

**LEGAL FRAMEWORK FOR ELECTIONS IN
NIGERIA: A STUDY OF THE 2015 GENERAL
ELECTIONS**

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ABSTRACT

Effective Legal framework provides the basis for peaceful credible, fair and free elections. It involves the independence of institutions charged with the responsibility of conducting elections, the applicability of legal rules, their sensitivity and utility. For this we examine the 2010 Electoral Act., provisions of the 1999 constitution (as amended), other primary data from our field reports in the management of the 2015 elections with critical analysis of recent technology and the role of the courts in sanctifying free, fair and credible elections. Of critical concern is the non-obedience to the rules because of compromising ad-hoc staff, unwillingness of security personnel to enforce electoral guidelines. That the gaps in the electoral law and administrative invocation on the use of card readers/filling of incident forms which gave room to massive fraud never witnessed in previous elections. Of particular concern is the declaration of results in some electoral units at gunpoint yet accepted by INEC and asking complainants “to go to court”. That this facility of “go to court” has embolden some candidates to do the mundane, got sworn –in and oil litigation process with state proceeds. We also observed the inability of the Broadcasting organization of Nigeria, to sanction media houses that flouted the law on decent campaigning. We adopt the systems theory as our tool of analysis because our discourse bothers on system maintenance with attendant hiccups. Amongst the recommendations of this paper are: fully guaranteeing INEC’s operational independence; disqualifying persons convicted of electoral offences from running for office and holding positions in political parties; allowing Nigeria’s in the diaspora to vote; creating an election offences tribunal with powers to investigate and prosecute; and the norm of “go to court”. that the period between the declaration of election results and swearing-in of elected leaders should be enough to allow election petition cases to be completed by the court in order to prevent leaders from occupying political positions illegally.

Key Words: Election expenses, Electoral Act., Electoral offences, Card readers, Permanent Voters Card,

Introduction.

Legal framework of elections include constitutional provisions and the Electoral Acts. Post independence electoral enactments are the 1997 Elctoral Decree, 1982 Electoral Act, Presidential Election(Basic constitutional and Transitional)Decree No.13 of 1993,2001 Electoral Act, 2002 Electoral Act, Electoral Act of 2006, and Electoral Act of 2010. Our problem of research is not the absence of laws in regulating our electoral conduct , rather the problem of implementation and enforcement. This is consequent upon weak institutions made possible by our political leaders that want to dominate all spheres of governance. The weakness of administrative institutions like INEC,Security agencies, the media critical expectation and monitoring agencies are however remedied in critical output by the judiciary.

The 2015 General Elections

The 2015 General Elections have come and gone with local and international acclamation that it was fairly credible, not flawless, but that it were held in substantial compliance with the Nation's electoral laws. This we believe is consequent upon the enforceability of some of the laws, the character of political gladiators trying to circumvent the law and weak institutional capacity. This is a flow of the independence level of INEC against partisan bias or control, even of the incumbent administration. This relates to the composition of the Electoral umpire, its budgetary autonomy, the authority it exerts to enforce election laws and regulations. Attempt by Professor Attahiru Jega to uphold the timetable and insistence of use of card readers and PVC for the 2015 general elections were seen by PDP family and a few others as lack of respect for his appointor. Thus the partial discard of card readers which gave leeway to votes manipulation.

Theoretical Framework.

To guide this discourse we adopt the systems theory. Taken from its original source, the biological and engineering sciences before its adoption in the social sciences, it sees phenomenon as components of an interrelated whole. Talcott Parsons;(1968:453) posits:

Something consisting of a set (finite or infinite) of entities among which set of relation is specified, so that deductions are possible from relations to others or from the relations to others or from the relations among the entities to the behavior or the history of the system.

System analysis is based on the idea that objects within a group are in some way related to one another and in turn, interact with one another on the basis of certain identifiable process. The approach allows one to see the subject in such a way that each part of the political canvas does not stand alone but is related to each other part. System theory aids in determining a political system's capacity for maintaining its equilibrium in the face of stress by ensuring the rules are followed. This the duty of election managers. David Easton input, conversion and output exchange deals with how authoritative decisions affect the system. Electoral activities are interrelated and they have consequences for the system and environment. To get a credible election, laws regulating activities are spelt out in the Electoral laws. The Electoral umpire and other agencies straddled with administering these regulations are to maintain the equilibrium, and the output of credible election depends on the level of acceptance. Lapses from these agencies are currently being remedied by the judiciary which further help to maintain the balance for the system to hold together. This shows the relevance of this theory.

The law and the Postponement of the 2015 elections.

It began with the advice by National security adviser Col.Sambo Dasuki(td) at his public lecture at Chathan House in London late January 2015 to INEC to postpone the election on the basis of insecurity and uncompleted distribution of PVS. The NSA may have acted illegally because there is no statutory nexus between INEC and the NSA, but political analysis devoid of bias could be accepted, for that was the reality on ground judging by the level of security attained and number of PVCs distributed for the period of the postponement. Relying on section 25 and 26 to postpone a general election is misleading. The provision does not support the postponement of a general election in the entire country but "in the area or areas" where there is violence or actual threat of a breakdown of law and order.

Section 26(1) of the Electoral Act 2010 (as amended) states, *Where a date has been appointed for the holding of an election, and there is reason to believe that a serious breach of the peace is likely to occur if the election is proceeded with on that date or it is impossible to conduct the elections as a result of natural disasters or other emergencies, the Commission may postpone the election and shall in respect of the area, or areas concerned, appoint another date for the holding of the postponed election, provided that such reason for the postponement is “cogent and verifiable”.*

The section never envisaged the total postponement of elections; the measure was to deal with specific areas –the security of voters, election personnel and equipment. The postponement of a general election throughout the country is only possible vide S.135(3) *of the Constitution if the Federation is at war in which the territory of Nigeria is physically involved and the President considers that it is impracticable to hold elections, the National Assembly may by resolution extend the period of four years from time to time, but no such extension shall exceed a period of six months at any one time.* However Jonathan could not do this because of the seeming pressure on him, particularly the opposition which felt he was buying time .If he has done that and got the six month blessing of the National Assembly, that again would have invalidated all the primaries that produced him and Buhari, a choice between two avoidance-avoidance conflict, the lion and the deep blue sea. That period would have allowed us study and understand the working of the card readers. In the second limb of the section, the reasons adduced do not qualify as a natural disaster or other emergency. Insurgency or insecurity is not a natural disaster or other emergency. .Emergency is defined as a “serious, unexpected, and potentially dangerous situation requiring immediate action”. Boko Haram insurgency did not start recently or even last year but has been with us for close to 7 years and we have been battling with it, so it is not an emergency to warrant postponement of election; we have been living with it.

These legal interpretations notwithstanding, we need to state that the insurgency in the North East of Nigeria was enough to postpone the general election by virtue of our system theoretical analysis .In the first, this insurgency even though located to the Nigerian subsystem of the North -east had in the past spread to the Federal capital territory, Abuja ,Kaduna, Kano and other parts of North central and the inability of the Armed forces to contain it for almost seven years qualified to be a civil war. Moreover the legitimacy of the presidential election could be affected if some areas are excluded because the electorate wants their votes to count. Furthermore the dynamics of the election after the period of postponement like the relative peace and distribution of PVCs shows it was not unwise to have postponed the election even though the law says the opposite.

Electoral Offences-Campaign Offences

All our Political parties also breached Section 99(1-3) of the Electoral Act. which states that, *for the purpose of this Act, the period of campaigning in public by every political party shall commence 90days before polling day and end 24 hours prior to that day. A registered political party which through any person acting on its behalf during the 24 hours before polling day procures for publication or acquiesces in the publication of an advertisement in a Newspaper, for the purpose of promoting or opposing a particular candidate, is guilty of an offence under this Act and upon conviction shall be liable to a maximum fine of #500,000.* Despite all the reports on illegal mounting of billboards and posters INEC claimed ignorance. Besides the 90 days provision we witness how some “busybody” between 2012 and

2014 were calling on president Jonathan to contest for the election in the face of the argument that his legibility was problematic by virtue of his number of years in office that may exceed 8 years if he wins.

Campaign and Language.

Sections 95, 96, 99, 100 - 102 of the 2010 Electoral Law provides for decent electoral campaign devoid of bad language etc. Section 95(1-8) guard against hate campaign, but this was more in the breach than obedience particularly by the PDP against the APC Presidential candidate, Muhammadu Buhari in the print media and the electronic particularly, the African Independent Television (AIT) and the Nigerian Television Authority(NTA).Hate speeches cannot blur the truth as those who propagate it, but the danger it carries is that it can incite insurrection, genocide and fratricidal killings. This bring out once again the utility of our system theory, the desire to manage stress to keep the system together tightly rather than to dismember in the period of stress, and to guard against the US prediction of Nigeria possible collapse in 2015. It can also boomerang like false propaganda as it worked against the PDP in its calumny against Buhari. Hence the PDP was very vehement in the alleged ban of AIT from covering President Buhari earlier activities at the Defence House.

The print media advert by Ayodele Fayose, Governor of Ekiti State, which suggested that Buhari was sick and could die in office if elected as President like some former Nigerian heads of state whose pictures were depicted, was hate speech. Such advert could sow seed of ethnic disharmony anytime mostly when it was directed at persons from a given section of the country. In the same vein, it was hate speech for someone to say that because a candidate is old he has a “dead brain”. INEC and security agencies did nothing. The National Broadcasting Commission (NBC) which sanctioned 35 stations in the 2011 general elections for violation the electoral Act. and Section 0.2.2.4 of the Nigeria Broadcasting code (Mba,2014) kept stoic silence in the face of observed violations in the 2015 elections .It only made a failure noise after the presidential election results had been declared,an example of weak institution personally inflicted

The utterances of Rev Father Ejike Mbaka, the Spiritual Director of Adoration Ministries, Enugu in his adoration sermon in December,2014, that President Goodluck Jonathan is a failure and should not be voted for, offends Section 95 sub sectio3(b) of the Electoral Act. which precludes anybody from using the pulpit to propagate a politically partisan message. Section. 95,3(b) of the Electoral Act. states *that places designated for religious worship, police stations and public offices shall not be used to promote, propagate or attack political parties, candidates their programmes or ideology”* .INEC did nothing.

Section 100 (3-6) provides that a government media to create a level playing ground by giving equal access on daily basis to all registered political parties or candidates; a denial of both in the first instance shall attract a maximum fine of #500,000 and #100,000,000 on any subsequent violation. These provisions were breached by both the NTA and AIT flagrantly either through coerced action by the owner or outright purchase. This seeming outright purchase may have accounted for the AIT to have solely organize post- election dinner for President Jonathan few days to his leaving office.

The Politics Of Use Of Card Readers.

The intendment of the use of card readers was to give credibility to the elections, because our electoral history is full of incidence of rigging style like mass thumb –printing for earmarked or ascribed voter population because there was no means of ascertaining those who voted. This was what the card readers was expected to prevent. The card readers put a ceiling to what governors, lawmakers and their political

parties could declare in the presidential polls, although some governors in desperation to prove to president Jonathan that they want him to win manipulated the whole process with connivance of INEC officials and delayed release of results to the last minute. This particular case notwithstanding the fear of card readers could not allow many Governors and their INEC collaborators to declare up to 50% scores of the votes when juxtaposed with the voter population. In previous elections they could declare up to 90% of votes cast, particularly in Lagos and Kano states. In the 2015 election Kano with over four million PVCs, was only able to return two million votes while Lagos with about four million PVCs could only return about 1.4 million votes.

It was this difficulty that made them to pressurize the INEC Chairman Professor Attahiru Jega to authorize manual accreditation which subsequently gave governors, other political gladiators to connive with compromised security personnel, INEC officials and thugs to deliver a premeditated results. Other electoral offences committed because of the set-aside of card readers was the return of old characteristics of snatching of electoral materials before or after voting and consequently writing results for compromised INEC staff to announce at times at gun point, despite complaints by aggrieved candidates asking them to “go to court” to prove the difficult technicality required. In some cases and in particular Akwa Ibom state House of Assembly election results were forwarded to INEC in Abuja when they have not been announced at the polling units and collation centres as stipulated by Section 27(1a-d)(2a-h). For those who had the courage to challenge this fragrant violation of the law, they were told to go to court.

As reported in the vanguard of May 2, 2015 page 55:

One of the media coordinators for one Southern governor said in a chat with this reporter that “they had to resorting to hijacking of sensitive election materials by themselves so as to avoid being defeated in a free contest with the opposition, which was very strong. We knew that without using our boys backed by the security that we would lose to the opposition governorship candidate, We have put the opposition in a tight corner with our electoral massive victory; it is their duty to prove whether we rigged or not but that is none of our business”

The report by the European Union Election Observation Mission to Nigeria and the American Embassy call for a probe of the “severe problems”-violence and interference from the police that characterized the Governorship and State Houses of Assembly polls in Akwa Ibom and Rivers states, confirm the above. The response of INEC Chief Press Secretary, Kayode Idowu was that the agency by the law cannot cancel the results, since the results have been declared and aggrieved parties should go to the tribunal. It is informative to note that the principle guiding this order “to go to court” is premised on the background that if electoral officers were given the power to interpret difficult cases of proving the genuity of election procedure on every minute complain it will be difficult to complete the voting exercise. Moreover the collation officer/returning officers are not usually at the scene of voting and their judgment is based on probability; let those who witness the malpractice(s) go and prove the allegation. It is within the same framework that the refusal of party agents to sign result sheets do not invalidate the results; for if allowed to invalidate, losing party agents would not still sign.

But election can be declared inconclusive by the returning officer based on proven evidence of malpractices. So professor Benjamin Ozumba Vice Chancellor of UNN and returning officer of Abia Governorship election had to cancel results from three local government areas-Isiala-Ngwa North,

Osisoma and Obingwa citing widespread “incontrovertible evidence of ballot box snatching and violence” and reports by the independent foreign observers. But that the returning officer reversed himself consequent upon the influence of the state Governor Theodore Orji, the state Resident Electoral Officer and other PDP activists reflect the complain by other foreign observers that undue influence by sitting Governors affects the credibility of declared results.

Electoral Offences (electoral behavior)

Section 23 of the Electoral Act 2010 provides that:

Any person who:

1. Is in unlawful possession of any voter’s card whether issued in the name of any voter or not or
2. Sells or attempt to sell or offers to sell any voter’s card whether issued in the name of any voter or not, or
3. Buys or offers to buy any voter’s card whether on his own behalf or on behalf of any other person...commits an offence and is liable, on conviction, to a fine not exceeding #500,000 or imprisonment not exceeding two years or both.

All these provisions were massively violated throughout the breadth and length of Nigeria as reported by the media, including empirical evidence. In fact voters cards buying started long in some districts before the election by candidates who felt they may not secure winning percentage. Some media reports reveal that certain persons were apprehended with thousands of permanent Voters Cards and are undergoing prosecution, which we hope will be completed if previous experiences are to go by.

Section 96 of the 2010 Act provides that:

- 1.No candidate, person or group of persons shall directly or indirectly threaten any person with the use of force or violence during any political campaign in order to compel that person or any other person to support or refrain from supporting a political party or candidate.
- 2.Any person or political party that contravenes the provisions of this Section commits an offence and is liable on conviction-
 - (a)in the case of an individual, to a maximum fine of #1,000,000 or imprisonment for a term of 12months; and
 - (b)in the case of a political party, to a fine of #200,000,000 in the first instance and #500,000 for any subsequent offence.

We recall with nostalgia that many people lost their lives and properties particularly in volatile states like Rivers, and President Jonathan was allegedly attacked in some northern states during the campaign period. There is no record that such violators are on trial or have been convicted

These offences are usually committed by party stalwarts and thugs, such as subtle campaigns, money sharing, intimidating innocent electorate who wants to cast their votes and finally hijacking of electoral materials at gunpoint with helpless police without adequate arms. Despite the deployment of enough security men particularly the presence of the Army on highways candidates still criss- crossed the roads and eventually got to areas where they are disliked and eventually manipulated results in their favour in presence of police officers. Today we have no concluded case of such character convicted. This is because the police being compromised even though they make arrests normally free the suspects . Widespread of under-age with PVC voting were allowed in Bauchi, Gombe, Jigawa, Kaduna, kano Katsina and Kogi states in clear contravention of the Electoral Act, as well late night voting in the March

28,2015 Presidential election. This was one of the complaints by a PDP stalwarts petition INEC on, but without adequate response during the collation of the results in Abuja that almost led to crisis. It is this failure on part of the police that led to the provision of section 150(2) of the 2010 Electoral Act. "Any prosecution under this Act, shall be undertaken by legal practitioner appointed by it." This only authorize the police to make arrests without the corresponding power to prosecute. That by divesting the police of powers to prosecute such summary offences, the police will lose interest in investigations. Also that INEC Legal Department is yet to be equipped to prosecute any offender under the Act. because they lacked the necessary facilities. It was for this that INEC in its frustration call for the implementation of the Justice Uwais recommendation on the establishment of the Electoral Offences Commission.

Electoral Expenses.

Sections 88 - 93 stipulates guidelines on political parties funding as well as electoral expenses, indicating approved sources limitation on expenses for all categories of candidates. James Unruh (2006) posits "money is the mother, 's milk of politics" Worldwide politics cost money. In reply to his possibility to cover the length and breadth of the country for the short time available in his presidential campaign in 1992, Chief M.K. Abiola replied: "where my legs have not reached in Nigeria, *I know my money has reached*" (Kukah, 2007). Parties need funds for administrative cost covering party offices/campaign offices, furniture, stipends, vehicles/fuelling, entertainment, cash donations to party officials/delegates at primaries, donations to traditional rulers/community heads/ churches media coverage, influencing voters with materials, security etc. Money distorts the candidate selection process within parties and largely influences who wins the elections. Chinua Achebe in his *A Man of the People and Anthills of the Savanna*, lament how money diminished political values, principles and allow the wealthy take over mantle of leadership at the expense of likely committed candidate and the society. It was for this INEC prescribes limit on electoral expenses. The laws are expected to caution candidates on expenditure pattern so as not encourage wealthy persons to mortgage the procedure as well reduce the level of expected graft once they take the mantle of leadership.

Section 91 of the Electoral Act, 2010 stipulates that "The maximum election expenses to be incurred by a candidate at a presidential election shall be #1 billion; governorship (#200 million;) Senate(#40 million), House of Representatives(#20 million,) State House of Assembly(#10,000,000), Chairmanship to an Area council(#10,000,000), Councillorship to an Area Council(#1,000,000) ." "Sub-section 9 of this section stipulate that neither individual nor group/entity should donate over #1 million (in the US it is \$2 300 -#391,000)() <http://www.nationaldaily.com/editorial/editorial-opinion/2010-limits-of-political-campaign-expenses>. . Section 38(2) of the Companies and Allied Matters Act (CAMA) Laws of the Federation of Nigeria, 1990) stipulates that no corporate body (company) shall contribute anything, money or property towards any political campaigns of any political party or of an individual vying for political office. Section 221(1) of the 1999 constitution as amended also stipulate "No Association other than a political party, shall canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election" Sub-section (10) of section 91 of the Act. warns candidates who knowingly contravenes these provisions are liable to grievous fines or imprisonment or both. The Act also provides the submission of records of expenditure to the Commission in a separate audited return within 6 months after election and such return be signed by the party's auditors and counter signed by the chairman of the party and be supported by a sworn affidavit by

the signatories as to the correctness of its contents”; Sub-section 5 states that the return shall show the amount of money expended by or on behalf of the party on election expenses, the items of expenditure and the commercial value of goods and services received for election purpose, Sub-section 6 mandated the parties to publish this report in at least two national newspapers. and Section 93(4) that political parties should submit report of contributions made by individuals and entities to the commission 3 months after the announcement of results. These time limits are unnecessarily too long knowing well that politicians will use this time to doctor their report to look clean.

In defiance of the provision, the PDP in a single fund raising dinner for its Presidential election secured from Nigeria’s billionaires #21.27 billion(about 125 million one-eight of the US record) which was above the #1 billion allowed by law, height of impunity. These legal limitations look like paper tigers for the above donation was not queried by INEC, or the law enforcement agencies. So it was business as usual which further encourage other donors to go further to make more donations with the intention of securing juicy contracts/appointment against Chapter 11 of our constitution. Perhaps there would have been a provision for refund of excess donations.

It was alleged that PDP alone disbursed unaccounted 2 trillion naira, and the opposition APC also disbursed more than it sourced publicly; and on the whole over 4 trillion naira was spent on the 2015 electoral process. These funds were sourced compulsorily from some corrupt government agencies and the entire petroleum subsidy management especially the PDP. There were reports of diversion of huge budgetary allocations to both principal parties, such as governors, ministers senators etc of the PDP receiving over #30 million as financial expenses. Empirical returns from election observers and monitors revealed that such slush fund were spent on massive vote buying. Because there was no political will of the regulators to monitor electoral spending, unbridled fund disbursement flew from the commonwealth, the private sector contractor, unaccounted oil receipts and other donations received underground. These were mobilized into campaign adverts, buying the conscience of traditional rulers/ clerics and political road shows. This account for the states insolvency leading to non- payment of civil servants salaries up to 7 months in some.

We need to state here that INEC in critical analysis *abnitio* lacks the technical capacity to monitor political financing for it is not expected to be saddled with such responsibility in our over mediated, and fragile electoral situation it usually find itself in every election period. It was for this that the Uwais committee recommended the establishment of Electoral offences commission to handle all offences including financial offences, and unbudling of INEC.

Our preliminary comment is that the limitation on electoral expenses is not realizable by virtue of our socio-economic environment of poverty, hunger, illiteracy, crass opportunism which makes the electorate, government agencies inclusive susceptible to manipulation by corrupt office seekers who take advantage of ineffective electoral laws enforceability. Even though we do not want election to be a do or die affair, no contestant really want to lose but to win. And to win is to convince the electorate which bother less on programmes but more on immediate financial and other materials gain. This has been fuelled by the thesis that once the elected get into office they are never seen until the next election. Thus often times candidates take loans from whatever sources including individual or mortgage properties to run elections.

Why Laws Could Not Implemented. The incapacity of INEC and other agencies saddled with enforcing sanctions on election offenders could be premised on their level of independence. INEC independence is on paper for its financial sourcing is made difficult like other agencies, particularly financial request for new technology which incumbent ruling party was lethargic about. This usually frustrates which partly led to late arrival of PVCs and distribution problem leading to INEC vilification. We witness the underhand that forced Jega to key into incident forms and less use of card readers. Breaches on the Electoral Act, from campaign period, financial limitation, uncouth electoral language could not be sanctioned because the political will is weakened by government coercive and intimidating tactics. Security agencies stand akimbo as electoral materials are carted away; coerced or bought media houses publish against their professional oath with their control agencies keeping stoic silence; men of proven integrity in INEC announce doctored results as well as sell electoral materials; men of courage and wisdom in the judiciary give faulty judgments; men of God display summersault of the truth at the sight of wavering offerings; traditional rulers have lost their "father of all" status, and soldiers have spoken from both sides of their mouths against their former commander –in-chief on proof of school certificate. This is the reality on ground which is unfortunate

Recommendations.

The inability of INEC to implement most of its laws have been traced to its independent status, hence most electoral offenders are not prosecuted. That most INEC officers at different levels could not see to conclusion of their reported cases because of influence of politicians particularly incumbent leaders. It is for this we flow with the 2005 National Political Reform Conference recommendation that membership of INEC be nominated by independent civil societies, like Academic staff union of universities, (ASUU), Nigeria labour congress(NLC) ,Trade union congress(TUC), Nigerian Bar Association(NBA),Women groups, the media ,and other patriotic groups .The neutral INEC to appoints its presiding officers(emphasis mine).

On electoral expenses, there must be a realizable and enforceable cap on how much can be donated to individuals and political parties, as well as how much could be spent on electoral campaigns including purchase of parties nomination forms, because at present nomination forms are sold at outrageous prices. For this we need to set up an independent political financing monitoring body under the proposed Electoral Offences Commission .It is only by this that that credible citizens who can serve this nation but have no huge financial war chest can compete in elections. The Electoral law should be amended to allow electronic recording of evidence of electoral fraud including gratification at the polling booths to nail those who believe in buying voters' consciences. We need to start inculcating in our youths from primary school on the need to move from politics of money and materialism to politics of ideas, issues and development. President Buhari spent less than his counterpart yet he won the election because of his pedigree. This will help limit the level of greed once in governance, because it is common that elected leaders immediately they are in saddle of governance proceed first to award frivolous contracts from which they recover their electoral expenses in hundred fold.

The impunity with which politicians flout electoral laws and effort to sabotage reforms like the use of PVCs and SMRs now make the institutionalization the Electoral Offences Commission a desideratum. We need to add that for the resources expended on the PVCs not to be wasted, it is better to harmonise its biometric registration with the National identity Card programme, leading to an integrated citizens, identification system. In addition INEC need to be unbundled into three units-Political Parties and Control Commission, Electoral Offences Commission and the Election managers. The commission will have a department to be armed by impeccable experienced police security officers independent of the mainstream security agencies adept in electoral forensic .The Commission also need to have a judicial

department made up of credible and experienced judicial officers adept in the legislative framework for elections. This will enable it to immediately investigate and prosecute breaches of relevant electoral provisions and those found guilty should be disqualified from participating in future elections to serve as deterrence to others, since INEC do not have the power to disqualify candidates. A well funded independent Electoral offences commission is what is needed. This separation will help also in prosecuting INEC Officials who commit the same offence with others like colluding with political leaders to rig election as it has been observed. This would ensure that the system is cleansed. The reaction by Buhari to the violence in states like Akwa-ibom, Lagos and Rivers that “People must not benefit from being lawless; you can’t be in a position by virtue of the constitution and continue to enjoy the privileges by the Constitution” (Punch, April 17, 2015:22) is apt.

To avoid impunity, the period of declaration of results and swearing-in of elected leaders should be enough to allow election petition cases be completed by the court in order to prevent leaders from occupying offices illegally.

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