



Mali Electoral Integrity Assessment

Key Findings and Electoral Integrity Blueprint

BRIEF | JUNE 2021



USAID
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**International Foundation
for Electoral Systems**

Mali Electoral Integrity Assessment Key Findings and Electoral Integrity Blueprint
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Overview of Integrity Vulnerabilities in the Electoral Process in Mali

Mali's path to democracy has been marked by several *coups d'état* since its independence in 1960. The August 2020 coup followed months of protests against alleged corruption, including electoral fraud. After the *coup*, a Transitional Charter¹ outlined an 18-month timeframe for six elections (using five electoral systems, two with runoffs), plus a constitutional referendum, to be conducted by the transitional administration. In May 2021, a new military move removed transitional President Bah Ndaw and Prime Minister Moctar Ouane and installed Colonel Assimi Goïta as the new transitional president. Goïta has vowed to hold elections next year as planned.

Should elections be administered by Mali's existing election management bodies (EMBs), these institutions will have to overcome a significant legacy of trust deficit. Against the backdrop of insecurity, instability, low institutional credibility and poor coordination among and within public institutions (and donors), the conduct of safe, inclusive and credible elections is a formidable challenge. Although there is demand for a single independent EMB to manage these processes, the feasibility of establishing this new institution — in a manner that enables it to take control of local operations across the country — is slim, given the aggressive electoral calendar ahead.

To better analyze these issues within the Malian electoral system and provide actionable recommendations to the country's authorities and partners, the International Foundation for Electoral Systems (IFES) conducted an Electoral Integrity Assessment (EIA), collecting information and interviewing Malian stakeholders from January to March 2021. The EIA provides comprehensive, forward-looking vulnerability mapping across the Malian transitional electoral cycle, and it offers a blueprint for democratic resilience. The EIA is distinctive. Unlike observer reports that emphasize the strengths and weaknesses of completed electoral

Figure 1: Definitions of Risk Types

Systemic manipulation: *the use of domestic legal provisions and/or electoral rules and procedures that run counter to widely accepted democratic principles and international standards, and that purposefully distort the will of voters.*

Malpractice: *a breach by a professional of his or her relevant duty of care, resulting from carelessness or neglect. Unlike the other two categories, malpractice is not deliberate.*

Fraud: *deliberate wrongdoing by election officials or other electoral stakeholders, which distorts the individual or collective will of the voters.*

processes, it focuses in depth on what could go wrong in future elections if vulnerabilities are not addressed.

The EIA methodology maps vulnerabilities that stem from three electoral integrity distinctions: systemic manipulation, malpractice and fraud (defined in

Figure 1, with vulnerability maps provided in the annex at the end of this report) across 18 aspects of the electoral process. IFES has found that election stakeholders, and particularly losing contestants, tend to mischaracterize unintentional malpractice as fraud or systemic manipulation, which can erode trust in the overall electoral process and has, in the Malian context, spawned recurring, unconstitutional changes of government.

The EIA examines how the interlocking vulnerabilities can be addressed in concert. The full EIA report offers a comprehensive set of interconnected,

¹ Government Gazette of the Republic of Mali. Decree 2020-0072/PT-RM of October 1, 2020 Enacting the Transition Charter. Retrieved from https://constitutionnet.org/sites/default/files/2020-10/mali-jo-2020-17-sp-EN_05Oct2020.pdf on February 25, 2021.

targeted recommendations prioritized by the level of vulnerability and potential impact identified for each category of the electoral process. **This abridged document examines the most pressing priorities for key decision-makers and for Malian and international stakeholders supporting the transitional electoral process.**

It is critical to understand the distinction between vulnerabilities during the Malian “transitional” electoral cycle and those that may undermine subsequent “regular” electoral cycles. In the latter, incumbents can again unduly influence the election administration, civil servants and even the judiciary to secure re-election. **Several issues that are currently categorized as malpractice vulnerabilities for Mali’s upcoming transitional electoral cycle have the potential to digress once again into fraud and systemic manipulation vulnerabilities in the 2027 cycle.** As seen in the 2018 to 2020 elections, malign

actors could again exploit residual vulnerabilities to their advantage. This risk underscores the urgency of addressing Mali’s systemic vulnerabilities — especially at the constitutional level — before new officials are elected.

To assist with prioritization, the vulnerabilities and proposed interventions summarized in this report are interdependent. Therefore, to the extent possible, bearing in mind the transitional timeline, they are presented in the order of needed implementation (according to Mali’s hierarchy of norms) rather than the severity of vulnerability or the potential impact (depicted in the vulnerability profiles in the annex 1). The analysis identified 14 vulnerabilities spanning the electoral process across the systemic manipulation, malpractice and fraud spectrum. These need to be addressed holistically to strengthen democratic resilience in Mali as the country navigates and emerges from this transitional period.



Voter getting inked in the 2013 presidential election in Mali

Priority Vulnerability Areas Identified and Recommended Interventions

Priority Vulnerability 1: Structure of Electoral Management

Stakeholders involved in the constitutional drafting process have not yet addressed the checks and balances required to ensure the durable institutional independence of Mali's electoral management and adjudication bodies. The asymmetrical division of election-related functions between institutions, lack of separation of powers and limited timeframes for the election administration generate significant malpractice and fraud vulnerabilities that impact electoral integrity. The lack of provisions and institutions for oversight of political party expenditures, disclosure and transparency requirements leaves the Malian system vulnerable to fraud and systemic manipulation. The envisioned constitutionalization of an independent Court of Auditors now offers a unique opportunity to remedy this vulnerability.

Choice of EMB model

The current fragmentation of responsibilities among Mali's various EMBs has not ensured functional or trust-inspiring electoral processes. Mali's 1992 constitution did not designate electoral management bodies and mandates, except for the Constitutional Court's role in electoral dispute resolution (EDR) and results announcement. At present, the Independent National Electoral Commission (CENI) and the Constitutional Court are both tasked with supervising the integrity of electoral processes (*contrôle de régularité*), but the two institutions do not collaborate or even communicate — for instance, by transparently comparing their respective results tabulations for accuracy. Therefore, neither body has exercised its mandate meaningfully or impartially. Neither institution publishes its results tabulations disaggregated by polling station, denying stakeholders the ability to review — and therefore accept — the results chain.

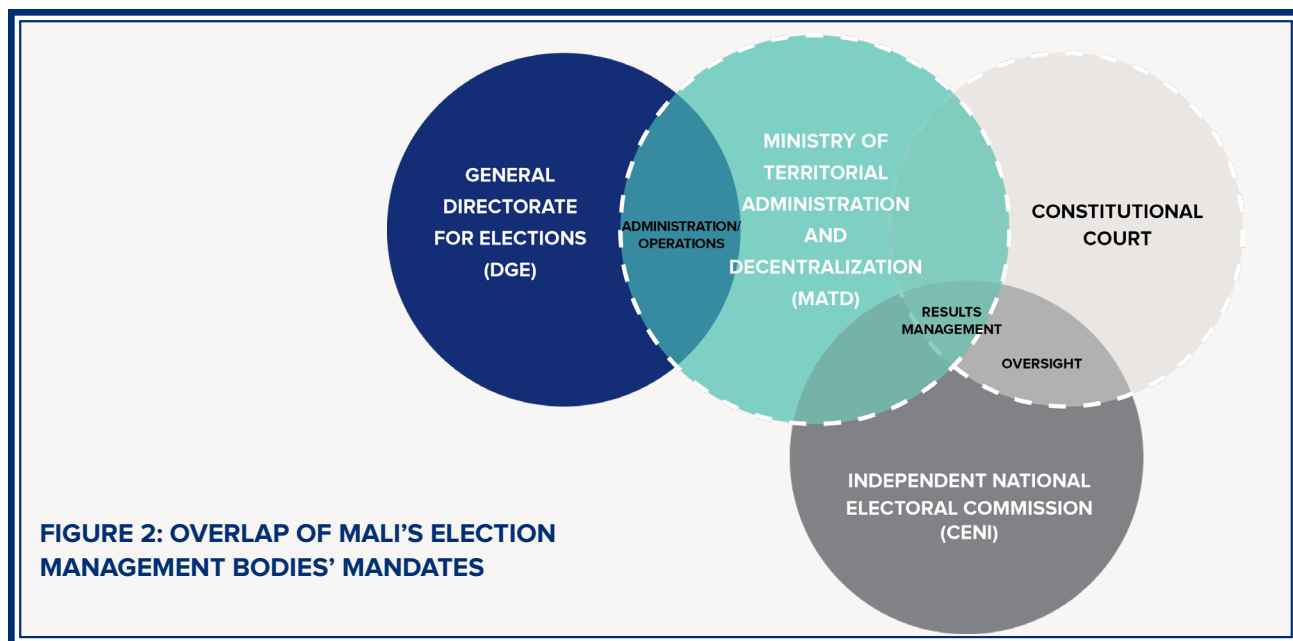
The Ministry of Territorial Administration and Decentralization (MATD) lacks a permanent electoral structure despite serving as the main electoral management body. Its electoral steering committee (*comité de pilotage*) is formed shortly before each election, forcing electoral administrators to act hastily and without an adequate communication strategy. The General Directorate for Elections (DGE) is responsible for the voter register, a function that overlaps with the MATD's mandate. Mali's disparate EMB architecture has evolved through often untimely amendments to the legal framework, contrary to Mali's Economic

Community of West African States (ECOWAS) obligations. Mali's constitution is difficult to amend and, in fact, it has avoided opportunistic amendments since 1992. However, revision is necessary to institute and/or strengthen institutional checks and balances against tampering by future incumbents.

Pursuant to stakeholder demands and Mali's ECOWAS and African Union obligations, Mali's 2019 draft constitution designates an independent EMB for the first time — without details that are critical to guarantee the EMB's *de facto* independence, such as the number of commissioners, reasonable grounds for their removal, appointment mechanisms, length of terms, the EMB's powers and its budgetary independence. It will be essential for transitional authorities to foster an informed and inclusive dialogue with Malian stakeholders to reach consensus on (and widely communicate) the defining prerogatives of the future single electoral management body — as well as minimal conditions necessary for the transitional elections (through transitional constitutional provisions).

Choice of political finance oversight body

Many countries adopt intricate political transparency frameworks but neglect to constitutionally designate and empower an enforcement body, without which political actors rarely disclose funding. Furthermore, the constitution should expressly require political parties and candidates (including independents) to disclose the amounts and sources of their funding. Mali's 2019 draft constitution pioneers an independent court of



auditors (*Cour des comptes*) but does not expressly task it to enforce political finance transparency. Nor does the constitution frame the court's composition; appointment mechanism; terms and length of mandate; regulatory, subpoena, and sanction powers and duties; and budgetary independence. The same applies to the future independent body tasked to oversee use of the media in election campaigns.

Choice of body to register political parties

The Charter on Political Parties that governs party registration and functions in Mali maintains party registration provisions that have led to the proliferation of political parties over the years. Although this could foster diversity in thought and representation, more than 300 political parties are now registered in Mali, many without clear political alignments or platforms. Constitutionally requiring parties to practice internal democracy and maintain a minimum membership levels, while designating an independent body (rather than a ministry) to supervise and enforce this framework, could go a long way in consolidating, rejuvenating, and legitimizing Mali's political spectrum.

Modification of results announcement powers

Many Malian stakeholders insist that a single independent EMB should announce final results instead of the Constitutional Court, which was vested with this power under the 1992 constitution. The new constitution must resolve this thorny question and allow the chosen institution sufficient time to resolve

disputes and conduct recounts before final results are due — which will also impact constitutional timeframes for run-off elections.

Recommendations

Ensure that newly constitutionalized bodies are framed in a manner that sustains their functional independence, considering the relevant jurisprudence of the African Court of Human and Peoples' Rights, which found that incumbent government parties may not hold direct or indirect majorities in independent EMBs.²

Establish mechanisms to foster public accountability of the single independent EMB if the oversight role of the Constitutional Court is weakened.

Ensure that Mali's next constitution sets rules for political party operations so that they can meaningfully, transparently and coherently aggregate the will of citizens, both in government and as opposition.

Incorporate into the constitution the principle reflected in Article 2.1 of the ECOWAS Protocol on Democracy, which bars amendments to electoral law less than six months before elections.

² <https://www.african-court.org/cpmt/details-case/0012014>

Priority Vulnerability 2: Electoral Framework and Calendar

The absence of a binding framework for the transitional electoral calendar and for the creation of newly independent institutions presents two critical risks: 1) the transitional calendar could slip, delaying Mali's return to constitutional order and accountable governance, and 2) transitional timelines are imposed by political imperatives without consideration of the operational needs for the implementation of inclusive and credible elections.

To date, the timeline for the transitional electoral calendar has remained a commitment rather than a sovereign legal obligation. Two options may regulate the transitional timeline: A binding calendar could be enshrined in either the Transitional Charter or in the new constitution's transitional provisions, which will be adopted and legitimized by referendum (or in both). The electoral timeline should be based on operational planning projections (see below) to avoid non-inclusive or insufficiently credible elections.

Recommendation

Enshrine the electoral calendar in both the Transitional Charter and the new constitution's transitional provisions, thereby ensuring timely re-establishment of the constitutional order and democratic government following adoption of the constitution.

Priority Vulnerability 3: Voter Registration and Identification

Mali's voter register is extracted from its civil register. While this approach generally supports inclusion, it has failed to adequately capture first-time voters, internally displaced persons (IDPs) and expatriates over the last five years. Therefore, the voter register requires significant updates. In addition to administrative negligence, there is potential for selective voter suppression through onerous registration requirements, and an uneven card distribution system remains acute.

Despite a sustainable and inclusive approach to periodic updates of the voter register from the biometric civil status register (*Recensement Administratif à Vocation d'État Civil*, RAVEC), the process is under-registering first-time and overseas voters, returning refugees and IDPs. In 2016, Mali's last elected government imposed birth certificate requirements that effectively reduced the number of citizens able to register in the RAVEC, which in turn prevented their inclusion in the voter register. As a result of this requirement, the RAVEC has disproportionately excluded youth of voting age, expatriates, refugees and IDPs from northern regions experiencing conflict. The transitional government conducted RAVEC field registration from April 1 to May 31, 2021. However, at the time of writing, this exercise had reached only 36,000 individuals, of whom one in three was a previously registered voter modifying a registration. Insufficient public outreach may contribute to shortfalls, and out-of-country RAVEC registration has not yet launched.

Furthermore, civil society interlocutors have noted that not all first-time RAVEC registrants were extracted for listing in the 2018 and 2020 voter registers. The

MATD and DGE do not disclose periodic extraction statistics, depriving stakeholders of the ability to compare the number of new RAVEC registrants with the number of extracted new voter registrants to ensure inclusivity. Addressing the under-registration of excluded voters before the next electoral cycle and mobilizing youth remains a significant challenge.

While the RAVEC serial numbers on voters' national identification (NINA) cards appear on polling station voter lists, Malian law re-imposed separate voter cards in 2018 instead of allowing voters to present the more widely issued NINA cards as was permitted in 2013. National NINA cards — permanent photo identification cards in credit card format — are issued upon RAVEC registration. Obtaining a separate card inconveniences citizens — and therefore depresses voter turnout. It also facilitates the buying and selling of temporary voter cards, creating fraud vulnerabilities along with the possibility of systemic manipulation.

For the 2013 transitional electoral cycle, Malians identified themselves at polling stations with their NINA cards, which offer the most sustainable,

convenient, accessible and secure means of voter identification on Election Day. In 2013, more than 90 percent of registrants had received their NINA cards. For the 2018 presidential election, Mali reverted to the previous system of issuing temporary, paper-based voter cards. Voters must obtain the temporary cards at distribution centers before each election, which unnecessarily burdens them. In 2018, voters obtained only 75 percent of paper-based voter cards. Furthermore, while retrieval of voter cards in some regions reached 95 percent, fewer than half of voters in Bamako collected their cards. Civil society observers noted bulk distribution of voter cards to political party operatives in 2018 and 2020, and the old habit of buying and selling paper-based voter cards recurred after it had been superseded by use of the permanent NINA card for voter identification in 2013.

Priority Vulnerability 4: Referendum

Mali has not held a constitutional referendum since 1992. Referendum processes in francophone Africa tend to give voters extremely short notice and insufficient information to familiarize themselves with proposed constitutional amendments. Mali's transitional timeline, which follows the same pattern of allowing too little time for effective voter information efforts, therefore poses a significant malpractice vulnerability.



A poll worker looks at the ballot for Mali's 2013 presidential election before the polling station opens.

Recommendations

Waive court fees for adult birth certification and allow simultaneous RAVEC registration subject to biometric de-duplication.

Publish extraction protocols and statistics disaggregated by age, region, and sex as compared to new RAVEC registrations before each voter register display period.

As laws are reformed, ensure that the scope of limitations on the right to vote (including the requirement to present birth certificates for registration) aligns with Mali's regional and international obligations to avoid imposing fees for the right to vote.

Allow voters to identify themselves at polling stations with their NINA cards regardless of whether standalone voter cards are issued.

Although the transitional authorities plan to hold a constitutional referendum in less than four months, no broad constitutional consultations had taken place at the time this report was prepared. Citizens remain unaware of any changes the transitional government intends to include in the new constitution. The compressed timeline and less than transparent or inclusive constitution-writing process suggest that stakeholders and the public may not receive sufficient information regarding the content and implications of the proposed new constitution — or the time to understand it.

Recommendations

Plan inclusive consultations and information campaigns (particularly through radio, and emphasizing use of local languages) and set up web-based tools to seek feedback and comments on a provisional constitutional draft.

Ensure wide publication and dissemination of the draft text to be submitted for referendum at least two to three months before polling.

Priority Vulnerability 5: Boundary Delimitation

Mali has still not drawn regional and local boundaries for new northern administrative districts, which prevents holding local, regional or parliamentary elections. With seat reapportionment stalled, Bamako's urban electorate remains underrepresented. This creates a malpractice vulnerability that has a high potential impact on the fairness of elections and that could evolve in the long term into an opportunity for systemic manipulation.

Mali conducted administrative redistricting in 2012 and 2017 and is again reviewing boundaries in the northern parts of the country pursuant to commitments under the Algiers Peace Accords. It is essential that administrative districts in the north are finalized before local and regional elections can be held in December 2021.

Mali's seat allocation among its multi-member districts for the National Assembly is based on administrative districts (*cercles*) that were established more than 20 years ago and are now obsolete. Due to urbanization, Bamako's districts are underrepresented compared to rural outliers. Rebalancing representation between rural and urban districts could also further the election

of women candidates, who stand better chances in urban districts with four or more seats.

Recommendations

Finalize administrative districting in the north in time for to prepare a polling station map for local elections and enable political parties and candidates to prepare local election campaigns.

Balance seat distribution among National Assembly districts to account for increased urbanization and ensure the principle of one person one vote.

Priority Vulnerability 6: Choice of Electoral System

Mali is still debating which electoral system to use for National Assembly elections. While the National Assembly electoral system does not need to be included in Mali's next constitution, and if National Assembly elections aren't held until March 2022, delaying electoral system choice could lead to belated introduction of a highly complex system close to the time of polling. Such an introduction is a malpractice vulnerability that could overwhelm election administrators, confuse voters and candidates, and lead to political controversy.

Mali uses a two-round majoritarian system in single and multi-member districts for National Assembly elections. This favors the largest party and marginalizes opposition parties. However, Mali's current block-vote system has also facilitated the election of women candidates, regardless of where they rank on party lists. Malian stakeholders are now clamoring to modify the electoral system for the National Assembly by introducing a mixed system with a national list component to allow the representation of smaller parties in Parliament (depending on whether and how high a threshold is imposed). This change would perpetuate the re-election of unpopular party barons positioned at the top of national lists. Stakeholders do not appear to have considered the impact of a mixed system on voter choice, ballot design and on the election administration — all of which are complicated by the practice of holding multiple elections at the same time.

The presidential election system also presents vulnerabilities. Incumbents have the power to set the date for their own re-election, which in practice enables them to shift election dates to outmaneuver the opposition, or to refuse to call elections at all. The president is elected in a single national constituency by an absolute majority of votes cast, but the law is not sufficiently clear on whether invalid votes count against the absolute majority. The 1992 constitution imposes a two-term limit on consecutive elections but is silent on non-consecutive terms, and it does not protect the term limit clause against amendments. The 2019–2020 draft constitution touches on both issues but stops short of requiring a referendum for amendments or banning amendments to the term limit clause altogether.



Voters queuing to cast their ballots in the 2013 presidential election

Recommendations

Sensitize stakeholders to the potential unintended consequences of belated electoral system choice, considering the principle of one person one vote and gender equality.

Entrench presidential term limits and the presidential election system in the constitution and clarify whether invalid votes count against an absolute majority. Protect the provision on term limits against amendments, including through referenda.

Priority Vulnerability 7: Electoral Law Reform

Electoral law reform appears at this point on the list of priority vulnerabilities because Mali's electoral law reform must abide by its new constitution, and its adoption by transitional authorities must await adoption of the constitution. While the constitutional referendum can be governed by a decree, electoral law reform should be adopted on time for coupled local and regional elections, as well as presidential and parliamentary elections. But Mali still lacks an effective mechanism for electoral law reform and public communication about such reform — a significant malpractice vulnerability. Some of the legal framework's gaps are likely caused by a lack of political will for better electoral governance and hence amount to systemic manipulation.

EMB law

Once the new constitution is finalized, stakeholders should begin to draft an organic law to detail the organization and functions of Mali's new electoral management body. The law should address the EMB's rules on conflicts of interest; relationship to political and civil society stakeholders, as well as other government agencies and the court system; chain of financial accountability to the Court of Auditors and Parliament; and strict separation from the executive branch of government in line with African Court jurisprudence. Stakeholders could consider vesting the EMB with first-instance complaints jurisdiction, with the right of appeal to the Constitutional Court. To be functionally independent, the new EMB will require general regulatory powers independent from the executive, including the power to distribute National Assembly seats among administrative districts. The EMB should also be vested with the power to impose civil remedies, such as injunctions against campaign violations (as is Senegal's Autonomous National Electoral Commission).

Harmonization

Mali's election law needs to be harmonized with the new constitution and to account for the organization of simultaneous elections. Law reform must also address new administrative districting, as well as any electoral system reforms that stakeholders might decide to enact. The law will also need to enshrine a procedure to hold referendums and frame equitable campaign procedures and airtime distribution. The Organic Law on the Constitutional Court must be harmonized with the new constitution, the new EMB law, the revised election law and the new EDR role devised for the court. This is especially important with regard to minimum diligence by the court to satisfy its mandate to supervise the integrity of electoral processes; duty to scrutinize results sheets received from each polling station (and trigger partial or full recounts); general oversight and timely judicial review function over EMB decisions; and role in adjudicating candidacy and results appeals, as well as endorsing or opting not to endorse final results. Mali's political party law will also need to be harmonized with the new constitutional framework to ensure it reflects provisions on political finance transparency and the internal democracy of

parties. Political party law reform could also ensure allocation of meaningful percentages of public party funding to female candidates. Finally, once a new EMB is formed, it will need to adopt regulations (*arrêtés*) to operationalize the new legal framework. Mali's media legislation will also need to be harmonized with the constitutional freedom of expression because the current legal framework does not sufficiently protect media professionals from government repression and censorship.

Recommendation

Ensure that legal and constitutional drafting exercises are inclusive, sufficiently aired publicly (for instance, through livestreaming) and well-timed, coordinated and harmonized.

Priority Vulnerability 8: Inclusivity of the Reform Process

Although there is consensus that constitutional, legal and institutional reforms are needed to improve electoral governance — from the type of electoral system itself to the institution in charge of administering elections — debate and decision-making related to these reforms have thus far been driven by elites.

Civil society has not been widely involved in dialogue and consultations, and it also has not been given access to the content of such reforms and the available options. Malian authorities have not yet invested in comprehensive efforts to inform citizens and ensure that they can provide educated inputs during the reform process.

While the media could play an important role in gathering relevant information on these issues

and communicating it to the public, the quality of journalism in Mali is precarious. Both private and public media professionals receive insufficient training and education to perform their work properly. Underfunded private media are particularly vulnerable to influence by wealthy, politically affiliated donors who undermine editorial independence and could influence the portrayal of reform discussions.



IFES led a media training program with its partners in Mali. At Radio Kenedougou, a broadcaster prepares for an on-air interview.

Recommendations

Develop and widely implement public information and civic education campaigns in all local languages prior to the referendum to enable citizens to engage with the reform process.

Include citizen observation groups and civil society more generally in the reform process in Mali.

Provide targeted training to private and public media professionals (including those working on online platforms) on proper handling of information, principles of investigative journalism and the ethics of the profession.

Coordinate with local media outlets, especially radio stations, to increase the reach of campaigns among rural populations.

Priority Vulnerability 9: Operational Planning

Holding simultaneous elections can be challenging from an operational perspective, and Malian electoral administrators are not experienced in drafting full-fledged operational plans. A comprehensive operational plan will be critical to ensure timely completion of tasks, allow for the design of quality training and reduce malpractice vulnerabilities across the electoral process.

For the first time, Mali plans to hold more than one election on the same day. The complexities inherent in this choice include whether to use single or separate polling streams and voter sign-in lists and whether to use separate ballots and ballot boxes for each election. A third option is to experiment with a single ballot that offers choices for more than one election. Identifying the time, staff and space needed for any of these options will require a holistic operational plan that informs the budgeting, procurement, logistics, recruitment and training demands of synchronizing several elections on a single day of polling.

Recommendations

Conduct time-motion studies to estimate the duration of voting operations and make better informed decisions (e.g., number of voters and polling staff per polling station).

Test whether Malian voters can mark choices for two elections on the same ballot.

Train mid-level election administrators (prefets and sous-prefets) in combining two elections on a single day of polling to ensure competent management at the regional level.

Priority Vulnerability 10: Realistic Election Budgeting

The upcoming electoral cycle will be Mali's most complex and compressed to date, creating challenges for realistic election budgeting and related malpractice vulnerabilities. Increased complexity also increases opportunities for fraud through overpaying for the additional supplies that will be required.

Each of Mali's EMBs must develop and negotiate its own budget with the Ministry of Finance, creating both a potential threat to their autonomy and a competitive environment for resources. The temporary nature of the MATD electoral committee and the CENI also present a structural vulnerability, as these institutions cannot develop and obtain approval for their own budgets before they are formally established for each election. This may be too late for planning purposes. The limitation is only partially mitigated by the close relationship between MATD and the Ministry of Finance through the participation of ministry representatives on the MATD Electoral Steering Board. To date, Mali has achieved only limited transparency in the approval process; accountability is still lacking among MATD senior staff who are responsible for approving or overseeing expenditures. Past controversial financial allocation and untimely funds disbursement to the

CENI have limited its effectiveness in supervising the integrity of the electoral process. Migration to a more integrated EMB model will require consolidation of budgeting processes, requiring longer lead times.

Recommendations

Develop a timely and exhaustive election budget for the entire cycle based on Mali's first holistic operational planning exercise.

Until the new EMB is operational, develop and publish an internal organizational chart for the MATD steering committee's financial sub-committee to show the process for analyzing electoral expenditures before purchases are made.

Priority Vulnerability 11: Election Security

Mali's election security remains a major challenge, with as much as two-thirds of the national territory currently outside government control. Malpractice vulnerabilities are likely to prevent security forces from being able to ensure polling security throughout the country. Fraud may occur in certain areas where polling is suspended due to insecurity, disenfranchising large groups of citizens.

Mali's security situation has not improved since the signing of the Algiers Peace Accord, and current reporting suggests that government and international forces strain to maintain control of much of the national territory. Although the national security forces and many international actors participate in current stabilization efforts, public trust in them has declined, driven especially by instances of abuses, corruption, apathy and general poor performance. Mali's conflict (and its underlying root causes) severely impacted security during recent elections: Malian security forces could not guarantee the security of voters, candidates and officials in recent elections. There is no evidence that the security situation will change ahead of high-stakes transitional elections. Prevailing insecurity could lead to slippage of the electoral calendar, geographically selective RAVEC registration or exhibition and correction of extracted voter lists and/or polling. If armed groups shut down polling stations again and Malian authorities do not reschedule elections in these places, as required by law, hundreds of thousands of Malians could be disenfranchised.

Recommendations

Include EMB civilian leadership on the national steering committee responsible for planning and implementing security during elections.

Provide training and sufficient compensation to security forces to mitigate apathy, abuses and general malpractice and to deter corruption.

During campaigns, other electoral activities and polling days, engage multi-ethnic national security forces to reduce risks of biased treatment of some citizens.

In case of disruptions to polling on election day, reschedule polling for the following day after strengthening security measures, as required by law.

Introduce or enforce codes of conduct during capacity building training of the military by national actors and the international community. Impose sanctions on those who might engage in coups and other anti-democratic efforts, including discharging them from their military roles and banning them from future support.

Study the option of geographically staggered polling (with Mali's limited security capabilities moving with polling from region to region) as part of the operational planning exercise.

Priority Vulnerability 12: Results Management

The CENI and the Constitutional Court — Mali's two institutions mandated with supervising the integrity of elections — do not compare their respective tabulation of results for accuracy. Nor does either institution match their results against those of the MATD. None of Mali's EMBs disaggregate and publish results by polling station, a malpractice vulnerability that has deprived previous cycles of transparency — the only issue on which stakeholders can recapitulate the results chain, and therefore accept the outcome of close elections.

The transparency and credibility of the results process makes or breaks acceptance of close election outcomes. Mali's legal framework mandates the Constitutional Court to tabulate and announce final results. But the 2020 legislative election results announced by the Constitutional Court departed from the provisional results announced by the MATD without

credible justification or transparency, leading to violent demonstrations culminating in the military coup. Mali's lack of transparent results aggregation and cross-checking procedures resulted in errors and omissions that delayed the aggregation process in past elections. The MATD's publication of disaggregated provisional results has also been inconsistent. Results have been

marred by inconsistencies that the MATD has failed to explain, and that the CENI and the Constitutional Court have declined to remedy. Moreover, for the last electoral cycle, the incumbent government disabled internet access, which prevented political parties and civil society organizations from conducting parallel vote tabulation to check the accuracy of the results chain.



Vote counting during the 2013 legislative elections in Mali

Recommendations

Ensure that polling station results forms allow reconciliation of the number of ballots found in each ballot box with the number of voters who signed the voter list.

Preprint polling station codes, the number of registered voters and candidate/party names on results sheets to reduce risks of human error and reduce counting time for simultaneous elections.

Redesign forms to place the signatures of party agents next to their candidate/party scores and ensure that fields for complaints and objections appear on the same page as results.

Use bar codes to make results forms and tamperproof envelope labels traceable.

Legally require publication of provisional and final results, disaggregated by polling station.

Priority Vulnerability 13: Electoral Dispute Resolution

Mali's EDR provisions do not allow for effective, accessible, transparent and timely adjudication of grievances. EDR is limited to a single-instance jurisdiction, the Constitutional Court, with no right of appeal. When disputed polling station results are appealed, the Court refuses to compel the MATD to provide evidence from the relevant polling station results sheets, instead rejecting appeals for lack of evidence. This abdication of the Court's mandate in the past has created significant malpractice, fraud and systemic manipulation vulnerabilities.

The Malian legal framework does not guarantee the right to an effective legal remedy for electoral disputes. The election administration also has no legal mandate over violations of campaign regulations. This means that the only avenue available to aggrieved parties and candidates related to campaign-related issues is the criminal justice system, which is beset by delays that hinder redress.

The Constitutional Court is the first and last arbiter of election disputes regarding candidates' registration for the presidential and parliamentary elections and for national election results. No other judicial or administrative body has the jurisdiction to investigate election complaints at the first-instance level.

However, the Court's appointment mechanism does not promote judicial independence from the

executive. Mali's rules governing results processes are not transparent, during either general tabulation conducted by the MATD or the CENI or constitutional complaints adjudication. Extremely short time limits for electoral contestants to file results appeals with the court, misalignment of appeals timelines between laws and the absence of provisions that define admissible evidence also create significant legal and practical barriers to peaceful resolution of electoral disputes. The legal framework also lacks provisions related to recounts of close results. This limits the court to the "nuclear" remedy of outright annulment of entire presidential elections. For parliamentary elections, the framework allows the court to reverse elections without repeating polling at annulled polling stations. This invites judicial activism, as seen in 2020.

Recommendations

Adjust EDR timelines and the period between the two rounds of elections to accommodate the possibility of recounts of close results and the need for more diligent scrutiny of results by EDR bodies, including for recounts, to avoid wholesale annulments and costly reruns (which have occurred in Kenya, the Central African Republic and Malawi).

Require bodies that are mandated to oversee results management to conduct full parallel and publicly accessible results aggregation for cross-checking with EMB results (as done in Burkina Faso, Niger and Senegal). Since not all party agents receive copies of results sheets, admit photographs of results forms as evidence in appeals.

Inform Malian stakeholders about how to petition the ECOWAS Court of Justice. (While ECOWAS remedies are not sufficiently timely to overrule national miscarriages of electoral justice, they create a powerful incentive for national courts to give more weight to ECOWAS and African Union obligations.)

Priority Vulnerability 14: Election Coordination

In past elections, Mali's various EMBs, as well as donors, have neglected coordination and regular communication related to voter education and information, including coordination between EMBs, civil society and the media on outreach and messaging, and among those providing assistance to any of these groups. EMBs and donors also have neglected to coordinate and activate early warnings that could enforce electoral security and mitigate violence between civil society or citizen observation actors and the security forces.

At the national level, a lack of coordinated checks and balances by Mali's electoral oversight institutions (the CENI and Constitutional Court) in vetting results has undermined stakeholder confidence in election outcomes. Insufficient coordination has also weakened the effectiveness of international technical assistance. For example, planned support for civil and voter registration does not consider existing support under Civipol, which provided birth certificates at no cost as they were registering on the RAVEC. Past technical assistance has not instilled durable institutional independence and transparency. Finally, Mali's

security forces and EMBs have failed to capitalize on the early warning assets that civil society organizations can provide. Malian stakeholders and international donors and implementers must reconcile the need for urgent support for the transitional electoral cycle with a longer-term commitment to strong planning and strategy development for consolidated democratic institutions.

Recommendations

Establish and maintain regular and effective international, international-national and national coordination mechanisms to optimize and enhance sustainability for the outcomes of electoral assistance.

Ensure that technical assistance to voter registration, results management and electoral dispute resolution fosters national and international interagency synergies and cooperation.

Ensure that Mali's election security apparatus coordinates with the early warning capabilities of civil society organizations.



Youth in Mali prepare for a game of Democrapoli, a game that allows players to simulate the role of electoral stakeholders.

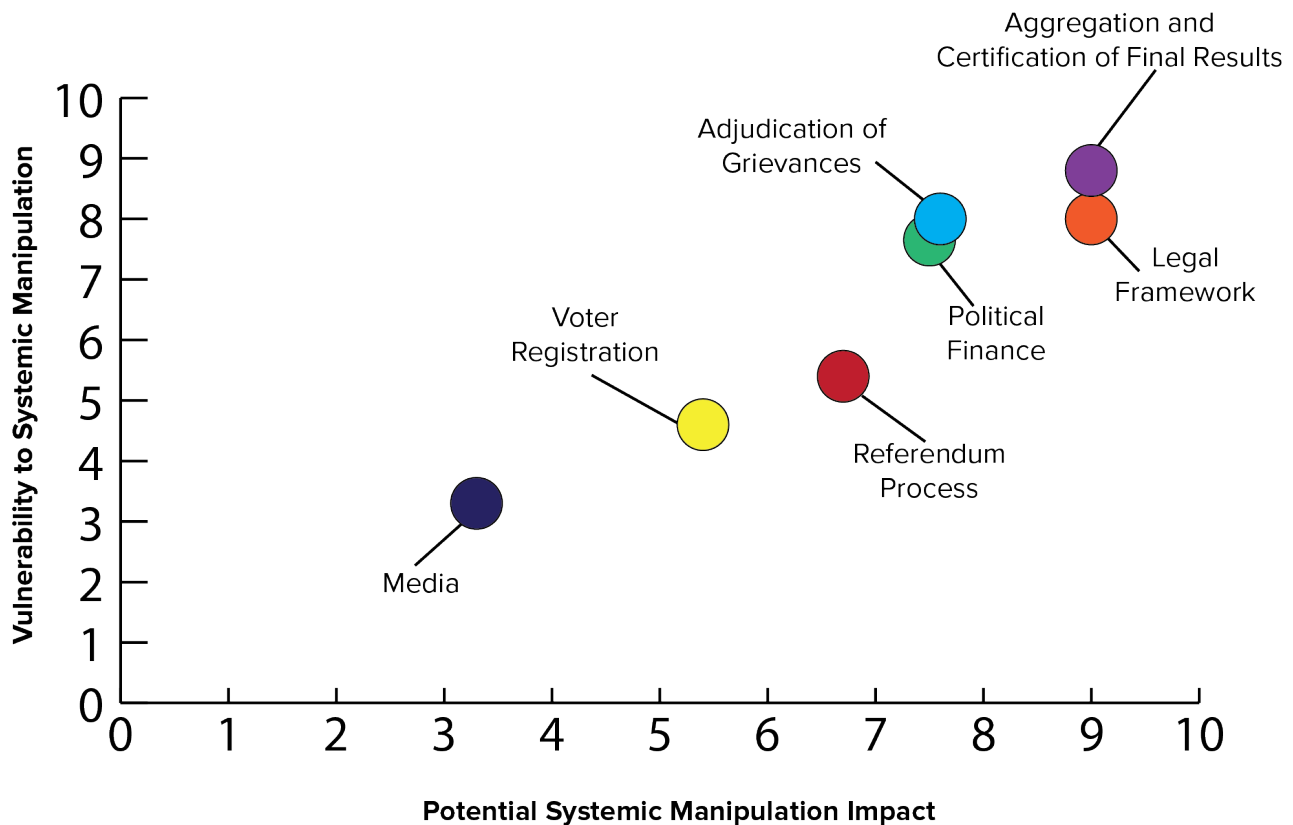
Annex – Electoral Integrity

Vulnerability Profiles

The vulnerability profiles on these pages provide snapshots of the level of vulnerability and the potential or probable impact of vulnerability for each category of the election process that the assessment team scored.

Vulnerabilities to Systemic Manipulation:

The electoral process categories most vulnerable to systemic manipulation in Mali are (1) aggregation and certification of final results, (2) the legal framework, (3) adjudication of grievances and (4) political finance. The Constitutional Court's procedures for certifying and announcing results are opaque, and there is no published data disaggregated by polling station to enable independent verification of election outcomes. Official counts often differ from the preliminary results that the MATD provides. According to interlocutors, Mali's legal framework is also at high risk of systemic manipulation given its many gaps — which the legislature has not resolved — that create opportunities for manipulation by political actors. Finally, the absence of enforceable political finance regulations enables wealthy actors to co-opt political parties and shape platforms for personal gain.

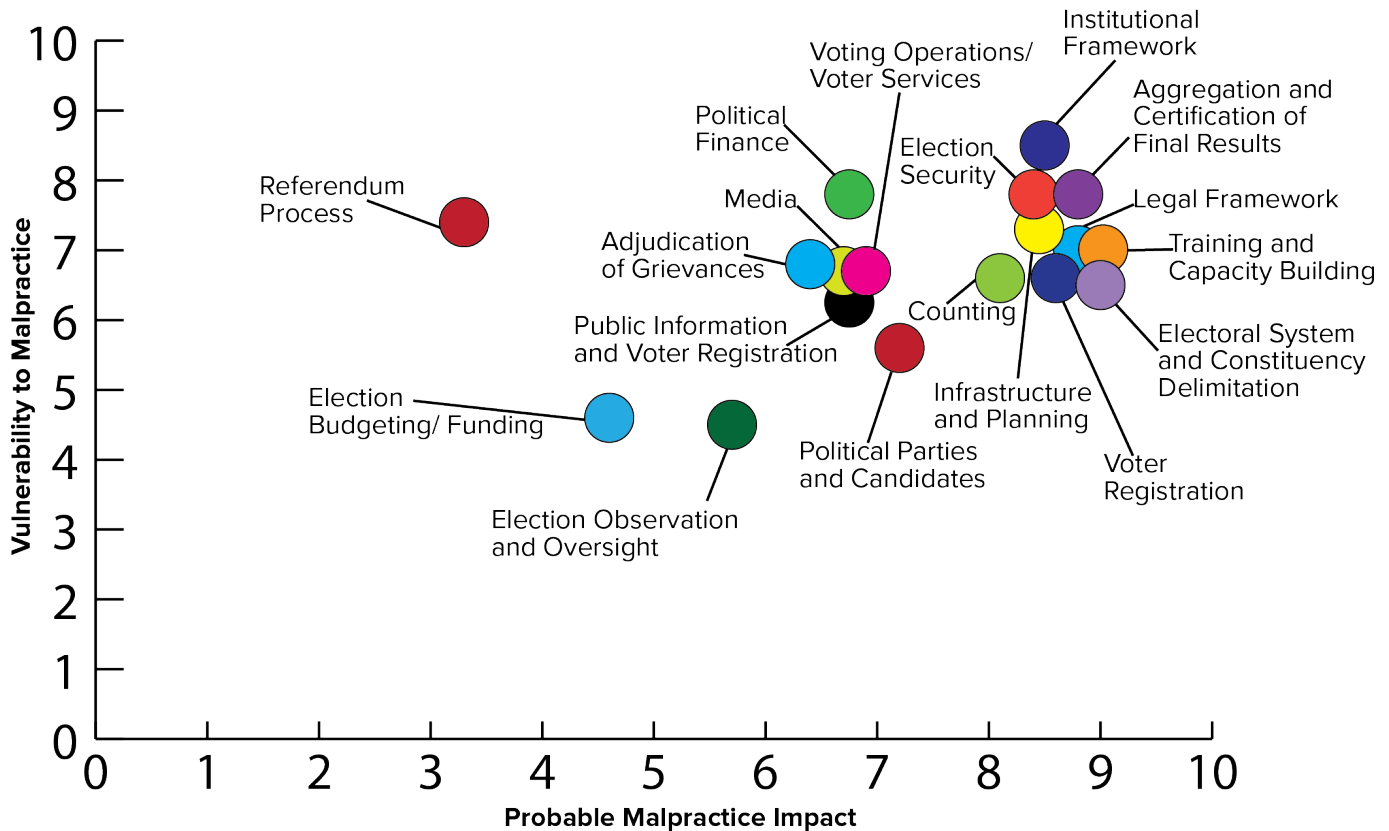


Vulnerabilities to Malpractice:

To some extent, all categories of the electoral process examined here are vulnerable to malpractice. Those at highest risk include the institutional framework, aggregation, voter and civil registration and certification of final results. The current institutional framework is not conducive to effective election administration, as the institutions in charge of the electoral process have overlapping functions and compete for financial resources. The authority with the clearest direct mandate to administer elections, the MATD steering committee for elections, is not permanent. Rather, it is created before each election, allowing insufficient time for proper training of officials and operational planning and implementation.

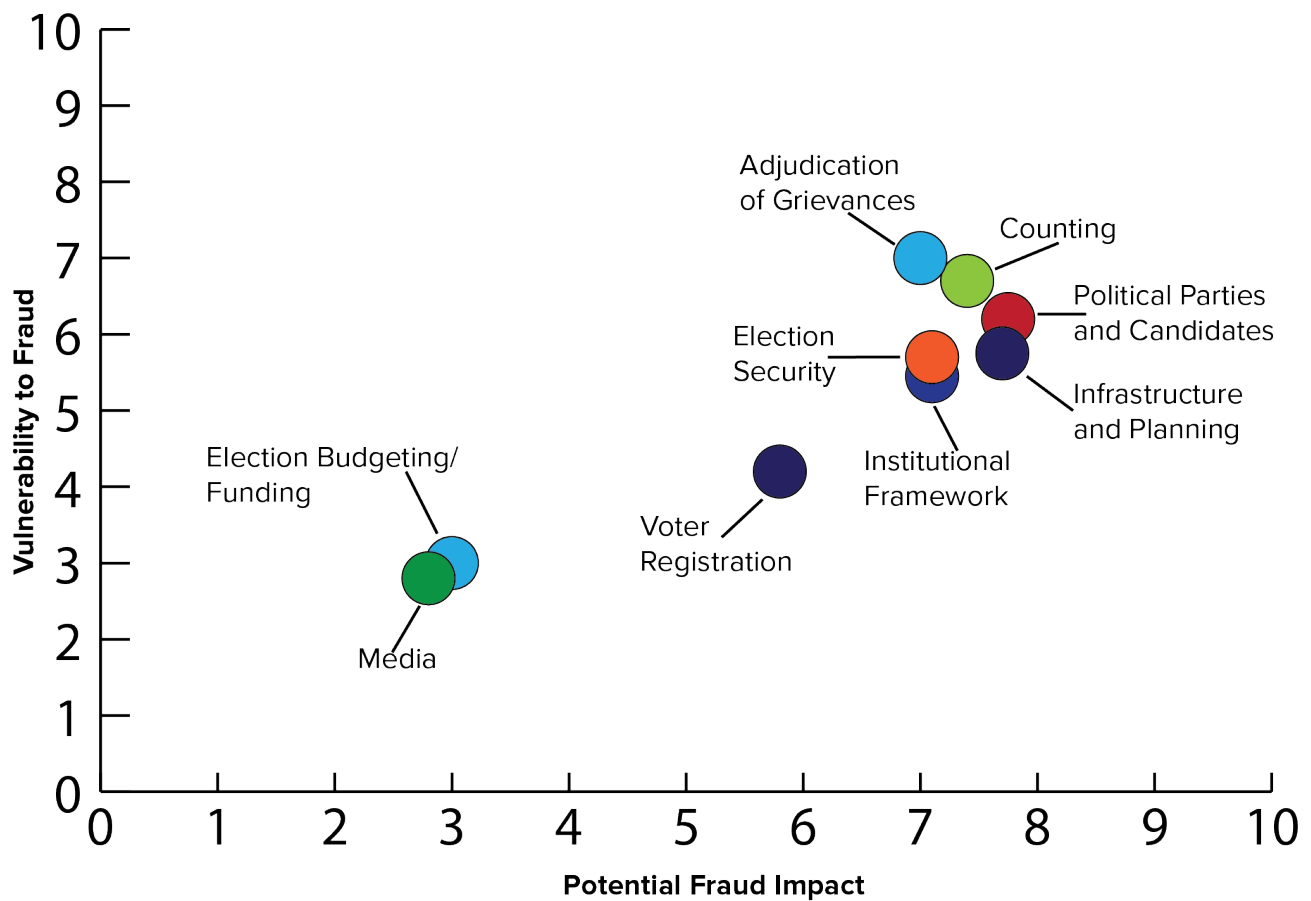
The aggregation and certification of results category also shows high vulnerability to malpractice, particularly regarding the aggregation process. As the centralization commission provides no clear guidance on aggregation procedures, errors and omissions are common. This vulnerability will increase if multiple elections are held simultaneously, when the results of different races need to be aggregated at the same time. Moreover, preliminary results published by the MATD often contain inconsistencies that are left unexplained.

Electoral security is also at high risk for malpractice. Despite support from the international community, Malian security forces were largely unable to provide sufficient security to voters, poll workers and candidates during past electoral processes, or and to mitigate threats from extremist groups.



Vulnerabilities to Fraud:

In Mali, adjudication of grievances and the counting process are most vulnerable to fraud, followed by issues related to political parties and candidates. The Constitutional Court, which is shaped by an appointment process and terms that hamper judicial independence, is the first and last arbiter of election disputes related to candidate registration for presidential and parliamentary elections and for election results. This framework leaves stakeholders no avenues for redress. The counting process is also particularly vulnerable to fraud, as there is no process for correcting or properly scrutinizing results before they are certified. Finally, lenient requirements for candidate and party registration place this category at the top of the fraud graph, as individuals can easily take advantage of public funding by registering parties that have no real functioning headquarters or platforms.





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