

**INEC AND THE ADMINISTRATION OF ELECTIONS IN NIGERIA'S FOURTH REPUBLIC:  
THE 2015 GENERAL ELECTIONS IN PERSPECTIVE**

**By**

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**ABSTRACT**

Prior to the 2015 general elections in Nigeria, INEC had conducted four quadrennial general elections from 1999-2011; and in a comparative study of 12 major steps in the election administration process, it was established that voter registration and campaign regulation were the weakest “links” in the series of activities involved in the election administration process. This paper examines these two key steps (voter registration and campaign regulation) in the 2015 electoral process vis-à-vis the 1999-2011 election administration process with a view to understanding the trajectory of election administration in Nigeria and the role INEC is playing in the consolidation of democracy in the country. Following the identification of a conceptual and theoretical context for understanding the election administration process, the paper demonstrates that while the continuous voter registration exercise for the 2015 general elections recorded remarkable improvements from INEC’s past experiences, campaign regulation continues to be a highly problematic aspect of the country’s election administration process.

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## **INTRODUCTION**

The process of election administration in many “new democracies” continues to generate a lot of controversy; particularly with regards to the level of independence of Election Management Bodies (EMB’s), their professionalism and the acceptability of the elections they conduct. In Nigeria -Africa’s largest “democracy project”, the election administration process since the country gained political independence from the British has always resulted in controversy and crisis; arising mostly in part from the perceived collaboration of EMB’s with the successive military and civilian regimes of the country’s post-independence era. The implication is that the history of election administration in Nigeria has been a history of controversy engendered by electoral malpractices.

A total of six different EMB’s were established at various times to conduct the successive elections that have taken place in Nigeria’s post-independence history. Indeed, as Agbaje and Adejumobi (2006:2) notes: “over the years, the autonomy and capacity of EMBs in Nigeria have been suspect as reflected in its endless renaming and restructuring by successive governments”. In 1959 the Electoral Commission of Nigeria (ECN) conducted the first nationwide elections which ushered in Nigeria’s first republic. The ECN which was composed of largely expatriate British administrators was replaced in 1964 with the Federal Electoral Commission (FEC). Following a highly contested general election conducted by the FEC in 1964/65, and other existing political problems, the first republic was toppled in a military coup in 1966 and the FEC was dissolved. By 1978 another Federal Electoral Commission (FEDECO) was established by the outgoing military regime of General Olusegun Obasanjo. FEDECO conducted the 1979 elections

that ushered in Nigeria's second republic. However, FEDECO was also dissolved in 1983 by the military administration of General Muhammadu Buhari following a highly controversial election conducted in 1983. By 1987, the Babangida administration also dissolved FEDECO and established the NEC. In what was described as a "transition without end" NEC conducted the 1992/93 elections but was also dissolved in 1993 following the annulment of the 1993 Presidential election results and the exit of the Babangida administration. In 1994 the Abacha administration established the National Electoral Commission of Nigeria (NECON). NECON conducted elections from the local governments up to the national assembly level; but was also abolished following the death of General Abacha and the emergence of the General Abubakar administration in 1998. The General Abubakar Abdulsalami regime established the current Independent National Electoral Commission (INEC) which has conducted an unprecedented number of five quadrennial general elections in Nigeria from 1999 to 2015. While INEC is the longest serving EMB in Nigeria's political history, the elections it has conducted has generated varying degrees of controversy and violent conflicts; particularly at the Presidential level.

The 2015 Presidential elections conducted by INEC was historic for two major reasons. First, the introduction of an electronic accreditation process in spite of challenges encountered, seemed to have remarkably increased the credibility of the country's election administration process. Secondly, it was the first time in the history of the country that an incumbent President will lose elections and conceded defeat to the opposition. Yet, the 2015 general election administration process as in the previous 4 general elections held from 1999 to 2011 was not without controversy. Political

campaigns in the pre- election period were often heated and non-issue based. In several states across the country, the pre-election period therefore recorded varying degrees of election related violence. Indeed, the election was generally, described as the most keenly contested election in the history of Nigeria. The INEC itself came under severe criticisms for the decision to introduce an electronic accreditation process which critics described as too premature, given the country's poor state of infrastructure particularly with regards to power supply.

Against the foregoing background a number of issues concerning INEC's performance in the administration of the 2015 general elections are germane. What are the basic steps in the election administration process? Which of these steps have been the most controversial and problematic aspects of the elections conducted by INEC from 1999-2011, and how has INEC fared in the administration of the 2015 general elections? Interrogating these issues are critical for understanding the trajectory of election administration in Nigeria and the role INEC is playing in the consolidation of democracy in the country. The paper is divided into four sections. Following this introduction is an examination of the concept of election administration. The third section of the paper examines the theoretical foundations of the concept of election administration. In the fourth section, INEC's administration of the 2015 electoral process vis-à-vis the 1999-2011 general elections is examined, while the fifth section is the conclusion.

## **THE CONCEPT OF ELECTION ADMINISTRATION**

The term "election administration" appears nebulous due to the complex set of activities inherent in the concept. Yet, a critical examination of its meaning firmly establishes it as an empirical category. Election administration as Jinadu notes entails

“the organization and conduct of elections to elective (political) public office by an electoral body (Jinadu 1997:21). This definition Jinadu aptly notes subsumes both structure and processes. By structure is meant the bureaucracy that is set up or established to organize and conduct elections which is usually an electoral body like INEC. It should be noted however, that apart from this specific bureaucracy whose primary function is the administration of elections, there are agencies or institutions like the police, security agencies and civil society organizations (CSO’s) whose support and cooperation through the provision of logistical support is vital to the operation of the electoral body. By process however, is meant the rules, procedure and activities relating to among others: the establishment of electoral bodies, the appointment of their members, selection and training of electoral officials, constituency delimitation, voter education, registration of political parties, registration of voters, the nomination of candidates, balloting, counting of the ballots, declaration of results, and in some cases supervision of party nomination congresses (Jinadu, 1997:22).

In another submission, election administration is defined as the management; and process of organization of all stages of an electoral cycle (i.e. the pre-election, election and the post- election stages,) by an electoral body (Ajayi, 2007:12).

In spite of the fact that the foregoing definitions of election administration suggest the existence of an independent electoral body upon which the administration of elections is incumbent, it should be noted that experience in some countries across the globe indicate that election administration is not necessarily incumbent on an “independent body”. Indeed, despite the popularity of independent EMB’s across the globe, in some countries; particularly amongst the advanced democracies of the west, election

administration is the responsibility of government agencies which have developed a tradition of independence in the administration of elections. However, the import of the two definitions of election administration outlined above lies in the exposition of the electoral administrative process as a structure, as well as a complex set of highly inter-related activities; and not just an activity- polling- as is sometimes misconstrued.

In his submission, Kurfi (2005) identified nine key elements of election administration. Table 1 below is indicative.

**TABLE 1: KURFI’S STEPS IN THE ELECTION ADMINISTRATION PROCESS**

Steps In The Electoral Administration Process
1. Delimitation or the carving out of electoral districts
2. Compilation of voters register or electoral roll
3. Establishment and equipment of polling stations and polling booths
4. Recruitment, training and deployment of electoral officials
5. Logistics: involving the procurement, distribution and retrieval of a host of Electoral materials and equipment
6. Canvassing for votes
7. Registration of nominations and appointment of polling agents
8. Casting the ballot
9. Counting of votes and declaration of election results

*Source: Adapted From Kurfi (2005) Nigerian General Elections: My Roles And Reminiscences, Spectrum Books, Ibadan. P.34-36*

Table 1 captures some important steps in the election administration process yet, it is not comprehensive; as the structural dimension of election administration and other post- election related issues which have significant implications for the consolidation of democracy have been ignored. In a more comprehensive submission, Elklit and Reynolds (2000) subdivide election administration into twelve basic steps as in table 2.

**TABLE 2: ELKLIT AND REYNOLDS STEPS IN THE ELECTION ADMINISTRATION PROCESS**

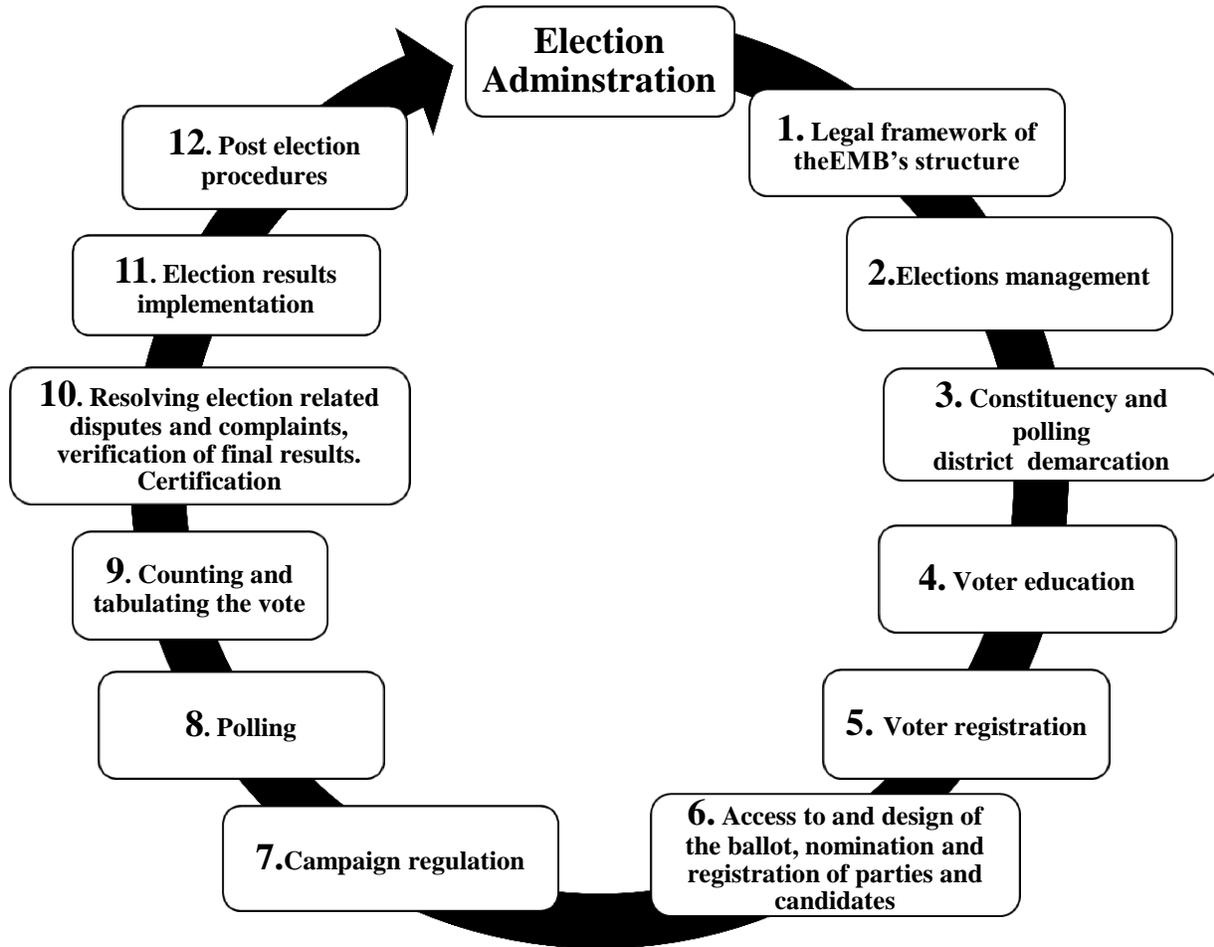
<b>Steps in the Election Administration Process</b>	<b>Important Element In Step</b>
1. Legal framework of the EMB's structure	<ul style="list-style-type: none"> <li>➤ Constitutional /legal basis</li> <li>➤ Rules and regulation</li> <li>➤ Seat allocation system (i.e. method of composition of electoral commissioners)</li> </ul>
2. Elections management	<ul style="list-style-type: none"> <li>➤ Electoral commissions appointment and independence, including terms of tenure</li> <li>➤ Commission/administration relationship</li> <li>➤ Method of allocation of resources</li> </ul>
3. Constituency and polling district demarcation	<ul style="list-style-type: none"> <li>➤ Relevant body identified and active (i.e which body is responsible for constituency and polling district demarcation)</li> <li>➤ Principles for delimitation identified</li> <li>➤ Rules about automatic periodical revision</li> <li>➤ Adequate resources available</li> <li>➤ Rules for handling complaints in place</li> </ul>
4. Voter education	<ul style="list-style-type: none"> <li>➤ Timing</li> <li>➤ Quality</li> <li>➤ Outreach</li> <li>➤ Adequate resources available</li> <li>➤ Relationship between electoral commissions efforts and efforts by parties and NGO's</li> </ul>
5. Voter registration	<ul style="list-style-type: none"> <li>➤ Automatic or voluntary registration</li> <li>➤ Appointment and training of registration personnel</li> <li>➤ Adequate time for registration and access to registration stations</li> <li>➤ Rules for public scrutiny of voters register</li> <li>➤ Complaints procedure</li> </ul>
6. Access to and design of the ballot, nomination and registration of parties and candidates	<ul style="list-style-type: none"> <li>➤ Registration of parties/ candidates</li> <li>➤ Rules about independent candidates</li> <li>➤ Mechanism for ballot paper access</li> <li>➤ Ballot paper design</li> </ul>
7. Campaign regulation	<ul style="list-style-type: none"> <li>➤ Spending rules</li> <li>➤ Public funding of party expenditure/ campaign costs</li> <li>➤ Access to public media</li> <li>➤ Rules for meetings and rallies</li> <li>➤ Codes of conduct</li> <li>➤ Rules for handling of violations of codes of conduct and campaign regulations</li> </ul>

8. Polling	<ul style="list-style-type: none"> <li>➤ Plan for distribution and location of polling places</li> <li>➤ Appointment and training of polling station personnel</li> <li>➤ Procurement of polling materials</li> <li>➤ Polling observation by representative of political parties and candidates as well as by local and international observations</li> <li>➤ Security and integrity of polling</li> <li>➤ Clear rules for assistance to incapacitated voters</li> </ul>
9. Counting and tabulating the vote	<ul style="list-style-type: none"> <li>➤ Counting procedures established ( including whether to count at polling station level or at counting centers)</li> <li>➤ Availability of counting results to party agents and others at the lowest level of counting immediately after completing the count</li> <li>➤ Access for interested parties to observe the count and request a recount</li> </ul>
10. Resolving election related disputes and complaints, verification of final results. Certification	<ul style="list-style-type: none"> <li>➤ Provisions for special electoral courts and/ or adjudication system</li> <li>➤ Time limits for handling election disputes and complaints</li> <li>➤ Verification of the final results verified</li> <li>➤ Certification of the election</li> </ul>
11. Election results implementation	<ul style="list-style-type: none"> <li>➤ Procedures for taking office</li> </ul>
12. Post-election procedures	<ul style="list-style-type: none"> <li>➤ Provisions for publication of election results at all levels of electoral administration</li> <li>➤ EMB subject to ordinary accounting</li> </ul>

*Source: Adapted from Elklit .J and Reynolds A. (2000), The impact of electoral administration on the legitimacy of emerging democracies: A New Research Agenda, in Commonwealth and Comparative Politics, Vol. 11No 1, Pg86-119*

The twelve steps identified in table 2 constitute the most basic steps of any electoral cycle; and the high degree of interconnectedness as well as the sequential nature of the steps may graphically be illustrated as in figure 1.

**FIGURE 1: A GRAPHIC ILLUSTRATION OF THE STEPS IN THE ELECTION ADMINISTRATION PROCESS (AN ELECTORAL CYCLE)**



*Source: Moveh .D.O (2012), The Impact of Election Administration on Nigerian Democracy: A Study of the Structure and Process of Nigerian Presidential Elections (1999-2011), Un-published PhD thesis, Department of Political Science and International Studies, Ahmadu Bello University, Zaria. Pg. 17*

While steps 1 and 2 in figure 1 has to do largely with the structure of election administration, steps 3 to 12 comprises the steps involved in the actual process of conducting election and other post polling procedures. The chronological arrangements of the step of the election administration process in figure 1 also highlights the sequence of activities of the major stages of the electoral cycle: steps 3 to 7 captures activities involved in the pre-election period, step 8 captures the major activity of the election stage, while steps 9-12 captures the activities involved in the post-election period.

Due to the emphasis on not just the structure of election administration but also on the major activities involved in the major stages of the electoral cycle (i.e. the pre-election, election and post-election stages); the electoral administration process depicted in figure 1 is more comprehensive. Indeed, the practicality of this model in understanding the trajectory of Nigeria's election administration process was demonstrated by Moveh (2012), in his empirical and comparative study of the four Presidential elections conducted by INEC prior to the 2015 elections.

### **ELECTION ADMINISTRATION IN A DEMOCRATIC CONTEXT: A THEORETICAL EXPLICATION**

Of all theories of democracy, only the liberal version emphasizes a direct linkage between the quality of the election administrative process and the qualification of a regime as democratic. The issues raised in this paper are therefore interrogated within the context of liberal democratic theory. The origin of liberal democratic ideas can be traced to as far back as the 17<sup>th</sup> century when the importance and dignity of man came to be recognized. The ideas of Thomas Hobbes (1588-1679), John Locke (1632-1704) and John Stuart Mill (1806-1873) which emphasized the view that: all social institutions were for the betterment of man as an individual, laid the foundation for the development of liberal democratic thinking. Hobbes for example put forward the proposition that the state was created by the people through a social contract for the preservation of man's personal interests. Locke also made his contribution to the theory of liberal democracy by regarding the consent of the people as the basis of political power. His contention was that political power was the trust of the people in the hands of government. The ideas of Locke were clarified and given practical shape by the thinkers of succeeding centuries such that by the 19<sup>th</sup> century, systematic ideas in the liberal theory of democracy had begun to develop. Bentham and Mills (2000:813) for example advocated the right to vote and representative

government, thereby laying the theoretical foundation of adult franchise. By the 20<sup>th</sup> century, the liberal theory of democracy was strengthened on account of the extension of franchise to women and lowering the age of voting to 18years thereby making liberal democracy more egalitarian.

In his submission Ball (1989:43), identified the characteristics of liberal democratic theory to include the following: that there is more than one political party competing for political power, that competition is open and not secretive, it is based on established and accepted procedures, entry and recruitment to positions of political power are relatively open, there are periodic elections based on universal suffrage, civil liberties are recognized and protected e.t.c.

Indeed, from the foregoing, it is evident that elections are no doubt a “critical part of the democratic process” (Woll, 1978:13); and all other variables of democracy do not just “revolve around elections” (Almond, Powell, Strom and Dalton, 2004), but on the quality of the electoral process. While the forerunners of liberal democratic theory like Hobbes and Locke may not have explicitly explicated the relationship between elections and democracy, their works laid the foundation for subsequent democratic theorists whose works have demonstrated the inextricable link between the quality of the election administrative process and the qualification of a regime as democratic. Schumpeter (1975) for example noted that democracy is a political method- that is: “a certain type of institutional arrangement for arriving at political – legislative and administrative- decisions”. Schumpeter further defines the democratic method as:

That institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the peoples vote (Schumpeter, 1975:214).

However, Schumpeter does not stop at this; he goes on to clarify that: “the kind of competition for leadership which is to define democracy entails a “free competition for a free vote”

(Schumpeter 1975: 217). Similarly, Przeworski defines democracy as “a regime in which governmental offices are filled as a consequence of contested elections” (Przeworski, 1996:43). He suggests further that only “if the opposition has the chances of winning and assuming offices is a regime democratic” (Przeworski, 1996:46). In his own submission, Huntington asserts in the Schumpeterian tradition and defines democracy as:

A political system that exists to the extent that its most powerful collective decision makers are selected through fair, honest and periodic elections in which candidates freely compete for votes, and in which virtually all the adult population is eligible to vote (Huntington, 1991:12).

Huntington also adds like Schumpeter that democracy also implies the existence of those civil and political freedoms to speak, publish, assemble and organize that are necessary to political debate and the conduct of electoral campaigns. Di Palma also notes that:

Democracy is premised on free and fair suffrage in a context of civil liberties, on competitive parties, on the selection of alternative candidates for office and on the presence of political institutions that regulate and guarantee the roles of government and opposition (Di Palma, 1990:16).

In another famous submission Dahl states that polyarchy consists of the following traits: (1), elected officials: that is, control over government decisions about policy is constitutionally vested in elected officials. (2), free and fair elections. (3) Elected officials are chosen and peacefully removed in frequent and fairly conducted elections in which coercion is comparatively uncommon. (4) Right to run for office for practically all adults. (5) Freedom of expression. (6) Alternative information including that alternative source of information exists and is protected by law. (7) associational autonomy- that is to achieve their various rights, including those listed above citizens also have a right to form relatively independent associations or organizations including independent political parties and interest groups (Dahl, 1989:81). The

foregoing definition by Dhal as O Donnell (2001) notes, stipulates some attributes of elections (clause 1-4) and lists certain freedoms deemed necessary for elections to be democratic that are dubbed as primary political rights which are integral to the democratic process (clause 5-6).

Building upon the foregoing definitions of democracy and its crucial element of elections O Donnell notes that:

In a democratic regime elections are competitive, free, egalitarian, decisive and inclusive and those who vote are political citizens- that is; they also have the right to be elected (O Donnell, 2001:21).

O Donnell continues: “if elections are competitive, individuals face at least six options: vote for party A, vote for party B, do not vote, vote in blank, cast an invalid vote or adopt some random procedure that determines which of the preceding options is to be followed (O Donnell, 2001:23). Furthermore, the competing parties (at least two) must have a reasonable chance to let their views known to all potential and actual voters. In order to be a real choice, the elections must also be free in that citizens are not coerced when making their voting decisions and when voting. In order for elections to be egalitarian, each vote should count equally, and be counted as such without fraud irrespective of the social position, party affiliation or other qualifications of each one. Finally, O Donnell notes that elections must be decisive in several senses. One, those who turn out to be winners attain incumbency of the respective governmental roles. Two, elected officials based on the authority assigned can actually make the binding decisions that a democratic, legal and constitutional framework normally authorizes. Three, elected officials end their mandates under the conditions stipulated by the same framework that brought them to power (O Donnell, 2001:24).

While the foregoing postulations on the election administration process and democracy have generally been labeled “minimalist and institutionalist”, due to the emphasis on the

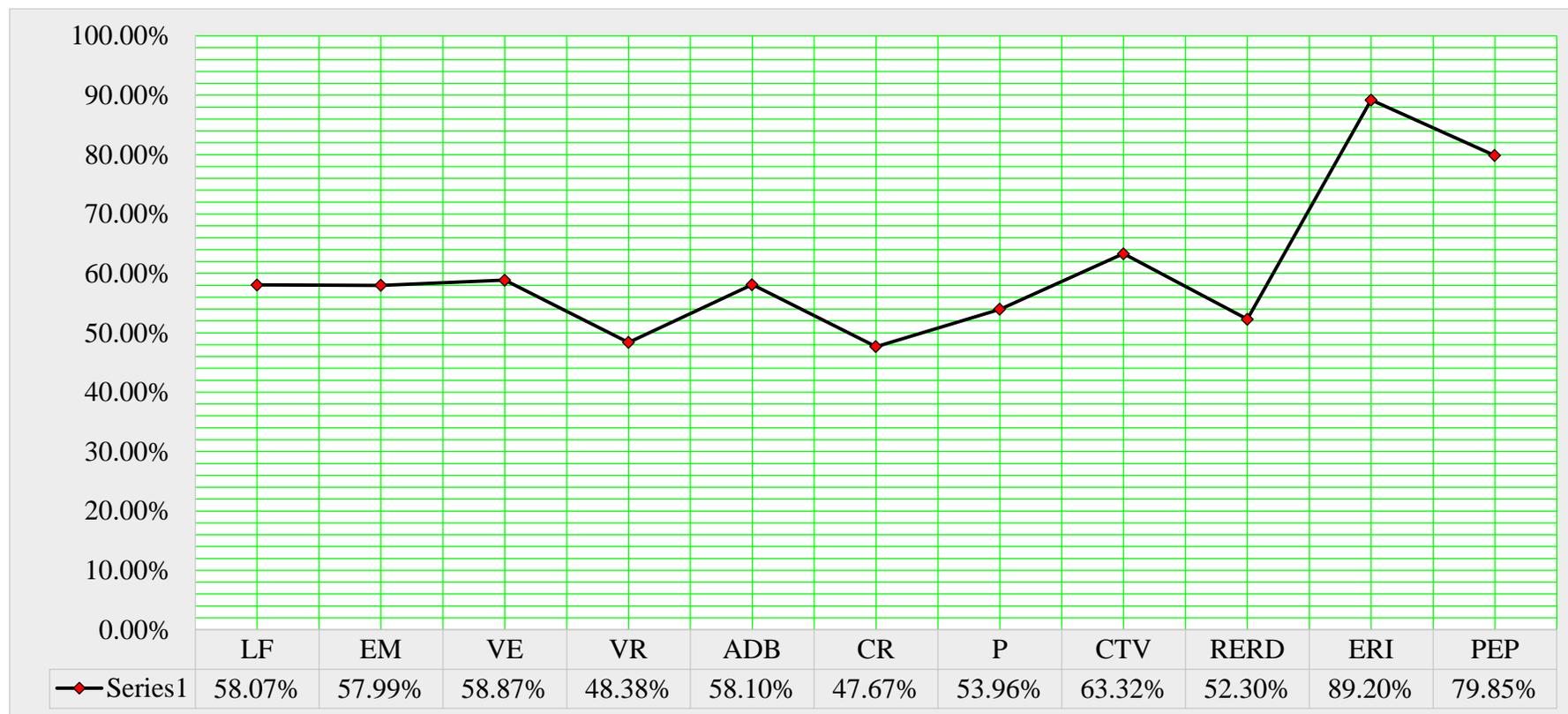
“qualities” of the electoral process for the qualification of a regime as democratic, the arguments are not misplaced; given the primacy of the quality of election administration for the qualification of a regime as democratic.

## **INEC AND THE ADMINISTRATION OF ELECTIONS IN NIGERIA: THE 2015 ELECTION ADMINISTRATION PROCESS IN PERSPECTIVE**

As noted in the introduction, this paper builds on INEC’s experiences with election administration from 1999-2011. The 2015 Presidential elections administration process is examined in the light of INEC’s performance in the previous four Presidential elections it has conducted.

In a comparative empirical study of the earlier identified steps of election administration in Nigeria’s 1999 to 2011 Presidential elections, Moveh (2012) summarizes the cumulative ratings of the step in all four Presidential elections conducted by INEC prior to the 2015 elections as in figure 2.

**FIGURE 2: CUMMULATIVE RATINGS OF STEPS IN NIGERIA'S PRESIDENTIAL ELECTION ADMINISTRATION PROCESS (1999-2011)**



**Source:** *Moveh .D.O (2012), The Impact of Election Administration on Nigerian Democracy: A Study of the Structure and Process of Nigerian Presidential Elections (1999-2011), Un-published PhD thesis, Department of Political Science and International Studies, Ahmadu Bello University, Zaria. Pg.228*

**KEY:** *LF- Legal Framework, EM- Election Management, VE- Voter Education, VR- Voter Registration, ADB- Access to and Design of Ballot, CR- Campaign Regulation, P- Polling, CTV- Counting and Tabulating the Vote, RERD- Resolving Election Related Disputes, ERI- Election Results Implementation, PEP- Post Election Procedures.*

Figure 2 reveals two major steps in the pre-election period as having the lowest ratings in the elections conducted from 1999-2011. These are voter registration and campaign regulation which had a cumulative rating of 48.3 and 47.6 percent respectively. Indeed, these two steps of the election administration process which are examined more closely in the following section; have been established as the most controversial and problematic aspects of election administration in Nigeria.

### **INEC and Voter Registration in Nigeria's General Elections: The 2015 Continuous Voter Registration Exercise in Perspective**

A register of voters is an indispensable document for the conduct of elections; which should consist of only the eligible voters in a constituency. A reliable voter's register is one that contains no names of under aged, deceased persons and fictitious or fake names. In addition, the voters register should also consist of names of eligible voters resident in the area where they intend to vote; and in an ideal situation provisions should be available for making claims and observations about the details of the electorate contained in the register. Thus, the process of voter registration is a major test of the credibility of the election administration system; and the extent to which any election would be successful is determined largely by the credibility of the voters register. In the Nigerian situation however; the fact that INEC had to conduct a fresh voters registration exercise before each of the elections it conducted; particularly from 1999-2011 is indicative of the controversies that have trailed the process of voter registration in Nigeria. Indeed, as Moveh (2012) notes, the inability to develop a credible voter's register for the 1999 elections; to be updated for subsequent elections has also significantly contributed to the increasing cost of election administration in Nigeria.

As shall be seen in the following overview of all the voter registrations exercises conducted by INEC, the most significant development of the continuous voter registration exercise for the 2015 general elections was the decision to issue permanent voters card to the electorate. Indeed, this decision may rightly be described as a “highpoint” in the attempt to develop a credible voter register in Nigeria.

INEC’s first major task prior to the 1999 Presidential elections was to conduct a national voter’s registration exercise. As a result, manual registration held on the 5<sup>th</sup>- 19<sup>th</sup> October 1998. The registration process was however faced with logistics problems. For example according to the report of the Carter center on the voter registration exercise of 1998:

Shortages of materials, delays in the opening of registration centers, poorly trained registration officials and attempts by political party agents to manipulate the process were among the problems of voter registration prior to the 1999 elections (Carter center, 1999:21).

More specifically, the total number of 57,369,560 officially registered to vote by INEC was described as exceeding reliable estimates of the total number of eligible voters possible in Nigeria (Carter center, 1999:22). In Kaduna state for example more than 97% of the total 3.9 million population from the last national census conducted in 1991, supposedly registered to vote. Other states according to the carter center also registered highly questionable voter registration figures (Carter center, 1999:23). Indeed, as noted by the AAEA:

No form of national identity documentation existed in Nigeria at the time of the voter registration exercise for the 1999 elections. Thus, verifying a person's identity, age, etc. was not an easy matter. This, in combination with the fact that the hand-written register of voters at each registration center was not cross-checked against any other list meant that the potential for multiple registrations was all too real. It is widely believed that the register

of voters used for the transitional elections of 1999 contains an innumerable number of duplicate entries. While the INEC has worked to safeguard against the possibility of a voter personally casting more than one ballot, these procedures do not, however, guard against voter impersonation (AAEA, 1999:25).

In the registration exercise for the 2003 elections, INEC decided to adopt a computerized registry to promote voter confidence in the list and to minimize multiple registrations. However, given that the whole process of registration which began from September 2002 took about five months, the process of creating a new computerized registry was described to have taken “too much time and complicating the timeline of the electoral process” (NDI, 2003:4). According to INEC 72 million registration sets for an estimated 60 million voters was distributed; yet, as the NDI noted:

A reportedly significant number of people nationwide were not able to register despite repeated attempts to do so...partisan election officials and political aspirants hoarded voter registration materials, causing a shortage. In addition to withholding materials there was also the buying of voter cards, multiple registration, underage registration, registration by non-citizens, intimidation by party activists inadequately trained election officials and shortages of materials caused by logistical difficulties. To date there has been no public accounting of the distribution of voter registration forms. While the new computerized system was designed to detect cases of multiple registrations, concerns remain about the accuracy and number of voters on the resulting list (NDI, 2003:4).

As a confirmation of the foregoing problems observed by the NDI, INEC was later to admit in the run up to the 2007 elections that a total of 10 million double entries were deleted from the register in 2003 but no prosecution was made (Biu, 2010).

Following the release of the 2006 population census figures in January 2007 about 50% of Nigeria’s 140 million citizens were estimated to be eligible voters. Accordingly, INEC once

again decided to create a completely new voter register for the 2007 elections; as it considered the 2003 voter roll to be unreliable and faulty. As the EU EOM noted:

The 2003 voter registration exercise completely failed in its effort to provide a transparent form of identification for eligible voters, providing instead a fertile ground for massive underage voting and voter impersonation (EU EOM, 2003: 23).

Thus, to avoid the problems of the 2003 registration exercise, INEC decided to establish an electronic voter register using the Direct Data Capture (DDC) machines which for the first time was to capture the picture and two thumb prints of each voter. The DDC machine is a device that embeds the picture and biometric data of the voter in a bar code. This information is then linked to a central database that cross-checks to eliminate duplicate registrations. INEC argued that these procedures would avoid impersonation, underage voting and multiple voting. While the 2002/2003 voter registration exercise was conducted using the optical mark registration (OMR) which recognized less features of the electorates, INEC's decision to use a new and more advanced system – the DDC machines for the registration exercise of the 2007 elections was to encounter a number of major problems. Firstly, the decision to use the DDC machines for the 2006 registration exercise meant that INEC had to purchase the new equipment and train its staff on how to use them. INEC had announced that 33,000 DDC machines would be required for the 2006 voter registration exercise across the country; but two weeks into the registration exercise only around 1000 machines were operational on ground (EU EOM, 2007:14). According to the Director of voter registration, “INEC had contracted 3 different companies to deliver the registration equipment but had failed to transfer advance payments to its contractors (Biu, 2010). Indeed, the INEC chairman at the time noted that it was only in January, 2007 about a month after the legal date for the termination of voter registration exercise that the final batch of the 33,000 DDC machines were delivered. Secondly, the operation of the DDC machines was highly

problematic. The problems that were associated with the DDC machines include lack of battery power and recharge facilities or a shortage of ink and printers. The situation was further compounded by staff who were insufficiently trained and by climatic conditions that interfered with the functioning of the equipment (EU EOM 2007:26). According to INEC, a special software would detect double entries in the electronic finger print identification system. However, CSOs observed that “INEC had insufficient trained staff and power for the equipment to implement these plans” (Okoye, 2011).

Meanwhile, several days prior to the launch of the voter registration exercise of the 2007 elections, INEC announced that registration would be conducted on a rolling basis, beginning from October 7, 2006 in a select number of ‘special areas’—remote areas in which registration had not been conducted in 2002. Registration was then to continue in other parts of the country from October 25<sup>th</sup> 2006. Yet, NDI observers who visited some of the ‘special areas,’ such as Jenuwa, Kwambai and Bika in Taraba State, as well as the New Cattle Market at Ummoneachi in Abia State noted that:

While INEC said registration would start on October 7 and end on October 24 in the “special areas”, the exercise had ended in these areas before October 18. Voters complained that even where registration officials were deployed, registration could not commence because the officials in some instances did not know how to operate the DDC machines. Some registered voters found that the wrong data had been entered for them, including several cases of pictures of male registrants appearing on female registrants’ cards. In many cases, DDC machine batteries depleted quickly, while camera, keyboard and software problems further slowed the exercise. By the time that the nationwide exercise began on October 25<sup>th</sup>, many voters in the ‘special areas’ were still unregistered, even though INEC declared that the lists for the special areas had been completed (NDI, 2007:23).

The problems that had plagued the registration in the ‘special areas,’ including malfunctioning machines and software, flat batteries and untrained staff, were magnified when the nationwide exercise commenced. By November 24, 2006, INEC noted that only 3.5 million voters had been registered (IRI 2007: 32). The International Republican Institute (IRI), which sent a pre-election assessment mission to Nigeria in November 2006, issued the following statement:

We express grave concern over the fact that with only two weeks remaining before the registration deadline, less than half of the direct data capture machines (DDC) have arrived, let alone been deployed to registration centers throughout the country. We are additionally concerned that only 3.5 million of the potential 60 million eligible voters are registered to vote as of the end of last week. The leadership of the INEC has set a noble and ambitious goal of implementing this cutting-edge system to deter past fraud in registration efforts and the ensuing acrimony; the ability however to meet the expectations of this goal on the timetable established is quite seriously in doubt. As a result, INEC is losing credibility with the public (IRI, 2007:32).

In the end, the voter registration exercise for the 2007 general elections was adjudged to be worse and poorly conducted than that of 1999 and 2003 elections. INEC officially released the final voters register with 61.5million entries on the 28<sup>th</sup> March, 2007 and subsequently delivered electronic copies of the final voter register to political parties on the 29<sup>th</sup> of March 2007.

In the 2011 election, INEC once again considered as in the previous elections that producing a credible voter register was crucial to deliver transparent and genuine elections; despite the very tight schedule and logistical challenges to cover an estimated 70 million voters. As in the 2006 registration exercise, INEC made use of the DDC machines as well as the 2007 registration areas as a base for the exercise. Voter registration for the 2011 elections started on

the 15<sup>th</sup> January 2011 in all 36 states of the federation and the federal capital territory. Approximately 240,000 ad hoc staff was recruited for the voter registration exercise of the 2011 elections; and a key initiative in the exercise was that majority of the registration officers had been recruited from the National Youth Service Corps (NYSC). In 2003 and 2007 no particular category of individuals were given preference as registration officers; the result as gathered from focused group discussions was that many of the people that became registration officers turned out to be thugs and agents of certain political parties. According to the EU EOM (2011:27):

In the first days of registration, INEC failed to deliver kits to registration units' country wide or delivered them late. Problems with software in collecting finger prints had to be adjusted and a number of citizens waited for hours to register.

Over the first week INEC made progress, addressed the shortcomings and most data capture machines were made operational. A coalition of four civil society organizations under the name project swift count noted with regards to the 2011 voter registration exercise that:

Under aged registration appeared to be more pronounced in the north central; east and west, proxy registration was not observed, and the registration process was overall incident and violence free. Unresolved were the overall problems of reconciling the voter register held by INEC on federal and state levels The election administration admitted that there were inaccuracies regarding numbers of registered voters that were not corrected. Omissions of names on the list, a problem apparently widespread and that became patent during election days was more likely due to technical problems rather than a deliberate disenfranchisement effort (swift count project report of January 24<sup>th</sup>, 2011).

By the end of the registration period INEC announced a provisional registration figure of 67,764,327 on the 7<sup>th</sup> February 2011 voters nationwide.

Unlike in the 1999-2011 general elections a fresh voter registration exercise was not conducted for the 2015 general elections. Instead a continuous voter registration exercise was

conducted to give Nigerians who just turned 18 years and those who did not register in 2011 the opportunity to register and vote in the 2015 general elections. The continuous voter registration exercise for the 2015 general elections therefore commenced in November 2014; and the major improvement over the previous registration exercises conducted by INEC for the 1999-2011 general elections, as earlier noted was the issuance of permanent voter cards to the electorate, which INEC insisted was going to be used in the 2015 general elections. In contrast with the temporary voters' card which was used in the previous elections, the permanent voter card contained biometric information of voters which had the potential of eliminating the possibility of multiple registrations and multiple voting. Indeed, while there were problems particularly in relation to the timely production and distribution of the permanent voter cards, the computerized nature of the permanent voter cards and the biometric security features it contains is a first step in establishing a credible voter's register for Nigeria.

**INEC and Campaign Regulation in Nigeria:  
The 2015 Presidential Election Campaigns in Perspective**

A second weak link in the election administration process in Nigeria is the inability of INEC to effectively regulate the campaign procedures of political parties. Indeed, one major feature of the electoral process in Nigeria is that electioneering campaigns in the country hardly addresses the major issues that bother on the interests, welfare and security of the people. Instead, campaigns are very often characterized by name callings, mudslinging, thuggery, hooliganisms, maiming and even killing of political opponents. Even when the contestants choose to address issues, they often limit the scope of discourse to the usually divisive lines of religion, ethnicity and regional sentiments.

The challenge of campaign regulation in the administration of Nigeria's general elections arises to a large extent from two inter-related factors. First is the inability to effectively regulate the finance and funding of political parties and secondly, is the inability to establish and enforce a code of conduct for political parties and the media.

Political party funding is the process whereby parties generate monies and assets which are used in running their day-to-day activities and funding of political campaigns. In addition to private funding, all registered political parties in Nigeria were entitled to receive public funding to support general operations and the costs of campaigning prior to the 2011 elections. Public funding of political parties actually began in Nigeria during the second republic. Prior to this period, there was no clearly defined regulatory framework on party finance and the funding of political parties was predominantly through private funding as parties and candidates were responsible for election related expenses.

According to Nigeria's 2010 electoral act, the maximum amount for campaign expenses allowed for Presidential candidates is one billion naira. The electoral act continues in section 91(10) that, "A candidate who acts in contravention of this section commits an offence and on conviction is liable to a maximum fine of N1 million or imprisonment for a term of 12 months or both." Section 90 of the electoral act also gives INEC power to impose limitations on the amount of money or asset individuals or groups can contribute to a political party's campaign. Yet, there is no evidence to indicate that INEC has been able to sanction any political party since 1999 for the "monetization of the electoral process". While no available records exist on the exact amount of money spent on campaign expenses by Political Parties from 1999-2011, it is widely accepted that the amount used for campaign finance by political parties has been on the increase since 1999.

In the preparations for the 2015 general elections the situation was not different. In December 2014, the People's Democratic Party announced that it raised a total of N21.27 billion at a fundraising dinner reportedly for its Presidential candidate, President Goodluck Jonathan. The implication of the huge amount spent on election campaign was once captured by former President Olusegun Obasanjo when he noted that:

We prepare for elections as if we are going to war, and one can state without hesitation, drawing from my previous experience, that the parties and candidates together spend more than would have been needed to fight a successful war. The will of the people cannot find expression and flourish in the face of so much money directed solely at achieving victory. Elective offices become mere commodities to be purchased by the highest bidder, and those who literally invest merely see it as an avenue to recoup and make profits. Politics becomes business, and the business of politics becomes merely to divert public funds from the needs of the people. (Obasanjo, in an address at the INEC-Civil Society Forum Seminar on 27th November 2003).

In addition to the monetization of the electoral process, campaign regulation has also been complicated by the inability to enforce a code of conduct for political parties and the media. Over the years, the nature of election campaigns has been entirely dependent on media ownership structure. Indeed most media outfits particularly the private media usually speak for one party or region against another. Thus, the press has always acted not as an impartial estate but as the mouth piece of the political divisions in Nigeria.

## **SUMMARY AND CONCLUSION**

This paper has attempted to evaluate the administration of Nigeria's 2015 Presidential elections against the experiences of INEC in the administration of the 1999-2011 general elections. In the elections conducted prior to 2015 voter registration and campaign regulations were established as the weakest links in the series of activities involved the election administration process. This

paper therefore sought to examine how INEC fared in these two activities in the administration of the 2015 general elections.

The major problem concerning the process of the continuous voter registration in the 2015 general elections had to do with the timing. The delay in the production and distribution of the permanent voter's cards to the electorate was a major cause for alarm; as there were fears that it could complicate the timeline and process of the elections. Yet, in spite of these fears, the decision to use the permanent voter's cards for the accreditation process of the 2015 elections was in itself an improvement from the previous experiences of INEC. Indeed, the biometric security features embedded in the permanent voter cards meant that the tendency for multiple registration and voting will be significantly reduced if not totally eliminated.

Campaign regulation by INEC, on the other hand continues to be confronted with challenges arising from the inability to effectively regulate the finances and funding of political parties and also the inability to enforce a code of conduct for the political parties. Indeed, the continuation of this problem after five quadrennial elections conducted by INEC is justification of the recommendations for the unbundling of INEC by the establishment of a political party monitoring and regulatory agency.

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