Regional Workshop on Capacity Building in Electoral Administration in Africa

Nigeria’s Experience in Electoral Management

By: Alhaji SHEHU MUSA

Tangier
Morocco
24-28 September 2001
Contents Table

1. Brief History of Electoral Bodies in Nigeria .............................................. 1
2. Composition and Structure of INEC .......................................................... 2
3. Duties of the Commission ............................................................................ 2
4. Electoral Management ................................................................................ 3
5. Election Problems and Possible Solutions.................................................. 7
6. INEC/IFES Strategic Planning Retreat ..................................................... 9
7. Assistance from international organizations............................................. 10
Distinguished officials from the United Nations,
Officials of African Training and
Research Centre in Administration for Development,
Colleagues from various Electoral Commissions in Africa,
Representatives of Non Governmental organization and Civil Society,
Gentlemen of the Press,
Distinguished Ladies and Gentlemen.

It is a great pleasure for me and other delegates from Nigeria to be here in Morocco to participate fully in this workshop of importance to the elections and democratic process in Africa. The invitation to participate in this workshop came to the Nigeria’s Independent national Electoral commission at a period when efforts are being made to reposition it for more efficient management of the electoral process.

The objectives of this workshop which include sharing experiences and knowledge, strengthening skills, developing appropriate strategies as well as exploring ways of making elections cheaper and more credible are of utmost importance to us in Nigeria. I therefore congratulate the organizers of this workshop for inviting us to participate as well as present a paper on Nigeria’s Experience in Electoral Management.

In discussion the above topic, Ladies and gentlemen, I shall unveil, quite briefly the history of electoral bodies in Nigeria and expatiate on how the current organization, the Independent national Electoral Commission has performed its duties within the past few years. I shall then catalogue the various reform efforts and innovations aimed at enhancing our electoral system and conclude with our hopes for the future.

1.  Brief History of Electoral Bodies in Nigeria

The existence of electoral bodies in Nigeria dates back to the period before independence when the Electoral Commission of Nigeria (ECN) was set up by the British colonialists to conduct the 1959 elections. By the time Nigeria became politically independent in 1960, the Federal Electoral Commission (FEC) was established and conducted elections in 1964 and 1965. The Military coup d’état of 1966 led to its dissolution. In 1978 the then Gen. Olusegun Obasanjo’s Military administration established another Federal Electoral Commission (FEDECO) which conducted transitional elections in 1979 and general elections of 1983. Again, another military coup d’état in December 1983 terminated the Commission. In 1987, the Balangida Military Government set up the National Electoral Commission (NEC) which conducted election in 1987, 1990, 1991 and 1993. The activities of NEC reached its zenith in 1993 with the conduct of the controversial President election which was later annulled by the then military junta. NEC was dissolved on 17th November, 1993 with the coming into power of Abacha whose administration in 1995 established the National Electoral Commission of Nigeria (NECON) which also conducted local councils and national Assembly Elections. With the death of Gen. Sani Abacha in 1998, NECON was again dissolved by the new Government led by Gen. Abdulsalami Abubakar and the present Independent national Electoral commission (INEC) came into being in
August, 1998. Thus, the current electoral body in Nigeria is a successor to those electoral bodies which existed before and after independence.

2. **Composition and Structure of INEC**

The Independent national Electoral Commission (INEC) of Nigeria was established in August 1998. It comprises a Chairman and 12 National Commissioners two members being drawn from each of the six geopolitical zones of the country. The Chairman and members of the Commission are appointed by the President in consultation with the National Council of States comprising the President (Chairman), the Vice-President (Deputy Chairman), all former Presidents of the Federation and all former Heads of the Government of the Federation, all former Chief Justices of Nigeria, the President of the Senate, the Speaker of the House of Representatives, all the Governors of the State of the Federation; and the Attorney-General of the Federation. Also, the appointment of the members of the commission is subject to the confirmation by the Senate of the Federal Republic (Upper House of the national Assembly). It also has a Secretary who is the head of internal bureaucracy. He is appointed by the President.

The Commission has an office in each of the 36 States and the Federal Capital Territory. Offices are also maintained in all the 774 Local Government Areas. Each State Office of the Commission and Abuja, the Federal Capital is headed by a Resident Electoral Commissioner appointed by the President while the Local Government Area Offices are headed by Electoral Officers who are staff of the Commission. In its day to day administration, INEC operates through various departments which include Public Affairs, Research and Statistics, Logistics and Electoral Stores, Finance and Supplies, Legal Services, Personnel Management, Field Services and Estate and Works. There are also Units like Audit, Pensions, Security and Secretariat as well as the Information and Communication Technology Department under the Chairman’s office. The Commission has 16 standing Committees as shown in Annex I

3. **Duties of the Commission**

The Nigerian constitution confers on the Commission the powers to:

- organize, undertake and supervise all elections to the offices of the President and Vice President, the Governor and Deputy Governor of a State and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation;
- register political parties in accordance with the provisions of the constitution and an Act of the national Assembly;
- monitor the organization and operation of political parties including their finances;
- arrange for an annual examination and auditing of the funds and accounts of the political parties and publish a report on such examination and audit for public information;
- arrange and conduct the registration of persons qualified to vote and prepare, maintain and revise the register of voters for the purpose of any election under the constitution;
- monitor political campaigns and provide rules and regulations which shall govern the political parties;
• ensure that all electoral commissioners, Electoral and Returning Officers take and subscribe to the oath of office prescribed by law;
• delegate any of its powers to any Resident Electoral commissioner; and
• carry out such other functions as may be conferred upon it by an Act of the National Assembly.

With the introduction of the 1999 constitution of the Federal Republic of Nigeria, federating states were empowered to constitute State Independent Electoral Commissions:

• “to organize, undertake and supervise all elections to Local Government councils within the State;
• to render such advice as it may consider necessary to the Independent national Electoral commission on the compilation of and the register of voters in so far as that register is applicable to local government elections in that State”.

4. Electoral Management

At the inception of the Commission in August 1998, it was faced with the task of prudent management of resources in the conduct of the series of elections to usher in a democratically elected Government in 1999 which thereby ended 16 years of military rule in Nigeria.

The experience of the commission in successfully conducting the series of elections has subsequently become a viable reference point in its future plans. For the purpose of this paper, however, I shall restrict myself strictly to the management of elections and the process that has been evolved.

Party Formation and Registration

One of the first tasks facing the Commission upon inauguration was the formation and registration of political parties. After due consultations with the wide spectrum of political associations seeking registration as political parties, guidelines were formulated to ensure that only those of them with nationwide appeal would be registered. In pursuance of this objective therefore, each of the political associations was required to furnish with its completed application forms for registration the following information and documents:

• A short profile of the association;
• Twenty printed copies of the association’s constitution;
• Twenty printed copies of the association(s manifesto;
• Evidence of payment of the prescribed N100,000 to the Commission equivalent of 1000 US dollars (at the exchange rate prevailing).

Both the constitution and manifesto of a political association should disclose the association’s goals, objectives, development strategies and economic, social and technological agenda as well as its internal administrative rules and regulations.
In order to discourage the emergence of political parties based on primordial ties, the guidelines provided that a political association would be recognized and provisionally registered by the Commission only after it had established offices within a specified period in at least 24 states of the Federation. It also required that the name, motto, and other symbols, emblem etc of an association should not have any ethnic religious, professional or other sectional connotations or give the appearance that its activities were confined only to a part of Nigeria. Annex II contains the stipulated conditions for provisional registration.

Out of a total of 268 political associations that attended the meeting called by the Commission for consultations, only 31 paid the prescribed non-refundable fee for application forms. The number of associations further narrowed down as only 26 beat the Commission’s deadline for return of completed application forms with all the required documents and information.

Based on the submission of these political associations, the Commission carried out a verification exercise to establish the claims made by the associations with regard to their organizational strength and presence across the country as stipulated in the guidelines. The result of the verification exercise showed that most of their claims were spurious and could not be established. At the end, only nine political associations were granted provisional registration.

In order to attain full registration, the Commission stipulated in the guidelines that a political association recognized and granted provisional registration would automatically lose its recognition and have its provisional registration certificate withdrawn by the commission if it failed to poll 10 percent of the total number of votes cast in each of at least 24 states of the Federation at the first nationwide Local Government Council elections conducted by the Commission. This meant that only political associations that met this condition were granted full registration as political parties. Thus, for the first time in the contemporary political development of Nigeria, registration of parties was subjected to the will of the Nigerian electorate.

Furthermore, in order to foster multi-party democracy in Nigeria, the Commission made provision for the registration of a minimum of three political parties whether or not they all fully met those conditions. However, based on further consultations with the political associations, the minimum percentage of votes was later reduced to 5. In the light of the foregoing and consequent on the performance of the political associations at the December 5, 1998 Local Government Council polls, three of the nine provisionally registered political parties were granted full registration as follows:

1. Alliance for Democracy (AD);
2. All Peoples Party (APP);

Compilation and Maintenance of the Voters’ Register

In Nigeria, like many other countries, the Voters’ Register is regarded as a very important document in the conduct of elections. The Register is subsequently revised for the purpose of any election to include those who have turned 18, the returnees, those who changed locations and those who for reason of ill health were not available during the last registration exercise.
For any person to be qualified to register, he must be a Nigerian citizen who is resident in Nigeria and has attained the age of 18 years. He must also be ordinarily resident in the area where he seeks to be registered.

The officials involved in registration include Registration Officers (ROS), Assistant Registration Officers (AROS) and Supervisory Assistant Registration Officers (SAROS). One Registration Officer and two Assistant Registration Officers are engaged in each registration center while a Supervisory Registration Officer supervises ten registration centers.

Registration is undertaken in One Hundred and twenty thousand (120,000) centers nationwide. These centers eventually become polling stations at election time. During registration of voters which normally spans two weeks, eligible voters are required to physically present themselves at the centers. At the end of compilation of the preliminary list, it is then displayed in each center for three days. The display allows for claims and objections by citizens. Subsequently, the Register is fine-tuned and a final copy produced. As a general practice only 500 voters are registered in any given registration center. Where more than 500 get registered, the registration center for election purposes is split into two polling stations manned by two sets of Polling Officers to ensure that all registered voters have enough time to cast their votes.

**Conduct of Elections**

The conduct of elections in Nigeria is usually in three phases pre-election activities, election day and post-election events.

**Pre-election activities**

These include activities undertaken by both the Commission and the Political parties. The parties are required to hold primaries to select their candidates for elective positions after which their lists are presented to the Commission for screening and clearance. Screening is only to determine eligibility of candidates by scrutinizing their credentials and other relevant papers in accordance with the electoral guidelines on their candidature.

These regulations include the following:

1. for the office of President of Nigeria, a person is qualified for election if he is a Nigerian citizen, he has attained the age of 40 years, he is a member of a political party and is sponsored by that party and has been educated up to at least School Certificate level;

2. for the National Assembly, a person is qualified for election if he is a Nigerian citizen, has also been educated up to at least school certificate, he is a member of a political party and sponsored by that party and in respect of the Senate, he is up to thirty five years (35) while for the House of Representatives, he is up to thirty years (30);

3. for the office of Governor of a State in Nigeria, a person is qualified if he is a citizen by birth, is up to thirty-five years (35), is a member of a political party which sponsors him for the election and is educated up to at least school certificate;
4. for House of Assembly of a State, a person is qualified for election if he is also a citizen, up to thirty years, educated to school certificate level and is a member of a political party (for sponsorship);

5. for Local Government Elections, a person is qualified if he is a citizen, educated up to School Certificate level, is sponsored by his political party and in the case of Councillorship position, he has attained the age of 25 years while for Chairmanship election, he has attained 35 years.

In all cases persons would not qualify to stand election if any of the conditions listed in Annex III apply to him.

The conditions enumerated above form the main issues during screening of candidates. Those candidates who fulfill these conditions are cleared to contest elections. The candidates are allowed to campaign up to 12 hours before an election time.

Pre-election activities also include sourcing and training of the ad-hoc electoral personnel. These ad-hoc personnel are trained after appointment. They are:

1. Poll Clerks;
2. Poll Orderlies;
3. Presiding officers;
4. Supervisory Presiding Officers;
5. Collation Officers;
6. Returning Officers.

In addition, the Commission procures and distributes election materials to all election certes Nationwide. These are categorized as sensitive and non-sensitive materials. The non-sensitive materials: ballot boxes, documentation forms, inks, stamps, pads etc are distributed the day before Election Day while the sensitive materials: ballot papers and the various statement of result of poll forms are distributed on election day but before or by the hour the voting officially commences.

Election Day in Nigeria

Going by “Option A4 and Modified Open Ballot System” (Annex IV) used in recent election, activities begin in polling stations at 8.00 am with accreditation of voters. This lasts till 11.00 am or when the last voter present at 11.00 am is accredited. The Presiding Officer at each center checks the name and numbers on each voter’s card against the Register. At the end of accreditation the number of voters accredited is documented.

Voters who are accredited are required to wait at the voting center till the time voting begins. Between 11 and 11.30 a.m. post accreditation activities take place during which the Presiding Officer explains the voting procedure to voters, shows them symbols of parties once more, and displays the empty transparent ballot box to voters. Conduct of poll lasts between 11.30 am and 2.30 pm during which voters are expected to cast their votes in secret and insert in the
transparent ballot boxes in full view of all including representatives of Political Parties as well as national and International Observers.

At the end of poll, the votes are sorted and counted at each polling station and the results documented. Copies of the results are made and given to party agents and the police. Collation is done at the relevant collation centers and Returning Officers have the responsibility to announce the final results and declare winners.

5. Election Problems and Possible Solutions

Generally speaking, electoral administration world over is fraught with one problem or the other. In developing democracies in particular, these problems are more pronounced because most of the processes are manually carried out. Nigeria, being one of the developing democracies is also faced with such problems, some of which are:

Problems encountered during Voter Registration

One of the building blocks of a free and fair election is the compilation of an authentic Voter’s Register. Nigeria’s experience during such an exercise has been that of multiple registration. This has been as a result of the collusion between the Registration Officials and Politicians. Again it was observed during the last few years of voter registration exercises that registration cards were not enough to go round even though enough had been issued to the officials for the two weeks stipulated for the exercise. It is suspected that registration officials sell most of the booklets of registration cards to the politicians and the few booklets that would remain were used for the few lucky prospective registrants that would show up within the first few days of the commencement of the exercise. Thus, artificial scarcity is created as multiple registration ensues unabated.

The commission has over the period considered these problems and worked out necessary antidotes. The first decision was to jettison the existing register which was used for the transitional elections and compile a new Register possibly in November this year for the elections in 2002 and 2003. Consequently, adequate arrangements are being made by the Commission to fully computerize the register. To this end, the Commission has acquired and installed a number of computers in its Headquarters and each of its 36 State offices and the Federal Capital Territory, Abuja. The features of the computerized register include:

- Ensuring that the thumbprint and possibly the photograph of each eligible voter are captured into the voters’ database.
- Searching out duplicate names arising from multiple registration.
- With the system, those who attain the voting age of 18 years or who have changed neighbourhoods could easily approach the electoral officials and get their names inserted in the register. For those changing neighbourhoods, their names could easily be erased from the register of their former places and transferred to their new locations since the system will be integrated into a network.

Also steps are being taken the ad-hoc personnel (supervisory Registration Officers) on the new system.
The current register of voter has a total of Fifty Seven Million, Nine Hundred and Thirty Eight Thousand, Nine Hundred and Forty Five voters listed (57,938,945).

Problems encountered during the conduct election

For elections, the major problems revolve around the following:

- Logistics of distributing materials to centers all over Nigeria. As you are aware Nigeria covers a total geographical area of 923,768 square kilometers. So the production and distribution of materials within a time frame has been a problem.

- Election malpractice like multiple voting has been identified as one of the problems during an election in Nigeria.

- Election violence aimed at disrupting either voting in an opponent’s stronghold or collation of results has also been a common feature in a typical election day in Nigeria.

- So much trust has been placed on the ad-hoc personnel to do the right thing but unfortunately, some of them are being bribed by politicians to the effect that if the number of accredited voters in a center is say 78, on return of election results to the counting center, the figure would have been fraudulently changed to 478 as the number accredited. This is because the politicians collude with some officials of the Commission to appoint their own loyalists as presiding Officers in order to perfect the rigging in favour of that party.

- In Nigeria, just like in other developing countries, vote counting is still manual. This is known to be prone to rigging of election results as the officials collude with politicians to perfect that act.

- Non-availability of means of communicating the results from the rural areas to the state Headquarters has resulted in election results taking 24 hours or more before getting to the state headquarters within which some manipulations could take place.

To eliminate these problems,

- Employing high caliber staff as ad-hoc officials. For example, Vice Chancellors and Rectors as well as University lecturers served as Returning Officers in the last transitional elections. Effort are being made to ensure that Presiding Officers and Poll Clerks are also drawn from the high level cadres of the public service.

- The Commission introduced a form for recoding the number of accredited voters which must be filled at the end of accreditation in each polling station by all Presiding officers and countersigned by poll agents of the contestants. The aim is to ensure that the number of registered voters does not exceed that of those accredited. A disparity between the two could lead to the cancellation of the result of the affected center. This was used during the last Presidential election.

- Education of the citizenry against election violence, especially its bad effects and also the penalties.
• The possible use of national identity cards (when introduced by Government) to crosscheck the identities of voters and stamp out impersonation.

• Distribution of all election materials to tall Local Government offices of the Commission a day before any election to forestall late arrival of materials.

• Embarking on massive enlightenment campaign on election procedures to eradicate voter ignorance.

• Installation of modern communication system for effective data communication between Local Government offices with respective State offices.

• Adequate monitoring of elections to ensure compliance with laid down regulations, resolve conflicts where they arise and undertake on the spot assessment of events which could provide clues for other future plans.

6. INEC/IFES Strategic Planning Retreat

As one of those efforts geared towards enhancing the Commission’s performance in future electoral activities, a strategic planning retreat was organized in collaboration with IFES between the 22nd of March, 2000. The result of 10-month processes of review, study and deliberation is the strategic plan to guide the Commission for the next three years leading to the 2003 Federal and State elections.

The Commission has committed itself to an ambitious programme which will improve both election process in general as well as its management.

The Draft Electoral Bill

Flowing from this, the Commission prepared and presented an electoral bill to the national Assembly for enactment into law. The bill which is divided into 7 parts if finally passed into law, has the following features:

• makes provision for registration of voters;

• also makes provision for procedure at elections;

• registration of political parties;

• elections to local Government councils-this provision is necessary in order to harmonize elections to Local Government Councils in view of the fact that conduct of elections to such Councils is to be undertaken by the State Independent Electoral Commissions;

• electoral offences;

• determination of election petitions arising from elections under this Act;

• miscellaneous – covers things like loss of registration cards, trial of offences, election expenses etc.
Political Parties Consultative Forum

The forum provides for frequent consultation with political parties to examine among other things the issues of party formation, registration and funding. Accordingly, a political parties Consultative Forum was established early July, 2001. One of the items on the agenda of the forum is adoption of a code of conduct to govern election campaigns and election day activities.

7. Assistance from international organizations

Ladies and Gentlemen, I must place on record the assistance the Commission has been receiving from some international organizations geared towards contributing to its operational efficiency.

The International Foundation for election Systems (IFES) in realization of the benefits of IT in election management and therefore in training and re-training It staff to keep abreast with recent advances in Information Technology, undertook the training of the commission’s IT personnel on Windows NT in the year 2000. Again, early this year, another computer training was undertaken for the Commission IT personnel. This time, it was on SQL Server and Visual Basic. Yet another training for Electoral Officers was undertaken shortly after the former. Many more areas of assistance are being put in place for the Commission by the organization.

The European Union, in the same spirit of improving election administration in Nigeria, when in the year 2000 donated a number of computer systems, vehicles, motor-cycles and accessories to the Commission as well as carrying out computer training for the staff of the Commission. Similarly, the EU in collaboration with UN is assisting the commission in the area of Civic Education on the importance of democracy.

In the same vein, the Commission worked jointly with a team of international election experts to conduct a post-election needs assessment exercise. Again, coordinated by the International Foundation for Election Systems (IFES), the assessment drew from the experience gained by the Commission and its staff, both permanent and temporary, in the conduct of the 1998-1999 transitional elections and looked to the future by examining the needs of the Commission as the main agent to democracy in Nigeria. The objectives of this assessment were (1) to assist the Commission in further strengthening its ability to conduct credible elections; and (2) to inform both the Nigerian government and the international donor community of the potential need for assistance in some areas to enable the Commission to further meet its responsibility as an independent and permanent election authority.