

# **Southern Sudan Referendum (2011)**

## **Out of Country Registration and Voting (OCV)**

### **Frequently Asked Questions – OCV Call Centres**

4 November 2010: OCV Coordination Office

## **Background**

**1. Q: What is the 2011 Southern Sudan Referendum about?**

**A:** The 2011 Southern Sudan Referendum will give the people of Southern Sudan the opportunity to vote for either:

- Confirmation of the unity of Sudan, or
- Secession

Provision for this Referendum was established in the Southern Sudan Referendum Act (SSRA) of 2009, following the end of the civil war in Sudan by the Comprehensive Peace Agreement of 2005.

**2. Q: Where will OCV be held?**

**A:** Out of Country Registration and Voting (OCV) for Southern Sudanese will take place in eight countries:

- Australia
- Canada
- Egypt
- Ethiopia
- Kenya
- Uganda
- United Kingdom
- United States

**3. Q: How were the eight countries selected?**

**A:** The 2009 Referendum Act specifies the eight countries which are 'densely populated' by communities of South Sudanese outside Sudan.

**4. Q: Who is running the OCV operation?**

**A:** The Southern Sudan Referendum Commission (SSRC), a body independent from the governments of Sudan or Southern Sudan, is running the OCV operation.

**5. Q: Who is the SSRC and why is it in charge of OCV?**

**A:** According to Article 8 of the 2009 Referendum Act, the SSRC was established by the Presidency of the Republic immediately following the formulation of this Act. The Commission is located in Khartoum and has a Southern Sudan Referendum Bureau in Juba. The Commission comprises the Chairperson, a Deputy, and seven members appointed by the President of the Republic, with the consent of the First Vice-President, in accordance with the provisions of Article 58 (2) (c) of the Constitution and with the approval of the members of the National Legislature with simple majority. It includes women and representatives of Civil Society Organizations. For further information on the SSRC, see [www.ssrc.sd](http://www.ssrc.sd)

**6. Q: What qualifications do the members of the SSRC have to meet?**

**A:** The SSRC members meet the following requirements:

1. Sudanese by birth
2. well-known for independence, competence, non-partisanship and impartiality
3. at least 40 years of age
4. of sound mind
5. literate
6. not been convicted of a crime involving honesty or moral turpitude even if pardoned

**7. Q: What is the International Organization for Migration (IOM)?**

**A:** IOM is a leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. IOM works to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people. For further information on IOM, see [www.iom.int](http://www.iom.int)

**8. Q: Why is the IOM involved in OCV and what is its role?**

**A:** The IOM has been asked by the SSRC to support it in conducting the OCV for Southern Sudanese in the eight countries selected. The OCV operations and the IOM's involvement are specified in the 2009 Referendum Act. IOM is a neutral body, which is assisting the SSRC and is in regular contact with its representatives.

## Eligibility and Documents

**9. Q: Who can vote in the 2011 Southern Sudan Referendum?**

**A:** This referendum is to decide the future of Southern Sudan. Therefore only Southern Sudanese people will be allowed to register and vote. Only those who have first registered in the Referendum Register will be allowed to vote on polling day.

**Note:** People from the Abyei region will not be able to vote in the Southern Sudan Referendum as Abyei is not part of Southern Sudan at this time. They will not be voting as part of OCV or inside Southern Sudan.

**10. Q: What conditions must Southern Sudanese people meet in order to be able to vote?**

**A.** To be eligible to vote in the Southern Sudan Referendum you must fulfil the eligibility criteria as defined in the Southern Sudan Referendum Act 2009 and further clarified by the SSRC in the document attached as Annex A to these FAQs. The document outlines the eligibility criteria for both registering and voting in the referendum.

In addition to the criteria in the annex, a person wishing to vote must:

- a) have reached 18 years of age;
- b) Be of sound mind;
- c) Be registered in the Referendum Register.

**11. Q: When is the cut off date for being 18 years of age or over?**

**A:** According to clarification by the SSRC, a person must be at least 18 years of age on or before the day he/she registers (not on or before the day he/she votes.)

- 12. Q: Are there criteria to establish if an applicant is of sound mind?**  
**A:** The 2009 Referendum Act states: "There should be a general presumption of soundness of mind unless proven otherwise by a court decision. If someone objects to the inclusion in the voter's register of a person who is unsound of mind, this person has to provide a court decision to prove his or her allegation."
- 13. Q: What documents are necessary to bring for registration?**  
**A:** After clarification from SSRC, one of the following documents is acceptable as a form of identification:
- a) Written certificate/document issued by a Sudanese authority (even if expired) which can prove identity.
  - b) Document issued by the United Nations High Commissioner for Refugees (UNHCR) which can prove identity.
- 14. Q: Will a document issued by a host country be valid to fulfil the voter's identity requirement?**  
**A:** A document issued by a host country is not at this stage considered a valid document to fulfil the voter's identity requirement.
- 15. Q: Will a Student ID card be considered a valid document to fulfil the voter's identity requirement?**  
**A:** No. The Student ID card will not be considered a valid document to fulfil the voter's identity requirement.
- 16. Q: How can a person register and vote if he or she does not have any form of identification documents?**  
**A:** In case an eligible voter does not have an identity document, an oral testimony from the concerned 'Identifier' will be accepted. Identifiers are leaders from within the diaspora community who, after being confirmed by the SSRC, can assist the Chairperson of the Referendum Centre to verify the identity of the person without documents, thus allowing him or her to be registered.
- 17. Q: If a person does not have any identity document, and because of his or her 'young appearance' cannot prove that he or she is older than 18, how can it be proved that he or she is eligible for registration and voting?**  
**A:** If an applicant cannot prove his or her identity and age, the Identifier will assist in guaranteeing the applicant's identity and age.
- 18. Q: What if the identifier cannot confirm someone's identity?**  
**A:** If a person has no documentation *and* cannot be confirmed by an Identifier, he or she will not be allowed to register in an OCV country.
- 19. Q: Will the SSRC require proof of residence for the OCV registration?**  
**A:** Proof of residence in an OCV country is not a requirement for registration. But a person can only vote at the Referendum Centre where they registered.
- 20. Q: What if a person who wishes to register and vote is not fully legalised in the host country? Will they still be able to register?**  
**A:** Yes. For the purposes of registering and voting in the Southern Sudan OCV, it does not make a difference if a person is not fully legalized in the host country - so long as he or she provides the correct documentation for registering for the Southern Sudan Referendum, or is identified by an identifier.

## Dates, Times and Locations

21. **Q: When will the registration begin and how long will it last?**  
A: Registration will begin on 15 November 2010 and will last for 17 days.
22. **Q: When will actual voting take place and how long will it last?**  
A: The voting in the referendum, as specified in the Comprehensive Peace Agreement, is due to take place on 9 January 2011 and due to last for 7 days.
23. **Q: Will the referendum centres continue to operate during public and religious holidays?**  
A: The referendum centres will operate half day during public and religious holidays as well as during Fridays or Sundays as the case might be. On other days, normal registration hours will be nine hours a day. Registration hours for \_\_\_\_\_ (Country) are \_\_\_\_\_
24. **Q: How important is it to get to the Referendum Centres early for either registration or voting?**  
A: It is advisable to register as early as possible during the registration periods – and as early as possible in the day. Early arrival will help to ensure early admission into the Referendum Centre avoiding crowds or long queues that might build up later. Also, the earlier a person registers in the process, the more time to make an objection if rejected, as this can only be done during the registration process.
25. **Q: Will the period for OCV registration be the same as that for Southern Sudan?**  
A: The OCV registration period will take place during the same period as in Southern Sudan and have the same duration.
26. **Q: In which areas will the Referendum Centres be located?**  
A: Registration and voting will be in the same location. Referendum centres will be established in areas where there are concentrations of more than 20,000 eligible voters. In countries where there are fewer than 20,000 eligible voters, the Referendum Act requires that the Referendum Centre will be in a country's capital city. The locations of these centres are subject to confirmation by the SSRC. The locations in \_\_\_\_\_ (Country) are \_\_\_\_\_
27. **Q: Will the Referendum Centres be in neutral venues?**  
A: Yes. Referendum Centres will be in neutral venues. They will not be in either embassies or Government of South Sudan (GoSS) liaison offices.

## Data Management

28. **Q: What information will a person be providing when they register?**  
A: When registering, a person will be providing: their name, their age, their gender, their address and their thumbprint.
29. **Q: What happens to the data after registration? Do host country authorities get a copy? Does IOM keep a copy after the referendum?**  
A: IOM will not be providing registration information to host countries, nor will it be keeping a copy of the registration data itself once the referendum is over.
30. **Q: Will the SSRC get a copy of the registration data once the referendum is over?**  
A: Yes, the SSRC will have a copy of the registration data because the 2011 Southern Sudan Referendum is being organized by the SSRC.

## Special Needs

**31. Q: Can illiterate persons register?**

**A:** Yes. Article 53 (2) of the 2009 Referendum Act states: "...people with special needs may be assisted to cast their vote in accordance with the regulations."

**32. Q: Who can assist people with special needs?**

**A:** The Referendum Centre staff can assist people with special needs during registration, in terms of ensuring they do not have to wait in a queue. The SSRC is drawing up procedures on who can assist people with special needs during voting.

**33. Q: Will Referendum Centres be accessible to people with special needs?**

**A:** According to the 2009 Referendum Act, every Referendum Centre shall "be accessible to persons with special needs and to the elderly to exercise their right to vote."

## Processes – Objections and Corrections

**34. Q: What if someone wishes to make objections or corrections in the Referendum Register?**

**A:** There will be provision for objections and corrections to be made in the following three areas:

1. A person can appeal against his or her own registration being rejected. These appeals must be done only during the registration period.
2. A person can also request corrections to his or her own entry.
3. A person can also object to someone else's entry.

In the case of requests for corrections or objections to someone else's entry, these should be done during the Exhibitions period which starts a few days after registration, when the preliminary Referendum Registers will be displayed and can be inspected. A Considerations period will then follow during which a Referendum Committee will make final decisions.

**35. Q: What can a registrant object to about another person's name on the referendum register?**

**A:** A registrant can object to another person's name on the register if that person:

- is dead
- is less than 18 years of age
- is not Southern Sudanese
- is not of sound mind
- is registered at another referendum centre

**36. Q: Can people still be added to the register after the end of registration, in cases where they have appealed against the rejection of their own registration?**

**A:** No. If a person wants to appeal to their own entry being rejected, this must be done during the registration process. After registration is over and the Exhibitions period starts, entries can be corrected or removed, but not added.

**37. Q: When are the Exhibitions and Considerations periods?**

**A:** The Exhibitions and Considerations periods will follow the following timetable, according to the SSRC:

- **6 December 2010:** Publication of Preliminary Register (Exhibitions), which will last seven days. Objections to other people's entries and requests for corrections can be made during this period.
- **18 December 2010:** Final date for 'disposal of objections' which will take place during the preceding five-day Consideration period.
- **4 January 2011:** Publication of the final rectified register of voters.

- 38. Q: Will there be a system for people to be able to check their registration entry without coming back to the Referendum Centre during Exhibitions?**  
**A:** No. There is no mechanism for the registers to be checked or verified outside the Referendum Centres. The registers are filled in manually and the manual lists are displayed inside the Referendum Centres only.

## **Processes – General**

- 39. Q: Can someone else register and / or vote on behalf of a person by providing that person's documentation?**  
**A:** No. Each person who wishes to register and vote must do so themselves in person.
- 40. Q: Can a person register in Nairobi and vote in Sudan?**  
**A:** No. Each person must vote only in the same place where he or she also registered; having registered, each person will receive a card, which will later be used for voting. These voting cards can only be used in the same place where registration took place. This card must be kept safe!
- 41. Q: What happens if a registrant loses or has his or her voting card stolen between registration and the voting procedure?**  
**A:** If a registrant loses or has his or her voting card stolen between registration and the voting procedure, he or she will not be able to vote.
- 42. Q: Will the voter's card be essential in order to vote?**  
**A:** Yes. Remember, if you lose your voter registration card you will not be able to vote. It cannot be replaced.
- 43. Q: What if a person gets registered but does not cast his vote?**  
**A:** A person can register and then not vote. The number of registered voters who turn out to vote will directly impact the validity of the Referendum. The Referendum is considered valid if 60% or more of the total registered voters turn up to vote. If this threshold is not met, the Referendum will be repeated within sixty days. This is according to Article 41 (2) (b) of the 2009 Referendum Act.
- 44. Q: Will Southern Sudanese living in countries other than OCV countries be able to vote? If yes, how and where?**  
**A:** Yes. Any eligible Southern Sudanese voters can register and vote regardless of where or in which country they currently reside. But they must ensure they can travel to one of the Referendum Centres being established in any of the eight OCV countries (or to Sudan itself). They must also vote at the same referendum centre where they registered.
- 45. Q: Will IOM help people travel to the Referendum Centres for registration and voting, whether financially or by organizing transportation?**  
**A:** IOM cannot help people travel for registration or for voting.
- 46. Q: Will there be security provision for people at the Referendum Centres for either registration or voting?**  
**A:** Security will be provided in conjunction with the host OCV country.
- 47. Q: Are there going to be any observers for the registration and voting processes?**  
**A:** The SSRC is developing accreditation procedures for any observers.

- 48. Q: Will advocates of Unity or Secession be present during registration and voting?**  
**A:** It is possible that individuals who are advocates of Unity or Secession may be present during registration and voting, but if so only as *accredited independent observers* – not as political party representatives. All observers whether independent or representatives of the media, should be accredited.
- 49. Q: How are registration and polling staff being recruited? What about Identifiers?**  
**A:** Local registration and polling staff for the Referendum Centres are being recruited through advertisements and publicity drives within Sudanese communities. A variety of programmes are being carried out in different OCV countries to organize recruitment. Identifiers are also being appointed from Sudanese communities to assist Referendum Centre staff, but identifiers will not be staff members and cannot themselves register an applicant. All Referendum staff and identifiers will be approved by the SSRC.
- 50. Q: Why is there not a Government of Southern Sudan (GoSS) representative alongside the IOM Country Coordinator?**  
**A:** This Referendum is being organised by the SSRC, a body independent from both the governments of Sudan and Southern Sudan. Therefore any offices or representatives which are established in the eight OCV countries will be done so by the SSRC and not the Governments of Sudan or Southern Sudan.  
Note: For clarification of who the SSRC is, see 'Background' questions.
- 51. Q: Transmission of results: What happens to the results at the OCV country level? Who tallies the results and who declares them?**  
**A:** Each Referendum Centre is going to count the votes right after polling, and will exhibit their results right away. After that, the results of each Centre will be sent to Khartoum to be added to the in-country results. The SSRC will declare the results.
- 52. Q: Is it possible to vote electronically by email or SMS?**  
**A:** No. The 2009 Referendum Act makes no provision for electronic voting.

Date: 24.10.2010

From: Legal Department

Re: Eligibility Criteria

According to Article 25 and 27 of the Southern Sudan Referendum Act 2009, Voters are classified into three categories:

1. Voter who belongs to one of the indigenous ethnic communities residing in the Southern Sudan (on or before 1 January 1956).
  - This category of voter can vote in any referendum centre (Article 27 (4)), i.e., in referendum centre in the South and other locations (*North and 8 countries mentioned in the Act*).

Explanation:

“A” is a Dinka, which is one of the indigenous ethnic communities in Southern Sudan on or before 1<sup>st</sup> January 1956 and identifies himself/herself as part of this community wherever he/she may be. “A” is entitled to vote in the South or in any other locations (*Northern Sudan and other 8 countries mentioned in the Act*) irrespective of his/her current residence.

2. Voter who traces his/her ancestry to one of the indigenous ethnic communities in Southern Sudan, but has not permanently resided in the South (without interruption) before or since January 1956.
  - This category of voter can only vote in the South (Article 27(3)(b), where he /she can be identified.


Explanation:

“B” can trace himself through his/her ancestry as belonging to a Dinka community but “B” was not born in the South nor did he/she and his/her ancestry reside in the South since 1<sup>st</sup> January 1956 “B” lost touch with this community and can neither identify or be recognized as member of this community in other locations. “B” can only vote in the South after having identified himself/herself and accepted by the Dinka community to which he/she traces himself/herself.

3. Voter who does not belong to one of the indigenous ethnic communities in the Southern Sudan, but he/she or his/her parents or grand-parents are permanently residing in the South (without interruption) since 1st January 1956.
  - This category of vote can only vote in the South (Article 27(3)(b), where he/she can be identified.

Explanation:

“C” belongs to any other Sudanese communities than those indigenous ethnic in the South, but he/she or both or one of his/her parents or grand-parents have been resident in the South without interruption since 1<sup>st</sup> January 1956. “C” can vote only in the South where he/she, his/her parents or grand-parents or one of them has been permanently residing.

  
27/10/2010