



International Foundation  
for Electoral Systems

# **Elections in the Republic of Niger**

## *2020 General Elections*

Frequently Asked Questions

Africa

International Foundation for Electoral Systems

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# Frequently Asked Questions

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## When is Election Day?

Niger's general elections will occur on Sunday, December 27, 2020. On this date, voters will cast their ballots in the first round of the country's presidential election and will also elect the 171 members of the National Assembly. For the presidency, if none of the candidates obtain an absolute majority of votes, a second round between the two candidates receiving the most votes will be held on Sunday, February 21, 2021.

## When does campaigning start and end?

As established via a public statement from the president of the *Commission Électorale Nationale Indépendante* (CENI), election campaigning began 10 days prior to the day of the election and will end at midnight on the eve of the election.<sup>1</sup>

## Why are these elections important?

This election will be the third time since Niger began its third democratic transition, in 2010, that citizens will democratically elect new leaders. Furthermore, given that President Mahamadou Issoufou will have served his two-term limit, these presidential elections are anticipated to be the first time in the country's history that power passes peacefully via elections from one president to the next.

Notably, these elections will take place in a context of heightened political tension that has prevailed since 2015, when Issoufou's political rival of several decades, former Prime Minister Hama Amadou, was arrested and detained. Amadou later went into exile in France. His supporters, who constitute a large share of the opposition, are boycotting many of Niger's democratic institutions, including the *Conseil national de dialogue politique* and the *Commission Électorale Nationale Indépendante*. Civil society organizations, meanwhile, have decried what they perceive as a failure of the government to fully transition to civilian rule,<sup>2</sup> and protests against the administration have become a recurring feature of Nigerien politics.

In addition to internal political tensions, the elections will take place amid widespread regional insecurity. Niger faces persistent threats from foreign-based jihadist groups, including Al Qaeda in the Islamic Maghreb and Boko Haram.<sup>3</sup> Although prior commentary noted that "...[jihadist] groups are unlikely to make further inroads into Nigerien territory,"<sup>4</sup> Boko Haram claimed responsibility for an attack in the Diffa region that killed at least 27 people, one day before the local government elections in early December.<sup>5</sup> Nonetheless, international partners see Niger as a key geopolitical partner in the fight against violent extremism in the Sahel region, where Niger has remained a beacon of relative stability.

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<sup>1</sup> <https://www.ceniniger.org/allocution-du-president-de-la-commission-electorale-nationale-independante-ceni-lors-de-la-conference-de-presse-sur-le-calendrier-des-elections-locales-et-generales/>

<sup>2</sup> <https://www.ispionline.it/en/pubblicazione/nigers-elections-amid-violence-and-authoritarian-backsliding-27967>

<sup>3</sup> Elisher, S. (2018). "Defying the Odds? Nigerien Responses to Foreign and Domestic Security Challenges", West African Papers, No. 11, OECD Publishing, Paris. <https://doi.org/10.1787/104d1c6d-en>

<sup>4</sup> Ibid., p. 3.

<sup>5</sup> <https://www.voanews.com/africa/niger-votes-city-regional-polls-after-jihadist-attack>

This combination of the promise of the first peaceful transition from one president to another, persistent internal political tension and ongoing insecurity in the region means that domestic and international actors will watch the upcoming elections in Niger closely.

## What will security be like on Election Day?

The *Commission Électorale Nationale Indépendante* is working closely with Nigerien security forces to secure the electoral process. This coordination brings together all of the country's security forces (police, *Gendarmerie Nationale*, army, fire service, etc.) and organizes them into the following structures:

- The National Security Council and National Operations Center;
- Regional Security Councils and Regional Operational Centers; and
- Departmental Security Councils and Departmental Operational Centers.

At each level, this coordination involves establishing an operational system that includes fixed security devices; escorts; patrols (air, land and river); and the reserve forces, if needed. The security services will work to:

- Secure polling stations until the end of the vote counting process;
- Escort results and sensitive voting materials, in high-risk areas, to collation places to avoid any suspicious action aiming to compromise the results; and
- Provide security patrols, as necessary, until the end of the electoral process.

## Will internally displaced persons be able to vote?

There are over 200,000 internally displaced persons in Niger, due to a variety of natural disasters and conflict-related factors, including prior terrorist attacks as well as flooding (most recently in September 2020).<sup>6</sup> The *Commission Électorale Nationale Indépendante* has factored these situations into its operational plan to enable affected persons to take part in the electoral process. People living in refugee camps, for instance, were registered to vote at those locations, and recent victims of flooding had already been registered at their local polling stations before being displaced. However, the locations of some polling stations damaged by flooding have had to be changed, and some temporary huts have been erected.

## What is the legal framework governing these elections?

The primary documents constituting the legal framework that governs Niger's elections are the Constitution of the Seventh Republic (adopted by referendum in 2010),<sup>7</sup> the 2017 Electoral Code (last amended in 2019) and several other organic laws that determine, for example, the allocation of seats in the National Assembly and gender quotas.

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<sup>6</sup> <https://www.internal-displacement.org/countries/niger>

<sup>7</sup> <https://mjp.univ-perp.fr/constit/ne2010.htm>

The Constitution enshrines basic democratic principles, such as the right of all Nigeriens who are at least 18 years of age on Election Day to universal, free, equal and secret suffrage, and the right of the people to exercise their sovereignty through representatives elected by referendum. The Constitution also establishes and mandates the *Commission Électorale Nationale Indépendante* (CENI) to organize, operationalize and oversee elections and to proclaim their provisional results. CENI also charges the Constitutional Court with overseeing the regularity of elections and proclaiming final results.

Furthermore, the Constitution establishes that the president of the republic is elected to a five-year term that is renewable once, fixes the eligibility requirements for the presidency, and establishes the two-round system. The Constitution also establishes that members of the National Assembly are elected to a five-year term, fixes the eligibility requirements for membership in the National Assembly and establishes requirements for legislative candidate lists. Furthermore, the Constitution fixes general parameters for the timing of various aspects of the electoral process.

An organic law fixes the number of seats in the National Assembly at 171 and allocates the number of seats for each political/administrative region in the country as well as eight single-member first-past-the-post special constituencies and five for Nigeriens in the diaspora.<sup>8</sup> There is also a provision that disqualifies anyone who has been convicted of a felony or misdemeanor with a term of imprisonment of at least one year from registering to vote or voting. The Electoral Code itself details the rules related to presidential, legislative, regional, municipal and communal elections and referendums. The Electoral Code reaffirms the right of citizens to participate in elections, conditioned on their registration; spells out the voting eligibility for naturalized citizens; and establishes the modalities for the creation, mission, composition, organization and functioning of the CENI. In particular, the Electoral Code ensures the permanence, independence and autonomy of the CENI.

As compared to previous electoral codes, the Electoral Code adopted in 2017 introduced three major policy and operational changes to the voting process in Niger: the broad issuance of citizen identification documentation in support of a new voter list, creation of a biometric voter list and adoption of a single ballot for all elections.

## **What is the electoral system?**

The Constitution establishes that the president of the republic is elected according to a majoritarian system. If a candidate receives an absolute majority of votes in the first round, he or she is elected; otherwise, a second round is held between the two candidates who won the most votes in the first round.

The 171 members of the National Assembly are directly elected according to the following mixed system:

- The eight electoral districts (seven regions plus the capital, Niamey), elect 158 members, distributed according to proportional representation;

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<sup>8</sup> Loi organique n° 2014-71 du 14 novembre 2014, fixant le nombre de sièges de députés à l'Assemblée nationale (Organic Law No. 2014-71 of November 14, 2014, fixing the number of representatives in the National Assembly)

- Eight seats are allocated to special single-member constituencies to ensure representation for minority communities; and
- Five seats are allocated to single-member constituencies to represent citizens living overseas, with one seat allocated to each continent.<sup>9</sup>

## **How will the new biometric voter roll and identification of voters work?**

One of the main innovations of the 2017 Electoral Code is the creation of a biometric voter roll (i.e., a roll that is based on unique physical features of an individual) and the issuance of biometric voter cards. According to the Electoral Code, biometric voter registration (BVR) in Niger includes photo and fingerprint identification of each eligible voter. The biometric voter cards are free, unique, personal, non-transferrable, and valid for 10 years. The Electoral Code established registration on the biometric voter roll as a right of all citizens who meet the legal requirements. Special biometric voter cards are available to persons with disabilities.

The Electoral Code also establishes the right of citizens to have access to the register through the following means: the list for each registration center is posted for 15 days following cleaning or update; political parties or candidates can request copies of voter rolls at their own expense; the voter roll is published in the Official Journal of the Republic of the Niger, the *Commission Électorale Nationale Indépendante* (CENI) website and other available means; and voter rolls are available at the seat of each electoral district.

As established in the 2017 electoral code, the biometric register is permanent and is updated each year from October 1 to December 31. An exceptional revision may be ordered by the Council of Ministers in response to a proposal from the CENI. A global revision of the voter roll is conducted every 10 years.

Of note, the CENI conducted its BVR effort by dividing the country into two zones. BVR kits were deployed to Zone 2 after registration in Zone 1 was completed. Provisional registers were exhibited in Zone 1 while registration took place in Zone 2. The final BVR was merged at the national level after de-duplication. Registering multiple times is not a punishable offense in Niger; however, only the data provided at the first attempt at registrations is retained.

Due to the COVID-19 pandemic, the CENI was unable to register Nigeriens abroad – a situation that the Constitutional Court characterized as a case of *force majeure*.

## **What is the gender balance within the candidate list?**

According to an organic law adopted in 2000 and last modified in 2019,<sup>10</sup> members of each gender must comprise at least 25 percent of all lists for legislative or local elections presented by political parties or

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<sup>9</sup> <http://archive.ipu.org/parline-f/reports/1237.htm>

<sup>10</sup> Loi No. 2000-008 du 7 juin 2000 instituant le système de quota dans les fonctions électorales, au Gouvernement et dans l'administration de l'Etat modifiée et complétée par les lois n° 2014-64 du 5 novembre 2014 et n° 2019-69 du 24 décembre 2019 (Law No. 2000-008 of June 7, 2000 instituting the quota system for elective functions, in government and in state administration, modified and completed by Laws No. 2014-64 of November 5, 2014, and

independent candidates. After voting, parties are also legally required to respect the gender quota when picking candidates from their validated list, based on seats won.

## **What is the structure of the government?**

According to the Constitution,<sup>11</sup> the president of the republic is the head of state and is responsible for the regular functioning of the government and the continuity of the state. The president appoints a prime minister, forms a government in response to a proposal from the prime minister and presides over the Council of Ministers. The president enacts laws transmitted by the National Assembly, can dissolve the National Assembly after consultation with its speaker and the prime minister, and can submit texts for approval by national referendum after consultation with the speaker of the National Assembly and the Constitutional Court. The president appoints ambassadors, is the chief of the administration and is the commander-in-chief of the armed forces.

The prime minister, as the head of government, is responsible for directing, operationalizing and coordinating government action and for executing laws. The government determines and enacts national policy, forms the government and is in charge of law enforcement. The government is accountable to the National Assembly.

A unicameral legislature known as the National Assembly exercises legislative authority. The National Assembly is directed by a president elected according to its internal procedures, along with a secretariat. The National Assembly votes on legislation, consents to taxation and controls the actions of the government.

The Constitution also provides for judicial power, independent from executive and legislative power, that is exercised by the Constitutional Court, the Court of Cassation (an appellate court), the Council of State, the Court of Accounts (an auditing institution), other courts and tribunals. The president of the republic appoints magistrates in response to a proposal from the minister of justice after consultation with the Superior Council of the Judiciary.

## **What is the election management body? What are its powers and responsibilities?**

The *Commission Électorale Nationale Indépendante* (CENI) is the main election management body in Niger. The Constitution fixes the establishment and general mandate of this body to organize, operationalize and oversee elections, and proclaim their provisional results.

The Electoral Code legally constitutes the CENI as a permanent, independent and autonomous body, and charges it with responsibility for the creation and management of the biometric voter roll as well as the organization, operationalization and supervision of electoral and referendum operations.

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No. 2019-69 of December 24, 2019). The 25 percent gender quota has to be respected during the declaration of results by constituency and by party list.

<sup>11</sup> <https://mjp.univ-perp.fr/constit/nc2010.htm>

## **What is the structure of the *Commission Électorale Nationale Indépendante* (CENI)? What is the appointment process for the election commissioners?**

The Electoral Code defines the composition of the CENI. It is made up of 19 members, appointed by decree of the president of the republic for six-year terms renewable once. The 19 members include:

- A president;
- A vice president;
- Five members designated by the majority party;
- Five members designated by the opposition;<sup>12</sup>
- Two members from independent or nonaffiliated political parties;
- Two civil society members designated by their peers: one representative of a legally recognized human rights and democracy promotion group; and one representative of a legally recognized women's group;
- Three high-level executives with demonstrated competencies in statistics, public finance and administration designated by the Public Administration.

According to the Electoral Code, the modalities for the candidacy and selection of the CENI's president and vice president are determined by decree of the Council of Ministers, based on the recommendations of the minister responsible for electoral matters. The selection is made following a call for applications and in consultation with political parties.

The CENI is administered by the president and vice president, along with a spokesperson general and a deputy spokesperson, appointed from among the members of the CENI, and including one civil society representative and one representative of the administration responsible for electoral matters.

The Electoral Code also calls for the creation of a general secretariat, a technical directorate responsible for information technology and the biometric voter roll, and decentralized branches of the CENI. The decentralized branches are created by order of the CENI president three months prior to the date of the election. Branches are established at the regional, county, municipal and district levels, and in embassies and consulates. The mandates of the decentralized branches end one month after the election.

## **Who are voters voting for on Election Day?**

On December 27, Nigerien voters will elect the president of Niger and members of the National Assembly.

On November 13, the Constitutional Court published a list of 30 validated presidential candidates.<sup>13</sup> Prominent among these are Mohamed Bazoum, President Issoufou's minister of the interior and favored successor; Seyni Oumarou, former prime minister and current high representative of the

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<sup>12</sup> Due to opposition boycott, these seats currently remain unfilled.

<sup>13</sup> <https://www.dw.com/fr/pr%C3%A9sidentielle-au-niger-qui-sont-les-candidats/a-55608812>

president; Mahamane Ousmane, former president in Niger's first democratic election in 1993; and Salou Djibo, who led the 2010 military coup.<sup>14</sup> A full list of presidential candidates can be found via [Deutsche Welle](#).

National Assembly elections are primarily contested by political parties and not directly by candidates (except in the special constituencies). A list of a total of 161 parties can be found on the *Commission Électorale Nationale Indépendante's* [website](#), and there are more than 350 party lists, comprising thousands of candidates.

## Who can vote in the elections?

Both the Constitution of the Republic of the Niger and the 2017 Electoral Code provide the right to vote for all Nigeriens who are at least 18 years of age on the day of the election (as well as emancipated minors in possession of civil and political rights). The Electoral Code further specifies the requirement that qualified individuals must be registered on the voter roll.

## How was voter registration conducted? How many registered voters are there?

The *Commission Électorale Nationale Indépendante* (CENI) conducted a voter registration exercise from October 15, 2019, to July 7, 2020. According to an audit conducted by the *Organization internationale de la francophonie* (OIF) and the Economic Community of West African States (ECOWAS),<sup>15</sup> voters were registered in 19,322 voter registration centers and through the deployment of 3,500 mobile registration kits. A total of 7,072 agents were mobilized throughout the country to collect identifying and biometric data for all eligible voters. As a result of insecurity in certain areas, notably the Tillabéri region, no voters were registered at 356 registration centers, representing 1.84 percent of voting centers.

As a result of this registration exercise, the CENI enrolled 7,446,556 voters, which includes 4,093,291 women and 3,353,265 men. This represents 76.36 percent of the estimated 9,751,462 eligible voters. The OIF/ECOWAS audit found this number to be satisfactory<sup>16</sup> and generally found the voter roll reliable;<sup>17</sup> however, several opposition coalitions have rejected the audit findings.<sup>18</sup>

## Where will votes be cast on Election Day?

Voters will cast their ballots at 25,978 polling stations across the country staffed by approximately 129,890 poll workers. According to the Electoral Code, a polling station must be established in any village or agglomeration with more than 300 eligible voters. The maximum number of voters assigned to each polling station is 500, except in nomadic areas, where the maximum number is fixed at 300. The

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<sup>14</sup> Elisher, S. (2018). "Defying the Odds? Nigerien Responses to Foreign and Domestic Security Challenges", West African Papers, No. 11, OECD Publishing, Paris. <https://doi.org/10.1787/104d1c6d-en>

<sup>15</sup> [https://www.ceniniger.org/wp-content/uploads/2020/09/PRE\\_FE\\_2020\\_09092020\\_V0.pdf](https://www.ceniniger.org/wp-content/uploads/2020/09/PRE_FE_2020_09092020_V0.pdf)

<sup>16</sup> [https://www.ceniniger.org/wp-content/uploads/2020/09/PRE\\_FE\\_2020\\_09092020\\_V0.pdf](https://www.ceniniger.org/wp-content/uploads/2020/09/PRE_FE_2020_09092020_V0.pdf)

<sup>17</sup> <https://www.rfi.fr/fr/afrique/20200911-niger-fichier-%C3%A9lectoral-jug%C3%A9-fiabile-oif-c%C3%A9d%C3%A9ao>

<sup>18</sup> <http://nigerexpress.info/2020/09/15/niger-40-partis-politiques-rejettent-laudit-du-fichier-electoral/>

distance between the location of any voter's residence and his or her polling station cannot exceed two kilometers, except in the case of citizens living abroad. The number of polling stations and voters per polling station is fixed by decree of the president of the *Commission Électorale Nationale Indépendante* in response to proposals from the administrative communes and after consultation with administrative, traditional and consular authorities.

## **Will there be out-of-country voting?**

The Electoral Code provides for out-of-country voting, notably by establishing polling stations in embassies and consulates. However, the audit conducted by the *Organization internationale de la francophonie* and the Economic Community of West African States notes that the Nigerien diaspora was not included on the voter roll.<sup>19</sup> There will be no out-of-country voting for this year's presidential election, in large part due to the COVID-19 pandemic, a decision that the Constitutional Court has accepted based on *force majeure*.

## **What COVID-19 prevention measures will be taken on Election Day?**

All polling officials, party agents, voters and observers will be provided with face masks at polling stations. In addition, the government of Niger has made wearing masks in public spaces mandatory as of December 11, 2020. However, the main challenge on December 27 will be the enforcement of this directive, as public acceptance of the mask mandate has been mixed.

## **What assistance will be provided to voters with disabilities on Election Day?**

In keeping with the Electoral Code, any eligible voter with a disability that prevents her or him from voting in person is authorized to be assisted by an eligible voter of his or her choice or by a worker at the polling station.

## **Who will observe the elections?**

Recognized international and national institutions are allowed to observe the elections. International organizations have to apply through the Ministry of Foreign Affairs, and media have to apply through the *Conseil supérieur de communication*. The application is subsequently endorsed and sent to the *Commission Électorale Nationale Indépendante* (CENI), which is ultimately responsible for accrediting election observers. The Nigerien National Police will assist the CENI with the verification of observers' identification and the issuance of badges. The U.S. Mission in Niger, African Union, Economic Community of West African States and the European Union are all expected to observe the December 27 polls.

## **How and when will the results be transmitted and published?**

According to the Electoral Code, counting begins immediately after the polls close and must be completed publicly, in the polling station and under the supervision of the president of the polling

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<sup>19</sup> [https://www.ceniniger.org/wp-content/uploads/2020/09/PRE\\_FE\\_2020\\_09092020\\_V0.pdf](https://www.ceniniger.org/wp-content/uploads/2020/09/PRE_FE_2020_09092020_V0.pdf)

station. Once the count is complete, the president of the polling station announces the results and posts them at the polling station. The results are recorded in the written report, which is then signed by the polling station workers and political party or candidate representatives. The reports are then transmitted according to the system put in place by the *Commission Électorale Nationale Indépendante* (CENI). The CENI intends to use satellite phones, emails and fax machines to transmit data for centralization at the national level.

According to the Constitution, the CENI is responsible for announcing provisional results, and the Constitutional Court is responsible for announcing final results once the adjudication of electoral disputes has been completed.

### **How will election disputes be adjudicated?**

According to the Electoral Code, all voters, candidates or political parties are allowed to allege the invalidity of an election. Claims must be addressed to the president of the Constitutional Court no later than 10 days after the transmission of results and announcement of provisional results by the *Commission Électorale Nationale Indépendante* (CENI). The Constitutional Court is responsible for communicating the claim to other candidates and political parties, which have five days to submit a brief. The Constitutional Court must process the complaint with 15 days unless the complaint involves the eligibility of a candidate, in which case it must process the complaint within 48 hours.

The Constitutional Court may, depending on the case, cancel the election or amend the proclamation of the CENI and proclaim the final result.

## Resources

- [Constitution de la VII<sup>e</sup> République](#)
- [Niger's Constitution of 2010 with Amendments Through 2017 \(English translation\)](#)
- Loi organique n°2017-64 du 14 août portant code électoral modifiée et complétée par loi 2019-38 du 18 juillet 2019 portant code électoral (Electoral Code of the Republic of the Niger)
- [Commission Electorale Nationale Indépendante](#) (CENI) website
- Loi organique n° 2014-71 du 14 novembre 2014, fixant le nombre de sièges de députés à l'Assemblée nationale
- Loi n° 2000-008 du 7 juin 2000 instituant le système de quota dans les fonctions électives, au Gouvernement et dans l'administration de l'Etat modifiée et complétée par les lois n° 2014-64 du 5 novembre 2014 et n° 2019-69 du 24 décembre 2019

## About IFES in Niger

Since 2018, the International Foundation for Electoral Systems (IFES) has been providing technical assistance and capacity-building support to Niger's *Commission Électorale Nationale Indépendante* through the "Niger Electoral Support Activity to Promote Peaceful Democratic Transitions Through Free, Transparent and Inclusive Elections" program funded by the United States Agency for International Development. IFES' support has included assistance on voter registration, strategic planning, training, dispute resolution, gender inclusion and public outreach.

## Disclosure

These FAQs reflect decisions made by the *Commission Électorale Nationale Indépendante* as of December 22, 2020, to the best of IFES personnel's knowledge. This document does not represent any IFES policy or technical recommendations.

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