

**Unbridled Election Rigging and the Use of Technology:
The Smart Card Reader as the ‘Joker’ in Nigeria’s 2015 Presidential Election**

Professor Osita Agbu

Research and Studies Department
Nigerian Institute of International Affairs
E-mail: ossele2004@yahoo.com
Mobile No: 08022594531

It was the case that elections which provide the platform for political succession in Nigeria, as elsewhere, used to be a veritable opportunity for fraudulent individuals and groups to perpetrate acts of rigging against other contestants and the electorate. Through no fault of theirs stakeholders and the electorate get muscled out of contention through unbridled rigging verging on the ridiculous, losing the elections or having their votes stolen or cancelled as the case maybe. This scenario subsisted until the arrival of the Permanent Voter Cards and the Smart Card Reader! This technological input in the Nigerian electoral space made it extremely difficult for results to be manipulated, either through the use of faceless individuals or the arbitrary doctoring of figures. Not that the riggers did not try! The transparent application of this device and the security features embodied in it made it extremely difficult to clone or compromise it. This paper, therefore, intends to explore the circumstances that warranted the use of the Smart Card Reader, the polemics surrounding its use, its performance during the 2015 Presidential elections, as well as its potentials for future elections.

Introduction

What we aim to achieve is that with the 2015 general election, Nigeria will take its rightful place in the global order of nations where electoral democracy has come of age. That is our goal, and we have an unflinching commitment to it.

- Attahiru Jega, INEC Chairman, *Electoral Reforms in Nigeria: Prospects and Challenges*, INEC, 2014.

Whilst I believed the Chairman of the Independent Electoral Commission (INEC), Professor Attahiru Jega, that he may, yet again be able to conduct a credible general election, mainly based on his antecedents and integrity, I did not in my wildest imagination believe that this will be done with the depth and innovative spirit displayed by the Chairman and his team at INEC. The elections have come and gone, and it is left for us to look back and identify those things that worked and those that did not work, especially against the backdrop of national and global fear that violence will overtake the election and the Nigerian state may implode. This doomsday feeling and even predictions by many about the election was deconstructed by the apparent

success of the 2015 general elections in Nigeria. What can we attribute this success to? Could it be attributed to just a single factor or a combination of factors? To what extent can we argue that the use of the Permanent Voter Cards (PVC) and Smart Card Reader (SCR) contributed significantly to the success of the 2015 general elections?

It was the case that Nigeria's electoral history had been characterized by grave incidences of electoral rigging beginning from the First Republic. As rightly observed by Eguavon (2009:27), in Nigerian politics, experience shows that the country has never had crisis-free and fair elections. Elections in Nigeria have never been devoid of malpractices and violence. On attaining political independence in 1960, and beginning with the parliamentary system of government, Nigeria ran into serious problems four years later during the general elections. Accusations and counter accusations of fraud and malpractices were widespread, with many lives lost and property destroyed. The political crises eventually led to the first military coup d'état in January of 1966. Therefore, the 'successes' achieved in the 2011 and 2015 elections should not just be glossed over. They were major achievements that we need to dissect and document in anticipation of future elections. Some may not agree with this perspective. However, our hope is that by the time we have taken time to assess the elections, and in this case, the 2015 Presidential election, the misgivings may to a large extent be laid to rest.

Election and gaining political power in Nigeria is serious business indeed, because it is a sure way of accessing state resources. As an aspiring democratic state, *periodic free and fair elections* are one of the pillars for sustaining democracy. Defined as a procedure that allows members of a state, organisation or community to choose representatives who will hold positions of authority within it, and which promotes public accountability, elections are therefore, most important in ensuring participatory governance. As we know, conceptually, democracy is not necessarily synonymous with election, however, free and fair (credible) election is generally accepted to be at the heart of democracy. Free and fair election is desideratum for the existence of democracy. A democratic government ideally denotes government composed through the freely given consent of the people, expressed in an election. Once the element of free consent is absent in an electoral process, then, the product is no longer democracy, but dictatorship (Aborisade, 2006:115). Any election fraught with fraud and violence is therefore, a usurpation of the

sovereignty of the people, the equivalent of an electoral coup. Further, elections are one of the most important means of establishing legitimate government and exercising popular control over leaders. It is also a means of policy selection as put out in party manifestos during elections. Election is a process, and it is free if all stages of the process are devoid of inhibitions and contradictions. It is also fair if the process shows no favour to persons, party or side. Fairness means acting in an honest and honourable manner that is in accordance with what is desirable according to rules (Okoh, 2005:24).

For Adebisi (2005:18), as stated by Sarah Birch, a global authority on the subject of election malpractices, electoral malpractices could occur in three principal ways, namely:

- a) Manipulating the design of institutions governing elections to the advantage of one or more electoral contestants in violation of the principles of inclusivity, impartiality, openness or transparency, such as through gerrymandering, malapportionment, over-restrictive franchise or candidacy regulations.
- b) Campaign regulations that lead to inequalities among contestants.
- c) Lack of observer access to electoral processes.

However, what Birch did not envisage is that electoral malpractices, and in particular, election rigging in Nigeria especially before the 2011 and 2015 general elections had a more naked or primordialist slant, largely ‘unbridled ‘ or unfettered, and perpetuated with violence and impunity. And this was done often with the active connivance of governmental authorities, compromised security and INEC officials, and corrupt politicians.

Unbridled Election Rigging in Nigeria

Since political independence, Nigeria’s democratization has witnessed massive electoral fraud characterized by violence, and which has compromised the very ethics of democracy inspite of several electoral reforms that had little impact on the electoral process. Electoral fraud which can also be referred to as election rigging, is described as electoral malpractices which are palpable illegalities committed with corrupt, fraudulent or sinister intention to influence, intimidate and foist other acts of coercion on voters, including the falsification of results and fraudulent announcement of a losing candidate as a winner.

Since 1999 the country has conducted five elections that included the 1999, 2003, 2007, 2011 and 2015 general elections respectively. Almost all, except for the 2011 and 2015 elections were roundly condemned as not meeting the required global standard and therefore, not credible.

For example, the 2003 general election left much to be desired. It was said that some results were written in the private homes of individuals, and in some cases, announced even the elections were conducted (Eguavon, 2009:28). In other places, fictitious thumb-printed ballot papers were stuffed into ballot boxes and used to compute figures for pre-determined winners. Security agents were used to by government to intimidate and harass the electorate in different parts of the country. Money was used to influence the electorate to vote for unpopular candidates. Infact, the EU-EOM Team led by Marx Vanden Berg mentioned 12 states where fraud and irregularities were rampant and concluded that the ‘minimum standard for democratic elections were not met’ (NDI,2003:30).

Furthermore, the general elections of April 2007 were characterized by several challenges and shortcomings as a result of poor preparations and widespread manipulations of the electoral process by the government using law enforcement agencies, especially the police and the Economic and Financial Crimes Commission (EFCC). The irregularities characterizing this election included the late arrival of materials and officials, stealing of ballot papers, vote buying, harassment, chanting, shooting and taunting of voters, lack of secrecy of voting, police interference, ballot snatching and stuffing, intimidation and political violence, denied access to polling stations, partiality of electoral officials and the police, improper voting procedures, late commencement of elections, and underage voting (TMG, 2007:132). Infact, the Domestic Election Observation Group after evaluating the reports of Monitors deployed throughout the country noted as documented numerous lapses, massive irregularities, and electoral malpractices. And came to the conclusion that the whole election was a charade and did not meet the minimum standards required for democratic elections (TMG, 2007:136).

However, whilst the 2015 general elections were declared largely free, fair and credible by most local and international observers, there are some who think otherwise, pointing out several incidences of what they consider to be electoral fraud. This paper would have achieved it aim, if it is able to convince you of the veracity of the claim that the PVC and SCR were indeed, the

jokers used to ensure freer, fairer and credible 2015 general elections in Nigeria, as against what used to be.

The Pre-election Environment and Election Rigging

Since the institution of election is a process, it is necessary to examine the environment under which the 2015 Presidential election held. This was an environment that was already charged, and in which the Electoral Management Body (EMB) INEC was constantly under scrutiny, with many, not just politicians believing that its leadership was already compromised in favour of the ruling party, the Peoples Democratic Party (PDP). This belief was not far-fetched, since experience, except for a few instances, showed this to be true of the other management bodies and their staff. To many, the result of the election had already been decided. Nevertheless, the emergence of the two key political actors, President Goodluck Jonathan and General Muhammadu Buhari (rtd), both with political pedigree, and with Buhari having immense followership in the northern part of the country indicated that this election was going to be different. Different, in the sense that it will be hotly contested.

In the run-up to the election, there were the reckless use of the police and military in the elections in Ekiti and Osun states, and the use of firearms by PDP thugs in Edo state in collusion with the police to vandalise the Edo state House of Assembly residential quarters. There were also the constant machinations to humiliate the Rivers State Governor Rotimi Amaechi by his political opponents (Odigie-Oyegun 2014). Further, in Edo state the police continued to disobey the orders of both the High Court and the Court of Appeal. In Ekiti state, the police looked the other way when judges were being beaten, and democratically-elected principal officers of the State House of Assembly were sacked by six only, out of 26 elected members.

As the general elections approached, concerns mounted that the elections would generate violence, chaos and anarchy as many politicians jostled for positions. Nigerians were indeed, apprehensive that there may be conflicts and violence with implications for the stability of the country. Indeed, the suspicion was that fear of political violence and personal harm made many voters, especially in the South West and South East of the country not to come out to cast their votes. This is against the backdrop of the unnecessary deaths of 943 persons, with 838 injured in the aftermath of the 2011 Presidential election (Idowu-Fearon, 2014:17). The primaries

conducted by the various political parties did not give much hope that lessons had been learned from the processes of the 2011 general elections. Internal democracy within the parties was still a mirage as parties still engaged in imposition of candidates, disregarded agreed modalities for contesting political offices, while politicians schemed to remain in power at all cost.

For many, the consequences of failure of the 2015 general elections were too grim to contemplate. As observed, as early as four weeks to the election, Nigeria was on the front burner of global attention, with personalities like Kofi Anan, former Secretary-General of the United Nations, and Emeka Anyaoku, former Secretary-General of the Commonwealth working to create a less acrimonious atmosphere for the Presidential election. This resulted in the 'Peace Deal' between incumbent President Goodluck Jonathan and tenacious General Muhammadu Buhari, the Presidential candidate of the All Progressives Congress (APC) brokered by some prominent Nigerians. Further, prominent ex-Presidents from Africa visited Nigeria and added their voices to the need for a peaceful election. There were Thabo Mbeki from South Africa, John Kuffor from Ghana, as well as Abdusalami Abubakar of Nigeria. Even, the American Secretary of State, John Kerry came around soliciting for peaceful elections, with subtle threats on recalcitrant politicians who do not kept the peace (Osundare, 2015:28). David Cameron, the British Prime Minister registered his own concern and encouragement for the process; the European Union was not silent, while Ban Ki-Moon - UN Secretary General cabled across the anxiety of the international community. Infact, a few hours to the election, President Barak Obama of the United States broadcast his own message by video to the Nigerian people and their rulers (Osundare, 2015). Indeed, it was clear to all, that the success of this election was important to the global community, and for the democracy project in Africa.

Prior to the elections, INEC had set in motion various reform measures to ensure credible and successful elections. Some of the measures were initially introduced for the 2011 elections with appreciable results, and implications for the 2015 elections, and include:

- a) A new Biometric Register of Voters
- b) A Re-Modified Open Ballot System (REMOBS)

- c) Improved standards in production of Sensitive Electoral Materials (serial numbering and colour-coding of Ballot Papers and Results Sheets as well as security coding of Ballot boxes).
- d) Revised framework for results collation and returns.
- e) More open and transparent procedures, modalities and processes on Election Day (pasting of results at Polling Units and Collation Centres).
- f) Improved Voter education and citizen engagement.
- g) Creation of an Inter-agency Consultative Committee on Election Security (ICCES) to ensure coordinated engagement of all security agencies during election periods (Jega, 2014:6).

Since the 2011 elections, INEC spent much time reviewing and preparing better framework for the conduct of subsequent elections that involve INEC Staff, security agencies, development partners, the media and political parties. Lessons from the 2011 elections included that:

- a) Good elections require adequate and timely planning.
- b) Good elections are about effective partnerships and cooperation.
- c) Good elections are about openness.
- d) Finally, elections at any point in time cannot be perfect.

From the experiences of the 2011 elections, INEC began early to plan for the 2015 elections with a view to consolidating the gains from the 2011 elections. Three focal points of structure, policy and plan were articulated; taking a hard look at INEC as an institution in respect of structure and human resources, as well as developing new policies on election management, and strategic planning and election planning. In sum, the Commission in preparation for the 2015 elections did the following:

- a) Formulated a Strategic Plan (2012 – 2016), and a detailed Strategic Programme of Action.
- b) Completed a detailed Election Project Plan leading up to the 2015 elections.
- c) Conducted reorganisation and restructuring of the Commission.
- d) Finalised the de-duplication of the biometric Register of Voters that included Continuous Voter Registration nationwide.

- e) Drafted a Gender Policy intended to make the Commission's work more gender sensitive, in line with global best practice.
- f) Recommended improvements to the legal framework based on experiences from the 2011 elections, for constitutional action and on the Electoral Act.
- g) Re-organised the Electoral Institute, with the appointment of a new Director-General and reconstitution of the board.
- h) Established a Graphic Design Centre with support from The International Foundation for Electoral Systems (IFES), which for the first time gives the Commission the capacity to produce several election materials internally.
- i) Embarked on a programme to review electoral constituencies and remap/reorganise polling units (Jega, 2014: 11).

These were some of the reform measures taken by INEC in the run-up to the 2015 elections. However, the most novel and strategic measure taken was the introduction and use of the Permanent Voter Cards (PVCs) and Smart Card Reader (SCR). This was the 'joker' that made it extremely difficult to rig the elections, inspite of the efforts made by desperate politicians to scuttle the use of this device. It is clearly evident from the exertions of INEC in preparing for the election that this was the main, but of course, not the only reason for the success of the 2015 election, inspite of opinion to the contrary. Anticipated challenges to the 2015 elections included insecurity, especially in the North East of the country, and its implications for conduct of elections; funding, attitude of the political class and citizen apathy. Indeed, INEC's efforts at creating more polling units met with stiff opposition from some of the stakeholders believing that this was the fore-runner to rigging the election. However, it appears that these challenges were significantly surmounted as the elections proceeded.

The Permanent Voter Cards and Smart Card Reader: The Triumph of Technology

We begin this section by understanding what the Permanent Voter Cards (PVC) and Smart Card Reader (SCR) are? And what they were expected to do during the elections.

Permanent Voter Cards (PVCs)

The Independent National Electoral Commission (INEC) produced Permanent Voter Cards (PVCs) for 68,833,476 persons in the biometric Register of Voters ahead of the March 28th and April 11th, 2015 general elections. The PVC replaced the Temporary Voter Card (TVC) issued

on the heels of registration of voters in 2011. According to INEC, quality, security, durability and cost effectiveness were underlying factors in the production of the Permanent Voter Cards by INEC. These cards have many components and specialized features (e.g. base substrate, security printing, personalization, lamination and chip embedding), and it was designed with an average life span of ten (10) years (INEC, FACTSHEET on PVCs and Card Readers, 2015). The PVC has an embedded chip that contains all the biometrics of a legitimate holder (including fingerprints and facial image). On Election Day, it would be swiped with a Smart Card Reader at the polling unit to ensure 100 per cent authentication and verification of the voter before he/she is allowed to vote. The PVC has security features that are not easily susceptible to counterfeiting. Only voters who had their PVC were allowed to vote in the 2015 general elections. The PVCs were available for collection at distribution points in the 36 states of the country and the Federal Capital Territory (FCT) until Sunday, 8th March 2015.

Smart Card Readers (SCR)

On the other hand, Smart Card Readers were to be used for the first time in Nigeria's electoral history for the 2015 general elections through electronic voter authentication system. The card reader uses a highly secure and cryptographic technology that is used commonly in devices that need to perform secure transactions, such as paying terminals. It has ultra-low power consumption, with a single core frequency of 1.2GHz and an Android 4.2.2 operating system. The card reader units were supposedly broadly subjected to Quality Assurance, Integrity and Functionality testing and found reliable in ease of use, battery life and speed of processing before the elections. In theory, it was to take an average of 10 seconds to authenticate a voter; however, the experience was somehow, different as the Reader failed on several occasions. This was inspite of the fact that the card readers were subjected to stress testing in some states and FCT ahead of the March 28 and April 11, 2015 elections (INEC, FACTSHEET on PVCs and Card Reader, 2015).

Indeed, on 7 March 2015, INEC went to the field to test-run the reliability of the Permanent Voter Cards (PVCs) and the Smart Card Readers (SCRs) ahead of the elections. The trial took place in 225 out of the total 120,000 polling units and 358 out of the 155,000 voting centres that were to be used for the elections (Thisday, 2015). While there were some hiccups, the exercise

was generally considered a good outing across 12 states in the six geopolitical regions of the country. The field reports largely justified the objective of the exercise: to verify PVCs presented by voters at polling units to ensure that they are genuine and to biometrically authenticate the person who presents PVC at the polling unit and ensure that he/she is the legitimate holder of the card. To the extent that the real objective of the experiment was to ensure that only eligible voters exercise their franchise, and that it is only such legal votes that are counted and tallied, justified the introduction of this technology. However, the technical problems experienced were significant enough for many political stakeholders to express misgivings about its workability, while some outrightly canvassed its non-use or postponement. On the whole, giving a verdict on the success or otherwise of this electronic technology depends on its overall contribution to the *transparency and credibility* of the elections.

However, according to the Chief Press Secretary to the INEC Chairman, Kayode Idowu, using the Card Readers has enormous advantages, that include the fact that once configured, the Card Reader can only read Permanent Voter Cards(PVCs) issued by the Independent National Electoral Commission (INEC). Any person that shows up at the polling unit without PVC or with a card not issued by INEC will not be able to vote. Also, the Card Reader reads the embedded chip on the PVC, not the barcode, and it shares a secret code with the PVC; thus it is impossible to falsify the cards. The Card Reader authenticates the identity of the voter by cross-matching his/her fingerprints with that stored on the embedded chip. No person can vote using another person's PVC. The Card reader keeps a tally of all cards read, comprising the details of all voters verified as well as those not verified, and transmits the collected information to a central INEC server via GSM data service. Information transmitted to the server will enable INEC to audit results from polling units, as well as do a range of statistical analysis of the demographics of voting. Further, Collation officers will also be able to use information transmitted by the Card Reader to audit polling unit result sheets and determine whether accreditation figures have been altered (Idowu, 2015).

It is also to be noted that the use of the Card Reader for the purpose of accreditation of voters is one of the innovations introduced by the Commission to improve the integrity of the electoral

process. It does not violate the Electoral Act 2010, as Amended, or the 1999 Constitution of the Federal Republic of Nigeria, as Amended. It adds value to the process in line with the yearnings of Nigerians for credible elections, and accords with international best practices. Whereas the Electoral Act prohibits the use of electronic voting, the Card Reader is not a voting machine and is not used for voting. The Card Reader is used only for accreditation of voters, and only accreditation (and not voting) data is transmitted by it.

It was also stated that to prevent fraudulent use, the Card Reader was configured to work only on Election Days. In addition, the device is configured to specific polling units and cannot be used elsewhere without requiring reconfiguration by authorised INEC personnel. The Commission produced more than 35,000 back-up batteries that could be rapidly deployed in the event of failure during use, as well as 26,000 spares of Card Readers (Idowu, 2015). This was necessary as a result of observations made from the use of Card Readers in the 2012 general elections in Ghana.

Parties, Polemics and the Smart Card Reader (SCR)

Polemics over the use of the Smart Card Reader continued with accusations and counter accusations between the two major parties, the PDP and APC, on the merits and de-merits of its use and possible designs for rigging by either of the parties. The hitches observed during the test-run of the SCR were significant enough to renew the rivalry between both parties in an already highly polarized political climate. While the APC hailed the outcome of the exercise as an impediment to “manipulate the coming elections”, the PDP dismissed it and asked that the usage of the card readers for the crucial election be shelved. The National Publicity Secretary of the party, Olisa Metuh believed the outcome of the test “vindicates earlier widespread calls by stakeholders that the card readers should be thoroughly tested to ascertain their workability before the general elections.” (Thisday, 2015). The PDP’s position was strangely supported by some 15 fringe political parties which signaled their unpreparedness to go to polls if the electoral body went ahead with the card readers for the conduct of the polls. Indeed, other interest groups went beyond verbal challenges as they lodged complaints against the use of the card readers in courts of law for appropriate interpretation, claiming its use would contravene the 2010 Electoral Act as amended as well as the 1999 Constitution.

Further, the INEC exercise of collation of PVCs and continuous registration in 12 states did not go that well, and INEC blamed this on computer error. Those who raised their voices against the use of the new technology for the accreditation of voters argued that INEC Chairman should have used the technology on a smaller scale during governorship election in the states before using the technology full scale during the national election. However, in principle, Nigerians welcomed the idea of the innovation as they hoped it would assist stem the tide of electoral malpractices in the country. What was worrisome for many was the timing which became an issue as the INEC Chairman, Attahiru Jega, waited for almost four years before jumpstarting arrangements for the use of the Smart Card Readers. Many believed the INEC Chairman did not do wholesale test-run of the SCR readers and that INEC staff and ad-hoc staff were not properly trained on how to handle the Card Readers (Odiakose, 2015).

INEC, which initially insisted that only those cleared by the SCR will be allowed to cast their votes, later came up with the idea of *Incident Form* for those the card readers could not read their finger prints for one reason or the other. That there were several incidences of Smart Card Reader hitches were not in doubt. Even, then President Goodluck Jonathan, the presidential candidate of the PDP in the polls, and his wife, were not spared. After several failed attempts with five card reader machines that tried to read his thumbprint, Jonathan and the First Lady were eventually issued with Incident Forms for accreditation. In Enugu, similar incident played out which compelled the Deputy Senate President, Senator Ike Ekweremadu, to advise the Independent National Electoral Commission to discard the use of SCRs for the polls after he could not secure accreditation with the machine. Ekweremadu was also eventually accredited with the Incident Form. For Ekweremadu, the card reader should have been tried in a bye-election or supplementary election before the major election. In Ebonyi state, the card readers failed woefully, a development that compelled electoral officials to hand out Incident Forms to accredit voters. Secretary to the Government of the Federation (SGF) Senator Anyim Pius Anyim, who is an indigene of the state, charged INEC to correct the lapses in the accreditation process linked to the SCRs in order to give credibility to the polls (Odiakose, 2015).

It is important to note that some INEC officials attributed the failure of the card readers to INEC engineers who could not decode the inbuilt security installation in the card reader. The security code in the card reader is reportedly designed to update the time and date of voting. One official claimed that the cards were initially programmed for February 14 and that with the postponement to March 28, some of the cards had to be re-programmed (Odiakose, 2015).

Also following the failure of the card reader machines in several places, the INEC Chairman, Attahiru Jega, changed the guidelines in the conduct of the election on March 28 and approved the use of manual accreditation in areas that the Smart Card Readers malfunctioned during the Presidential and National Assembly elections. In a statement issued while the election was ongoing and after millions of frustrated voters had gone home disenchanted, INEC admitted that accreditation has been slow in many places and has not commenced at all in some others. INEC said that “even though the guidelines for the 2015 general elections provide that where card readers fail to work and cannot be replaced, elections in such Polling Units will be postponed to the next day”. The scale of the challenge observed necessitated a reconsideration of the provision of the guidelines. The Commission therefore decided that in Polling Units where card readers failed to work, the Presiding Officer shall manually accredit voters. The Presiding Officer shall mark the voters register upon being satisfied that the person presenting the PVC is the owner.

There was also the troubling issue of under-aged voters issued with PVCs in the north of the country during the March 28 polls. Some of the states identified in this malpractice were Kano, Jigawa, Katsina, Gombe, Bauchi, Katsina, and Kogi states (Nnaji, 2015). A team of European Observers led by Dirk Veheyen and Joelle Meganck had decried the spate of underage voting that characterized the election in the north. They reported that minors presented valid PVCs. How did this happen? Perhaps, we deserve some answers from INEC. Further, INEC was accused of voter suppression in the south through the instrumentality of the PVCs. For example, in the South-East, while there were about 5 million voters from this area in the 2011 elections, 2015 recorded only 2.6 million votes. In contrast, the total votes from Jigawa and Kano states (Jigawa used to be a part of Kano state), was 3.1 million, even double that of Lagos state, which was only 1.4 million (Nnaji, 2015). Several months before the election the issue of underage

voting was brought to the attention of INEC, and Jega's response was not really convincing as he only stated that any under-aged voter that presents himself/herself to vote on Election Day will be arrested. In spite of Jega's assurances, thousands of under aged voters were alleged to have been allowed to vote on March 28. If this was true, it is not a good development for our democracy. And if this act goes unchecked and the culprits unpunished, it may make other regions in the country to also engage in such malpractice in future elections.

Electoral Fraud in the 2015 Elections?

It is against the backdrop of the polemics generated on the use of the PVCs and SCRs that the Presidential and National Assembly elections were held 28 March and 11 April 2015. While the elections were majorly tolerable, the electoral process and results from the two states of Rivers and Akwa Ibom states were fundamentally conflictual and hotly contested. In both states, it appeared that either the PVCs or SCRs were side-lined, or that they were seriously compromised. Infact, following the large votes churned out during the elections in Rivers state and Akwa Ibom states, the Nigeia Police commenced investigations into allegations of electoral fraud or rigging in both states. The Rivers State Resident Electoral Commissioner (REC), Mrs. Gesila Khan, and her Akwa Ibom counterpart were to be investigated for alleged electoral fraud. The Rivers state APC Chairman, Dr.Davies Ibiamu Ikanga had continuously called for investigation of the 28 March and 11 April elections in the state. The belief is that the results of the elections were manipulated by the Rivers REC due to 'orders from Abuja' (Daily Times, 2015:8). Whatever be the case, it is important to eventually determine whether the malpractices observed in these states were as a result of the non-use of SCR or that the device was compromised.

From the results presented by the Returning Officer (RO) Osasere Orumwense, Chief Nyesom Wike of the PDP was awarded 1,029,102 votes, representing 87.77 percent of 1, 228,614 being the conjured number of total accredited voters. However, according to the 94-page INEC endorsed document, the total number of accredited voters for the 11 April gubernatorial election in Rivers was 292, 878. This document was signed by the Acting Director in charge of INEC legal unit, Ibrahim Bawa and Head of Unit, Data management of the Commission's ICT Department, Abimbola Oladunoye (Daily Times, 2015:8). In the document detailing polling unit analysis of actual voters' accreditation for the election, none of the 23 Local Government Areas (LGAs) had up to 51,000 accredited voters. Rivers state had 319 Registration Areas (wards) and

4,442 polling units. Informed sources believe that the only logical explanation that could be rendered for the increased number of accredited voters exceeding 292,887 is if manual accreditation was used in addition to the use of Card Readers. But then, it is said that INEC did not approve the use of manual accreditation for governorship election in any of the states of the federation (Daily Times, 2015).

Going by the statement from Attahiru Jega, INEC Chairman, the Card Reader is basically to prevent electoral fraud, especially falsification of number of accredited voters to inflate the number of votes cast. It was reported that inside information revealed that the number of accredited votes generated by the Commissions central server is the authentic number for Rivers state governorship election, hence, it will be impossible for anyone to justify the excess votes allocated to it. You must agree that this is a good case for the Election Petition Tribunal. Indeed, the APC, which lost the election, went to the Tribunal for succour. However, it is interesting to note that Governor Nyesom Wike of the PDP recently went praying the Rivers State Election Petition Tribunal to set aside the order it made for the opposing party, the APC to inspect election materials used for the 11 April 2015 governorship polls in the state (Ughegbe, 2015:15). The petitioners had urged the court to order the inspection of Card Readers and records of electoral materials used in all the polling units in the state. The question is – why will any stakeholder resist the inspection of materials that can vindicate him/her from accusations of rigging or electoral fraud?

In Akwa Ibom state for example, following violence that characterised the gubernatorial and House of Assembly elections in the state, that included several allegations of malpractices against the State's Resident Electoral Commissioner (REC), the governorship candidate of the APC in the state, Umana Umana called for cancellation of the elections, accusing the PDP of state terrorism. According to him, there were non-availability of electoral materials in many polling units in all the three senatorial zones, snatching of ballot boxes and sensitive election materials (Azimazi, 2015:4). In a report by Premium Times, INEC officials in some polling units were colluding with supporters of a political party to rig the presidential election in favour of the party (Premium Times, 2015). The claim is that whereas INEC officials were done with voters' accreditation as early as 1.30 pm, they refused to commence voting until some chieftains of the

political party arrived 4pm. The party chieftains immediately ordered all voters to move away from the polling centre, which they successfully ensured with the firing of gunshots. This gave opportunity for the party chieftains to have a field day thumb-printing ballot papers under the supervision of INEC officials present. In this case, the rigging appears to have been made possible by political violence, and not necessarily the use of the PVC and SCR.

Indeed, it did appear that we had more incidences of electoral rigging in the south-south zone of the country, namely, Rivers, Akwa Ibom, and Cross River than in other parts of the country. Is this a case of persons trying to desperately subvert the process or the failure of the technology used? However, it is important to note that inspite of all these alleged electoral malpractices, a key actor in the process, the Presidential candidate of the APC, Muhammadu Buhari declared that the introduction of the PVC and biometric card reader by INEC ensured free, fair and credible polls in 2015. For him, but for these initiatives, the votes would not have counted. He noted that it was the case that in previous riggings, results were written in party offices and seating rooms and announced at radio stations and television houses, while those who protested were often asked to go to court (Abuh and Azimazi, 2015:7). Who best to know this, but him, as he had contested the Presidential elections a record four times.

Lessons Learned and Potentials for Future Elections

Several lessons could be learned from the use of the PVC and SCR in the 2015 Presidential and general elections. The key lessons revolve around the gains made in ensuring increased credibility for the electoral process, but also in respect of the problems encountered in the use of the technology. It is equally necessary to note that the use of this technology did not necessary stop the usual problems encountered during elections in Nigeria. The Presidential polls witnessed knee-jerk attacks by Boko Haram in the North East, which led to the death of six persons, breeches of security in Enugu and Awka, shootings in Lagos and Imo states, and explosion in Jigawa state (Musari, 2015). There were riggings in the general elections inspite of the use of the PVR and SCR technology. These include under-aged voters with PVCs in the north of the country, over-counting, double voting, cancellations, and hijack of ballot papers as experienced in Cross River and Akwa Ibom states. One is immediately reminded of the INEC Chairman's often made comment that no election is perfect. Indeed, this is true. The important thing is that

overall; the election satisfied minimum expectation, and the overwhelming wish of the electorate.

Some of the easily observable problems from the 2015 elections include:

- the slow process of accreditation (procedures to be reduced to save time),
- Card Reader's inability to capture thumbprints of some eligible voters who had their PVCs,
- late arrival of election materials,
- breeches of security,
- collusion of some INEC staff to undermine the voting process
- the inadequate enlightenment of some INEC staff and the voters for the exercise.

In many cases during the election, the verification of PVCs lasted up to 10 minutes, thereby slowing down the process. This was exactly the case during the test-run of the PVC and SCR in Nassarawa, Rivers and Ebonyi, where the SCRs recorded significant failures (Thisday, 2015). One would have thought that INEC would have taken adequate measures to avoid this occurring again. It could however, be opined that the true winners in the 2015 Presidential election were the electronic biometric device and the Nigerian voter. This technology should be further improved and factored into the 2019 general elections. Indeed. Electronic voting could also be explored in the future starting with upcoming gubernatorial elections if approved by the National Assembly, and embodied in the Electoral Act.

Again, the use of the PVC and SCR may have revealed certain details of Nigeria's population and demography long suspected to be false. The 2015 elections recorded over 10 million voters less than it did in 2011 elections (Nkemdiche, 2015:17). Where did all the votes come from in the 2011 elections? The Presidential election was won by a margin of only 2.5 million votes, the smallest margin in presidential elections since the 4th Republic. The potentials of the use of this technology for national planning and verification of existing national data cannot therefore be underplayed.

Conclusion

The expectation was that the use of the SCR would eliminate malpractices and election rigging and add to the credibility of the elections. Was this expectation attained? To a large extent, it was attained inspite of some drawbacks. As observed, elections are credible when they are premised

on quantitative and qualitative national register of votes. Elections conducted on the basis of the foregoing become credible if they are conducted under popular participation and citizen and ballot safety and securitization (Umeagbalasi, 2015: 39). In other words, election security still remains paramount to the safety of personnel and the election process, and must continue to be taken seriously. In spite of a few cases of malfeasance by the police in some states, it must be noted that for the 2015 elections the Nigeria police was very civil and performed above average, thereby giving the required security cover necessary for transparent and credible elections to be held. And for the SCR to be deployed.

The use of the Card Reader did help in reducing the usual penchant to rig the elections, and subvert the electoral system. The expectation is that even in those instances where there were successful breaches of the electoral process, especially through the use of violence, that the records in INEC's database, which is ordinarily immune to human manipulation, would be relied on and serve as tenable evidence at the electoral Tribunal.

It is important to note that the 2011 Voter Register, the first electronically compiled voting register served as the basis for the production of the PVCs used in the 2015 general elections. The successful deployment of the Smart Card Reader during this election could serve as the precursor to making the voting process completely electronic by 2019 general elections. The transparent application of this device and the security features embodied in it made it extremely difficult to compromise the elections. Not that the riggers did not try! This time, the Nigerian electorate won due to the measures taken by INEC, but more so the introduction of the SCR. With technological modifications based on field experience during this election, the future is bright for democracy in Nigeria.

References

Aborisade Femi (2006), "A Case for Credible Elections in Nigeria: Proposed Agenda for Electoral Reform", *The Constitution*, Vol.6, No.1.

Abuh Adamu & Azimazi Momoh Jimoh (2015), "Buhari Links Credible 2015 Polls to PVC, Card-Reader", *The Guardian (Lagos)*, 7 May.

Adebisi Rotimi (2015), "INEC: A Gamble with Integrity", *The Guardian (Lagos)*, 17 July.

Azimazi Momoh Jimoh (2015), “Local Election Observers Fault Calls for Voiding of Rivers, A’Ibom Polls”, *The Guardian (Lagos)*, 15 April.

Daily Times (2015), “Large Votes: Rivers, Akwa Ibom Electoral Commissioners under Investigation”, 8 June.

Eguavon Augustine Ainabor (2009), “Problems of Elections and Imperatives of Reforms in Nigeria’s Democratic Process”, *The Constitution*, Vol.9, No.3, September.

Idowu Kayode (2015), “Card Readers is Configured to Work only on Election Days – Idowu”, March 21, 2015. Retrieved from www.leadship/news/419134/card-readers-is-configured-to-work-only-on-election-days-Idowu, accessed 26 June, 2015.

Idowu-Fearon Josiah (2015), “Idowu-Fearon: Sanctity of the 2015 Elections”, *The Guardian (Lagos)*, 26 November.

Jega Attahiru (2014), *Electoral Reforms in Nigeria: Prospects and Challenges*, INEC.

Musari Abosedo (2015), “AU, ECOWAS Declare Polls Credible”, *The Guardian(Lagos)*, 30 March.

Nkemdiche Afam (2015), “Relating Presidential Elections to National Census”, *The Guardian(Lagos)*, 29 April.

Nnaji Amako (2015), “Underage Voters: What Role did They Play in the Polls? Post Nigeria”, Retrieved from www.post-nigeria.com/under-age-voters-what-role-did-they-play-in-the-polls, accessed 20 July 2015.

Odiakose Mike (2015), *Nigerian Pilot*, “INEC and the Use of Card Reader”, April 11, Retrieved from [www.http://nigerianpilot.com/inec-and-use-of-card-readers](http://nigerianpilot.com/inec-and-use-of-card-readers), accessed 27 June, 2015.

Odigie-Oyegun John (2014), “We Doubt Jonathan’s Willingness to Organise Free, Fair elections in February 2015”, *The Guardian (Lagos)*, 20 November.

Okoh A.O (2005), “The Independent National Electoral Commission (INEC) and Election Management in Nigeria: The 2003 General Election in Perspective”, *The Constitution*, Vol.5, No.4, December.

Osundare Niyi (2015), “Nigeria’s New Found ‘Change’ And Lessons”, *The News*, 1 June.

Premium Times (2015), “Nigeria Decides; Video Exposes INEC officials with PDP to Rig Elections”, 30 March.

The National Democratic Institute (NDI)(2003), “Election Special”, *The News Magazine*, Vol.20, No.15.

ThisDay Newspaper (2015), “INEC and Smart Card Readers”, 17 March 2015, Retrieved from [www.http://thisday.com/articles/inec-and-smart-card-readers/204251](http://thisday.com/articles/inec-and-smart-card-readers/204251), accessed 26 June, 2015.

Transition Monitoring Group (TMG) (2007), *An Election Programmed to Fail: Final Report of the April 2007 General Elections in Nigeria*, July.

Ughegbe Lemmy (2015), “Wike urges Tribunal to Withdraw Order on Inspection of Poll Materials”, *The Guardian (Lagos)*, 26 June, 2015.

Umeagbalasi Emeka (2015), “Credibility, Security Challenges Facing February Polls”, *Vanguard*, 8 January.