue

During the 2019 presidential election, conflicts emerged around other themes: the ruling coalition was accused of using the legislative and judicial arsenal to exclude opposition candidates and voters<sup>34</sup>. Law 2018-22 of 4 July 2018 on the revision of the Electoral Code was the source of bitter contestation, particularly following two amendments that were passed against the will of the opposition: the requirement that candidates collect citizen signatures before being included on the ballot, and a new definition of eligibility for candidates. The opposition saw these new measures as tools to prevent the creation of a serious electoral opposition: »a Mackyavellian plan to reduce the opposition to its most minimal form«<sup>35</sup>. The requirement of citizen signatures for candidates (»parrainage citoyen«) for presidential candidates was aimed at rationalizing political competition by decreasing the number of candidates (the last legislative elections featured 47 candidate lists). Each prospective candidate had to collect at least 53,464 signatures (0.8 per cent of the electoral population of 6,683,043 in 2019). Moreover, prospective candidates had to reach a threshold of 2,000 sponsors in at least seven of Senegal's fourteen regions<sup>36</sup>, attesting to their geographical representativeness. The way in which the sponsorship law was produced led to intense conflicts both within and outside Parliament. Later, the opposition was also angered by aspects of its implementation: the signature verification procedure as well as inequality of treatment between candidates in cases of double signature. While the law only allows each elector to sign in support of a single candidate, various citizens signed for multiple candidates. The Constitutional Council thus used software to compare different applications and identify double signatures. A lack of consultation with the opposition created suspicions about the software, leading to large demonstrations. The nature and origin of this technology was bitterly contested. Some of the conclusions that I draw about biometric technology also hold for this verification software. When validating the signatures, the rule chosen by the authorities was to automatically assign any double signatures to the first candidate to submit a USB key containing their list of signatures into the software. The signatures of Aminata Touré, Macky Sall's agent, were the first to go through. In December 2018, the Constitutional Council validated seven of the twenty-seven presidential candidacies. The opposition united around Collectif23 (the number of participants in the collective) to contest the rejection of the other candidacies.

Another highly contested amendment in the new electoral law was the introduction of the notion of »voting Senegalese« into the Electoral Code<sup>37</sup>. This notion requires potential presidential candidates to be on the electoral register, and thus to be voters. Two historical opposition candidates were excluded on the basis of this redefinition of eligibility: Khalifa Sall, the former mayor of Dakar and the candidate of the Parti socialiste, and Karim Meïssa Wade, former minister in exile in Qatar, son of the former head of state Abdoulaye Wade, and the designated heir to the presidential candidacy of the PDS. Both had been imprisoned for embezzlement of public funds. Many saw the change in the electoral law as a strategy to remove them

34 MARFAING, KOHNERT, Les élections présidentielles de 2019 au Sénégal (as in n. 18).

35 »un plan mackyvélique pour réduire l'opposition à sa manifestation la plus minimale«: Abba BA, Le C23 crache sur le Conseil constitutionnel, in: EnQuête, 3 January 2019.

36 Loi 2018-22 du 4 juillet 2018 portant révision du Code électoral, in: Journal officiel de la République du Sénégal, 5 July 2018, p. 971–978, especially art. L.116.

37 Electoral Institute for Sustainable Democracy in Africa, Mission d'évaluation préélectorale 2019 (as in n. 23).

from political life. Paragraph 1, Article L.57 of the Electoral Code stipulates that »any Senegalese elector could be a candidate and be elected«, provided they were neither incapable nor ineligible<sup>38</sup>. But a prison sentence of more than five years leads to electoral disqualification, depriving Khalifa Sall, among others, of the right to vote, and thus to run for office (Articles L.27 and L.31 of the Electoral Code)<sup>39</sup>. In his attempt to validate his candidacy, Karim Wade presented a photocopy of his ECOWAS biometric identity card, which labelled him as a »person not on the electoral register«, to the Constitutional Council. According to the Council, »he was sentenced to six years in prison [...] and] consequently does not have the status of voter as defined for the purposes of articles L.27 and L.31, and cannot apply to be a candidate«<sup>40</sup>. In January 2019, after Khalifa and Karim had successfully validated the required signatures, the Constitutional Council nonetheless declared their candidacies inadmissible<sup>41</sup>. The opposition saw this amendment to electoral law as an unfair targeted measure aimed at excluding these two candidates.

While Karim had received the biometric identity card that identified him as a »person not on the electoral register«, university colleagues and friends of the author claimed to have been victims of bureaucratic discrimination by way of the selective distribution of cards, but also of having their polling stations changed to distant areas that are impossible to reach.

»Il est nécessaire de se lever et faire face à cette manipulation et à cette incapacité de gérer correctement le fichier électoral. Et nul ne peut nous refuser le fait qu'on dise que tout ça est dû à des finalités politiques parce que si le ministre de l'Intérieur, chargé des élections dit publiquement qu'il va faire le tout pour que les partisans de Bby recevront leurs cartes d'électeurs comme si il est élu pour seulement ses partisans et n'ont pas pour le peuple sénégalais<sup>42</sup>.«

The controversy surrounding the ECOWAS biometric identity card shows that this technology does not provide definitive solutions to political disagreements, but instead allows the same disagreements to take new forms. As attested by the introduction of the biometric voter identity card and the use of electoral signature verification software in Senegal, if a technology is introduced in order to automate and depoliticize an administrative process, in a context where electoral procedures are produced non-consensually, the technology becomes a source of conflicts and disagreements. The »new« administrative process of producing and distributing cards added new allegations of geographically biased electoral manipulation to longstanding claims of gerrymandering. A system that was supposed to resolve disputes around the geographical

38 Loi 2018-22 du 4 juillet 2018 portant révision du Code électoral (as in n. 36), art. 57,1: »Tout sénégalais électeur peut faire acte de candidature et être élu, sous réserve des conditions d'âge et des cas d'incapacité ou d'inéligibilité prévus par la loi.«

39 Constitutional Council of the Republic of Senegal, decision no. 2/E/2019, case no. 12-E-19 of 13 January 2019.

40 »[...] il a été condamné le 23 mars 2015 à six (6) ans d'emprisonnement ferme [...]; que dès lors, Karim Meissa Wade n'a pas la qualité d'électeur au sens des articles L.27 et L.31 précités et, pour cette raison, ne peut faire acte de candidature.« Ibid.

41 Ibid.

42 »We must rise up and face this manipulation and this inability to properly manage the electoral register. And no one can deny us the fact that we say that all this is due to political ends, because if the Minister of the Interior, who is in charge of the elections, publicly states that he will do everything to ensure that supporters of BBY [the ruling coalition of Macky Sall] will receive their voter cards, as if he were elected only for his supporters and not for the Senegalese people.« Amadou KA, Collectif des personnes non inscrites sur le fichier électoral: les membres réclament leurs droits civiques et alertent l'opinion, in: Dakar Times, 29 January 2019.

manipulation of electoral participation led instead to conflicts around its own implementation. Biometrics, whose main contribution is the ability to compare and delete files in a database – a microscopic contribution in comparison to the complexity of the society in which it is supposed to operate – adds software to an already large bureaucratic electoral network. This network, in turn, is embedded in a contentious political context, wherein it is seen as a tool in the service of the ruling party.

The controversies around the new electoral law highlight the fact that forms of political contestation that are not directly focused on the electoral register or on biometrics nonetheless coexist with them. Disputes around electoral technology and more classical contestation of the actions of the ruling parties became interwoven in the electoral situation. These disputes raised questions about the government's potential capacity to shape the whole electoral infrastructure, both technological (as in the cases of the electoral identity production system and the signature verification software) and traditional (legislative and judicial systems), in order to reproduce its political power. During the 2019 election process, new technologies (biometric cards and the associated electoral identity production system, as well as signature verification software) came into a context characterized by criticisms of the ruling coalition and their potential ability to change the rules of the electoral system in their own favour. In a non-consensual policy environment, technologies do not appear to have had a peacemaking effect. In terms of permanence and change in trust in electoral processes and outcomes, then, the role of legislative cooperation and consensus building among political actors seems to be thus more fundamental than that of technologies aimed at »fixing politics«<sup>43</sup>.

## Conclusion

A number of conclusions can be drawn from the observations above. Election technologies stand in a complex relationship with conflicts over electoral legitimacy. These events in Senegal show that the digitization and biometrization of the electoral register did not bring an end to contested elections. Instead there was a continuity of forms of contestation before and after the introduction of the technology. First, there was a structural continuity in conflicts around electoral legitimacy in general, and disputes over the electoral register in particular. But digital tools and infrastructure also led to other conflicts, with new controversies arising around the ways in which technology alters the electoral process. New themes of contestation emerged precisely with respect to the technology that was supposed to address abuses, and its implementation. At the same time, conflicts over the electoral register – which biometric technology was proposed to resolve – did not cover the full range of themes that emerged in the electoral situation. In 2019, the use of legal and penal systems to eliminate, and sometimes to imprison, political opponents of the ruling powers was contested, as was the electoral law more generally.

To contest the electoral register is to draw on a particular repertoire of themes for contesting the ruling powers. Many saw the processes of bureaucratization underlying the establishment of the electoral register as camouflaging partisan decision-making, and not as ensuring a traceability that could be consensually recognized by all political actors. The promise of social change through technology failed in the face of underlying social, political, and historical conflicts.

This case study on the events around the 2019 Senegalese election shows how, in this case, the promise that biometrics would produce an electoral register that all electoral stakeholders could accept was not fulfilled. At best, it may be thought to have moderated electoral conflicts, but even this is very difficult to demonstrate. Computerizing the verification of voters' identi-

43 Lisa ROSNER (ed.), *The technological fix. How people use technology to create and solve problems*, New York, London 2004.

ty – a microtechnology, integrated into a national bureaucratic network, in turn integrated into a much broader political society – does not eliminate historical forms of conflict around electoral legitimacy. On the contrary, the technology was appropriated and integrated into existing logics of political contestation. New forms of contestation are germinated by new technologies, drawing on an older repertoire. Biometric solutions do not eliminate forms of contestation that are focused on a lack of cooperation and consensus.

The introduction of biometrics into the constitution of the electoral register in Senegal did not definitively resolve electoral conflicts, but it did to a certain extent transform their nature. What had been defined as a social problem was not resolved, but altered. In light of these observations, should we rethink how we conceive the relationship between the introduction of a technology and social change?

