

# A Historicism of INEC and the Conduct of Elections in Nigeria: The First two Decades of the Fourth Republic (1999-2019) in Focus

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**Abstract:**-The origin of electoral conduct in Nigeria stretches backward to 1959. Before the dawn of the 4<sup>th</sup> Republic which marked the current political dispensation of the country, the nation has witnessed a spate of intermittent rise and fall of a number of electoral bodies beginning with the Electoral Commission of Nigeria (ECN)-enacted in 1958. But surprisingly, the ECN demised in January 1966 following the coup of that year subsequent introduction of military rule that same year. Like the ECN, other electoral bodies that came after, i.e. Federal Electoral Commission (FEDECO) 1979-1983, and the National Electoral Commission (NEC) 1990-1993, all died still-births, as they did not live to stand the test of their times. The establishment of INEC in 1998 was one singular index that heralded the birth of the Fourth Republic which kick-started on 29<sup>th</sup> May, 1999. Though, INEC has succeeded in concluding six elections since 1999-2019, but many believed its conduct left much to be desired. These opprobrium included claims that INEC is complicit with some political party agents and aspirant in sabotaging tendencies towards credible elections and even its former chairman professor Attairu Jega was quite equivocal on this, when he was quoted as saying in 2015 that; "INEC officials receive bribe to influence electoral outcomes". From 2003 through 2011 INEC was confronted with plethora of problems such as delay in the preparation of voters election manual, failure to get voters' pictures on registration cards, under-funding, poor infrastructure and poorly trained staff. From 2015, INEC introduced the smart card reader and the permanent voters card (PVC) to check cases of electoral rigging. Though these two innovations are believed to have enhanced the credibility of elections, but claims about the viability of the smart-card reader and purported incidences of INEC server hacking after the 2019 general election results has once again raised some ominous dust.

**Key Words:** INEC, Conduct, Election, Nigeria, Fourth Republic.

## I. INTRODUCTION

In traditional African societies, traditional rulers held offices for life and the stool was not open to all but restricted to a segment called the ruling class.<sup>1</sup> The history of modern elections in Nigeria is dated back to the colonial period. This

<sup>1</sup> E. Tony, "Corruption, Political Parties and the Electoral process in Nigeria" in Mvndega. J; Antonia. T. S., (eds.), *Contemporary Issues in Nigerian Politics*, Ibadan: JODAD Publishers. 2003. p.70: see also the memos of the following to the ERC: Rev. Fr. Peter Babangida Audu, p. 1 National Solidarity Democratic Party), p.1-5; National Association for Peaceful Elections in Nigeria (NAPEN), pp2-5; OSIWA, A Civil Society pp. 1-4), A1 (Dr)Ahmadu Kurfi, OFR, Maradin Katsina, Hakimin Kurfi, "Electoral

was so because in traditional African society, the liberal or direct form of election was nearly if not, completely absent. At best, what existed was something close to a collegiate model of modern democracy as common among the Yoruba Oyomesi, the Igalamela among the Igala or the Uzama among the Benin.<sup>2</sup> But unlike in modern Africa, where emphasis is placed on a permanent institution for the conduct of election, in these pre-colonial centralized Nigerian societies, elections are conducted by these bodies, with their members voting on such subjects as choice of king, land allocation, on other important decisions, etc. In modern through post-modern (from 1945 onwards) societies of the Nigerian groups that were amalgamated by the British colonists, with attendant democratic system, the preparation for periodic and regular elections has become part and parcel of the process of expanding and deepening the democratic space.<sup>3</sup> To ensure this, bodies are properly and necessarily constituted and charged with the duty of prosecuting the many dimensions of the responsibility, which is considered to be very crucial to any democratization process.<sup>4</sup>

The history of elections in the colonial period is that of a long and slow elaboration of concessions from municipal

Reforms in Nigeria: Genesis, Problems, and the Way Forward, p.5". See also Fwatshak. U. S, "Economic and Political Environment of Elections and Expectations of Nigerians from Elections", in *Journal of the Historical Society of Nigeria, Vol. 18, 2009. P. 5*

<sup>2</sup>M M. Momoh, *Nigeria Government and Politics Up to 1960 for NCE and Undergraduate Studies*, Ankpa: Sanni Printers. 2015; Akinboye. S. O and Anifowose. R, "Nigeria Government and Politics", in Anifowose. R; Enemu. F, *Elements of Politics*, Lagos: Sam Iroanusi. 1999. Pp. 238-260; Haruna. S, "Igala in Nigeria", Adagba Magazine, 2004. p. 14; Abdulkadir. M. S, "British Administration of Igalaland, 1896-1918"; in FAIS Journal of Humanities, Vol. 1, No. 4, 2001. Pp. 130-144; Momoh. M. M, Comparative Historical Study of the Igala and the Tiv Traditional Political System: A Study of a Centralised and a Non-Centralised State in the North-Central Nigerian Region in the Pre-Colonial Period, being an Unpublished Paper Written for the Central Nigeria History Confab, 2018; Oguagha P. A, "The Igala People: A Socio-Historical Examination", *ODU Journal of West African Studies, No. 21, Jan/July, 1981. Pp. 168-192.*

<sup>3</sup> J D. Barkan, "African Elections in Comparative Perspective", in United Nations Department for Development Support and Management Services (UNDDSMS), *Elections: Perspectives on Establishing Democratic Practises*, New York: UNDDSMS. 1997; Lopez- Pinto R., "Election Management Bodies as Institutions of Governance", Bureau for Development Policy United Nations Development Programme. September, 2000.

<sup>4</sup>O O. Okpoh, "Election Management Bodies in Historical Perspective", in *Journal of the Historical Society of Nigeria, Vol. 18, 2009. P. 5.*

election through regional elections to the federal levels.<sup>5</sup> In other words, before 1959, elections in Nigeria were managed by the regional governments who operated different and separate electoral regulations.<sup>6</sup> These three types of elections referring to municipal–regional federal model point out above) naturally flowed from and to the constitutional and political development of the country as a colonial possession, occasioned by a combination of several factors including but mainly, nationalist agitations for participation in colonial administration, for reforms and for self–rule and independence. In terms of representation in administration, the British had set up the non-elective legislative council for Lagos colony between 1862 and 1922.<sup>7</sup>

Elections to fill public offices were first held in 1923.<sup>8</sup> This was because the Clifford constitution which replaced the Nigerian council, introduced electoral principles which galvanized political activities especially among the elected Nigerians.<sup>9</sup> The constitution established an executive council which comprised only British officials. The Legislative council it created has its function limited to the colony and southern protectorate. The legislative council for the colony and the southern protectorate comprised 46 members<sup>10</sup> of which there were a total of 10 (ten) Africans in the council, four (4) of which were elected, three (3) seats of the four (elective) seats went to Lagos, while the remaining one (1) went to Calabar.<sup>11</sup> The political party Nigeria National Democratic party (NNDP) founded by an engineering graduate, Herbert Macaulay in Lagos in 1923 which won all three seats for the legislative seats in Lagos and the Calabar Improvement League which won the only seat in Calabar own their emergence largely from this electoral principle introduced by the Clifford constitution in 1923.<sup>12</sup> Incidentally not all the four elective legislative seats were won by Nigerians but some by fellow Africans from neighboring west African countries. This was because the law provided for the positions to be occupied by Africans provided that those persons met set criteria including payment of tax, possession of property, was male of 25 years or over, and resident in the municipality where the election was being conducted.<sup>13</sup> From 1936, the dominance of the NNDP over Lagos politics came

to be challenged by the emergence of the Nigeria Youth Movement (NYM), led among others by Dr Nnamdi Azikiwe and Ernest Okoli. Until the emergence of the National Council for Nigerian Citizens (NCNC) from 1944 onwards, the NYM replaced the NNDP as the winning party defeating the NNDP in 1948.<sup>14</sup>

From these early years of elections in Nigeria, it manifested gradually into what we are now left with at independence. More also from the regionalization of electoral management at the embryonic stage of colonialism, as independence approached, a combination of need for national integration and reduce the cost of managing separate elections, made this regionalized arrangement unpopular.<sup>15</sup> As a result, during the 1954-58 constitutional conference which paved the way for independence, delegates articulated recommendations in favor of the establishment of a permanent and impartial body to conduct future elections in the country. This became the foundation for a standing electoral body to manage elections in the country.<sup>16</sup> As Okpoh pointed out, in 1958, a law was passed to that effect and the electoral commission of Nigeria (ECN) was formally inaugurated.<sup>17</sup> The ECN only lasted for a period of six years when it was replaced in 1964, prior to the 1964 federal election- the first post-independence election in Nigeria. Like INEC and all other subsequent commission, the ECN was given the task of voters' registration and the conduct of federal election. The ECN has as its chairman Mr. R.E. Wraith an expatriate officer. Other members were however appointed. These included Alhaji Bello Makaman Kano (northern region), Mr. K.A Bohn (Southern Cameroon), Barrister A. Aniagulu (now retired justice of the Nigerian supreme court) (eastern region), Mr. H. Orishejomi Thomas; senior Lecturer at University college, Ibadan (Western region) and Mr. Sho-Silva (Lagos, federal capital territory).<sup>18</sup> More also, after the 1959 elections and in the anticipation of political independence, there was the thought of the idea consolidating the nation's dependence of ECN which was followed by an anticipated need to form a new body to replace it.

Owing to the manner in which the ECN conducted the 1959 parliamentary election which was held in suspect, this suspicion informed the replacement of the ECN with the Federal Electoral commission (FEC) headed by Mr. Eyo E. Esua. FEC conducted the 1964 and 1965 elections in Nigeria but was dissolved after the military suspended all political activities following the January 15 coup, 1966. Military reign of power was coming to an end after an abrupt thirteen years of military engagement in politics, the need to fashion out an electoral umpire to broker the contest between potential contenders for the state's offices came to the front-burner,

<sup>5</sup> O O. Okpoh, "Election Management Bodies in Historical Perspective" ...

<sup>6</sup> U S. Fwatshak, "Economic and Political Environment of Elections and Expectations of Nigerians from Elections", in *Journal of the Historical Society of Nigeria*, Vol. 18, 2009. P. 6.

<sup>7</sup> I. Obaro, *Groundwork of Nigerian History*, Ibadan: Heinemann Books. 1980.

<sup>8</sup> I. Obaro, *Groundwork of Nigerian History* ...

<sup>9</sup> S O. Akinboye, Anifowose R., "Nigeria Government and Politics", in Anifowose. R; Enemu. F (eds.), *Elements of Politics*, Lagos: Sam Iroanusi. 1999.

<sup>10</sup> S O. Akinboye, Anifowose R. (eds.), "Nigeria Government and Politics" ...

<sup>11</sup> O T. Oshadare, "National Integration and Constitutional Development of Nigeria 1914-1960", *Anyigba Journal of the Department of History and International Studies*, Vol. IX, 2005.

<sup>12</sup> U S. Fwatshak, "Economic and Political Environment of Elections and Expectations of Nigerians from Elections" ...

<sup>13</sup> T. Tamuno, *Representative Government in Nigeria and Nigerian Elective Representation: 1923-47*, Ibadan: Heinemann. 1966. Pp. 33-35; 41-49.

<sup>14</sup> M M. Momoh, *Nigeria Government and Politics Up to 1960 for NCE and Undergraduate Studies* ...

<sup>15</sup> O O. Okpoh, "Election Management Bodies in Historical Perspective" ...

<sup>16</sup> M. Bratton, "Second Elections in Africa", *Journal of Democracy*, 9(3), pp. 251-66, 1989

<sup>17</sup> O O. Okpoh, "Election Management Bodies in Historical Perspective" ...

<sup>18</sup> O O. Okpoh, "Election Management Bodies in Historical Perspective" ...

hence, the military under General Olusegun Obasanjo established the federal electoral commission (FEDECO).<sup>19</sup>The Federal Electoral Commission was founded following the promulgation of Decree No.73 of 1977. FEDECO has as its chairman, a Nigeria civil servant called Michael Ani.<sup>20</sup> FEDECO's headquarters were located at King George Road Onikan.<sup>21</sup>On the overall, the functions of FEDECO includes; establishing party offices, promulgating the new constitution of 1979 into law, swearing in of elected officials, and delineating electoral constituency.<sup>22</sup> Haven been entrusted with the one responsibility of conducting the 1979 elections, FEDECO designed the electoral time-table letting the legislative election to come before the executive election.<sup>23</sup> Despite a successful election in 1979, FEDECO's life-span terminates following the December 31, 1983 coup, which brought in General Muhammadu Buhari as head of state in 1<sup>st</sup>January, 1984.

Two more electoral management bodies were established in between the demise of FEDECO (1983) and the start of the Fourth Republic in 1999. First of this two was the national electoral commission, established during the General Ibrahim Babangida's transition program between 1987 and 1993. NEC was established specifically in 1987 with Professor Eme O. Ewa as the chairman. Professor Ewa was later substituted by Professor Humphrey Nwosu who headed the commission from February 1989 to its terminal date- June 23<sup>rd</sup>, 1993,<sup>24</sup> NEC initially made remarkable progress in the discharge of its assignments as is illustrated by the successful conduct of the local government elections on zero party basis and the states and national assembly elections on party basis. It however could not survive the controversy that engulfed the presidential elections of June 12<sup>th</sup>, 1993.<sup>25</sup> General Sanni Abacha later replaced it with the national electoral commission of Nigeria in December 1995. This follows attempts at dismantling all the democratic structures that was inherited from the General Babangida era. National Electoral Commission of Nigeria (NECON) was headed by Chief Summer Dagogo-jack as chairman this body, though registered some political parties and conducted a few elections, but its existence was terminated by the unforeseen death of General Abacha, as General Abdulsalam Abubakar did not maintain the NECON. Instead another electoral body called the Independent National Electoral Commission

(INEC) was established to conduct the election that in Nigerian political parlance is known as the Fourth Republic. Hence, the segments to follow shall be devoted to the past elections particularly the 2019 General elections because of, the currency of this most recent election, the role of INEC in all six elections conducted within this period shall be investigated. In other words, the elections of 1999, 2003, 2007, 2011, 2015, and 2019, as it pertains to the roles played by INEC, shall be studied.

## II. INEC AND THE FOURTH REPUBLIC ELECTIONS 1999 -2007

On assumption of office following the sudden death of General Sanni Abacha in June 1998, General Abdulsalam Abubakar dissolved the NECON and established the independent National Electoral commission (INEC) as the new election management body for Federal elections in Nigeria<sup>26</sup> with Justice Ephraim O.I Akpata as its pioneering chairman and serving the commission between the period 1998 and 2000.<sup>27</sup>The commission consists of the function of INEC as spelt out to include undertaking and supervising all elections to the office of the president and vice-president, the governor and deputy governor of a state, and to membership of the senate, the House of Representatives and the House of Assembly of each state of the Federal Republic of Nigeria, registering political parties, including their finance, arranging for the annual examination and auditing of the funds and accounts of the political parties, and publishing a report on such examination and audit for public information, arranging and conducting the registration of persons qualified to vote as well as preparing, maintaining and revising the register of voters for the purpose of any election under the constitution, monitoring political campaigns and providing rules and regulations, which will govern political parties, ensuring that all electoral commissioners, electoral and returning officers take and subscribe to the each of office prescribed by law, delegating Resident Electoral Commissioner(s), and carrying out such other functions as may be conferred upon it by an act of the National Assembly. The commission also monitors political parties' campaign and provides rules and regulations to govern their activities.<sup>28</sup> The power to register political parties by INEC is provided in Decree No. 35 of August 1998. In specific terms this decree gave INEC the power to:

- i. Issue guidelines and make rules and regulations.
  - a. Formation and registration of political parties.
  - b. Guiding electioneering campaigns by registered political parties.

<sup>19</sup> M M. Momoh, *Nigeria Government and Politics Up to 1960 for NCE and Undergraduate Studies* ...

<sup>20</sup> Imam, I, "Past INEC Chairmen", *Thisday*, 9<sup>th</sup> June, 2010.

<sup>21</sup> F. Famoroti, "How Adesanya Lost Bid to Stop Ovie Whiskey's Appointment", *National Mirror*, 7<sup>th</sup> April, 2014.

<sup>22</sup> "Important Functions of FEDECO During the 1979 Elections", retrieved from <https://www.myschool.com/> on 2019-07-08.

<sup>23</sup> M M. Momoh, *Nigeria Government and Politics Up to 1960 for NCE and Undergraduate Studies* ...

<sup>24</sup> O O. Okpoh, "Election Management Bodies in Historical Perspective" ...

<sup>25</sup> Garber Larry, "Election Commissions: Responsibilities and Composition". Paper presented at the NDI-sponsored African Election Colloquium. Victoria Falls, Zimbabwe, November, 1994. Hams, Peter "An Electoral Administration: Who, What and Where", paper prepared at IDEA for the South Pacific Electoral Administrators' conference in Fiji. October, 1997.

<sup>26</sup> Victor A.O Adetula, "The Independent National Electoral Commission (INEC) and the 2003 Election: An Evolution", in Albert. O, Marco. D, Adetula. V, *Perspectives on the 2003 Election in Nigeria*, Ibadan: Stirling-Horden. 2007.

<sup>27</sup> O O. Okpoh, "Election Management Bodies in Historical Perspective" ...

<sup>28</sup> Victor A.O Adetula, "The Independent National Electoral Commission (INEC) and the 2003 Election: An Evolution" ...

- ii. Monitor and control the activities of the registered political parties; and,
- iii. Dissolve or proscribe any political association if it considers any of the activities of the association as injurious to the public.

Hence, the decision of the commission to register or refuse to register a political association as a political party shall be final, binding, and not subject to review by any court condition for registration. In some sense while the INEC establishment Decree set-up the INEC, it was the 1999 constitution that provide the cushion for sustaining it. When the 1999 Constitution was framed, Article 153 of this Constitution, provided for the establishment of a number of federal executive bodies which included an Independent National Electoral Commission (INEC). The INEC comprises of a chairman who is designated the chief electoral commissioner and should not be less than 50 years of age, and 12 national electoral commissioners who should not be less than 40 years of age. The chairman and the commissioners of INEC are appointed by the president of Nigeria and must be people of unquestionable integrity. Resident electoral commissioners for each State of the Federation and the FCT are also appointed by the president and shall have the same qualifications as the national electoral commissioners. The chairman and commissioners of the INEC can only be removed from office by the president of the federal republic of Nigeria with the support of two-thirds majority of the Senate on the ground of inability to discharge the functions of the office arising from infirmity of mind or body or any other cause, or for misconduct. The function of INEC is to organize, undertake and supervise all elections. Its other key responsibilities are to:

- i. Register political parties;
- ii. Regulate the conduct of parties, including auditing their accounts for income and expenditure;
- iii. Maintain on a continuous basis a National Register of Voters;
- iv. Establish rules and regulations for the election campaign;
- v. Conduct voter and civic education;
- vi. Fix dates for elections; and,
- vii. Delimit constituencies.<sup>29</sup>

Within the period 1999-2007, INEC conducted three elections with each of these producing certain degrees of ambivalence from stakeholders, with the victors in their usual glib mood, praising INEC for the “well conducted poll” while the unfortunate losers as one should expect were wont for casting aspersions and utter disavowal on the sanctity of the process producing these winners. The process producing this chain of electoral controversies that has lived with us since the military bid fair-well to political appetite which therefore heralded the birth of the Fourth Republic took a formal grip from 27 February 1999 when, INEC conducted the 1999

Elections. For the 1999 General election, INEC registered a total of 57, 938, 945<sup>30</sup> out of which 30, 280, 952 representing 52.3 percent of registered voters casted their votes. A total of 431, 611 (01.4%) votes were counted as invalid vote while valid votes amounted to 29,848, 441 representing 98.6 percent of votes casted. At the end of poll chief Olusegun Obasanjo of the PDP was declared the winner with a total of 18,738, 154 votes representing 62.8 percent of total votes casted defeated the AD candidate Samuel Oluyemi Falae who was only able to pull a total of 11,110,287.<sup>31</sup> Over the course of three months (December, 1998-February 1999), Nigeria was plunged into four rounds of election. This started with the local government council elections of January 1999, and the presidential elections of 9<sup>th</sup> January 1999, and the presidential election of 27 February 1999, as we have pointed out above.<sup>32</sup> The election results were challenged, thereby subjecting INEC’s effort to questions regarding credibility. There were pockets of protests about the credibility of the elections, the most notable being the litigation filed by OluFalae, the APP-AD presidential candidate, challenging the results of the election.

The elections were not credible as attested to by reports of local and international observers, including the Transition monitoring Group (TMG), the Carter Center, national Democratic Institute (NDI), International Republican Institute (IRI), EU, all of which reported widespread irregularities, including a “Miraculous” 100 percent turnout of voters in Rivers State during the presidential election. Yet, the attendant protests were moderate as major stakeholders in the elections-political parties, candidates, civil society, etc.; decided to sheath their swords possibly because of the renewed promise of democracy.<sup>33</sup> Nevertheless, allegations of electoral corruption, with the active connivance of INEC, and probably the transitional military regime, challenged the administration of the election, as it raises basic questions about the status of INEC regarding independence, impartiality and accountability. INEC allegedly rigged the 1999 elections in favour of chief Obasanjo in demonstration of military solidarity, but more importantly to avoid the pitfalls of the first Republic when no party had enough seats to form the government.<sup>34</sup> As Onuoha puts this situation; “the reason for the major rigging was to ensure that the party had an absolute majority in order to avoid the coalition and subsequent weak takeoff of a new government, which was part of the transitional crisis of 1959 and 1979”.<sup>35</sup> The susceptibility of

<sup>30</sup> “Presidential Election 1999-2011 in Figures”, *Vanguard*, April 23, 2011.

<sup>31</sup> J. S. Omotola, “Electoral Governance and the Democratization process in Nigeria under the Fourth Republic”, in V. Egwemi, *A Decade of Democracy in Nigeria, 1999-2009: Issues, Challenges and Prospects of Consolidation*, Makurdi: Aboki Publishers, 2010.

<sup>32</sup> J. S. Omotola, “Electoral Governance and the Democratization process in Nigeria under the Fourth Republic” ...

<sup>33</sup> D. Kew, “Democracy, Dem Go Crazy, O: Monitoring the 1999 Nigerian Elections”, *Issues: A Journal of opinion*, 27(1), 1999. Pp. 29-33.

<sup>34</sup> J. S. Omotola, “Electoral Governance and the Democratization process in Nigeria under the Fourth Republic” ...

<sup>35</sup> B. Onuoha, “A comparative Analysis of general election in Nigeria”, in Anifowose, R., and Tunde, B., (eds.), *2003 Elections and Democratic Consolidation in Nigeria*, Lagos: Friedrich Ebert Stiftung, 2003.

<sup>29</sup> “Nigeria’s 2007 Elections and Media Coverage” -article19.org. see also 1999 constitution of Nigeria.

INEC to political manipulations was due to its lack of institutional and financial autonomy.

All its principal officers, including its chairman, national electoral commissioners and resident electoral commissioners were, as constitutionally mandated, the political appointees of the president.<sup>36</sup> Consequently, INEC had to rely on the executive arm particularly the presidency for its actions and inactions. The loyalty and accountability of INEC was, therefore, first and foremost, to the executive to whom it goes cap in hand begging for audience and funding, before any other considerations. There was an unprecedented monetization of politics as “moneybags” hijacked the electoral process and engaged seriously in vote buying.<sup>37</sup> The situation as Fawole noted, is indeed terrible because of INEC’s inability to strictly enforce political finance regulations.<sup>38</sup> For the period running 1999-2003, finance was a major challenge for INEC. The funding patterns of the commission between 2000 and 2003 indicates serious disparities between the amount of money approved and the actual amount that it got in the final analysis. INEC’s frustration is captured by UjoAbdulhamid as thus;

*In each year, the grants released under each head fell short of what were approved in the Appropriation Act. The shortfalls were most severe on the overheads, electoral and capital expenditure. In the case of electoral expenditures, grants were not received until about mid-2002. Partial capital grants were released in 2000 and 2001 and none in 2002 and 2003.... The net impact of the late release and funding below the levels of approved grants posed considerate challenge to the commission’s planning and implementation efforts.*<sup>39</sup>

The funding pattern for INEC between 2000 and 2003 when the commission was presided over by the late<sup>40</sup> chairman of the commission, Dr. Abel Guobadia, shows some significant difference between the approved grants and the actual amount of money paid to the commission. In 2001 the total amount of ₦261,457,967.00 was released. In 2001, the amount went up to ₦334,384,107, 107.00. the figure however dropped to ₦36,628,304,543 in 2002 and further down to ₦9,386,143,990,00 in 2003.<sup>41</sup> In the 2003 General elections, the impact of INEC’s poor financing on the fortunes of the electoral process was thus, greatly felt. The registration of

voters, which the organization scheduled to start in 2000 was delayed until September 2002.<sup>42</sup> Similarly, the voters’ education materials which was suppose to help stimulate the awareness and interest on electorates on the importance of elections and the roles these electorates have to play to ensure a hitch-free election. In addition, other activities such as the stakeholders’ interface, training of adhoc staff, and the procurement of vital logistical materials were delayed until the last days of the polls. As one should expect, several flaws soon surfaced as the commission tried to beat time, results became disappointing indeed as promises to have voter pictures on registration cards ended up a huge flaw, jeopardizing the credibility of the elections.<sup>43</sup>

In the process of conducting the 2003 election, INEC carried-out three streams of elections beginning with the National Assembly election on 12<sup>th</sup> April, followed by the Presidential and Governorship elections which held on 19<sup>th</sup> April, and finally, the States Houses of Assembly election that also followed on 3<sup>rd</sup> March 2003.<sup>44</sup> Voters came out in overwhelming numbers for either of the elections. In these elections of 2003, several cases of logistical problems were reported in different locations across the country which prevented the smooth running of the elections, and some parties and candidates took advantage of these problems to falsify the results. In some locations, especially in the south, elections materials never reached polling stations, or election officials did not turn up; yet results were officially announced from these constituencies. In its final report on the elections, the Transition Monitoring Group (TMG), a national coalition of civil society groups which monitored the elections, described the activities on all three election days and the collation and declaration of results as “characterized by monumental fraud”.<sup>45</sup>

On April 29 and 30, representatives of 45 of the local organisations that monitored the elections, met in Abuja to review the elections of April 12 in to the National Assembly and those of April 19 for the presidency and governorships. The organisations met under the aegis of the Electoral Reform Network (ERN), and subsequently issued a statement which was signed by representatives of the ERN, the Transition Monitoring Group (TMG) which had 10,000 monitors, the Justice Development and Peace Commission (JDPC) of the Catholic Church, with 30,000 monitors, the Labour Election Monitoring Team (LEMT) of the Nigeria Labour Organisation with over 4,000 monitors and the Federation of Muslim Women’s Associations of Nigeria (FOMWAN) and the Muslim League for Accountability (MULAC) with over 1,600 monitors. Of all the report by the local monitors, it was only the Justice Development and Peace Commission (JDPC) of

<sup>36</sup> Section 154 of the 1999 Constitution.

<sup>37</sup> E O. Ojo, “Vote Buying in Nigeria”, in Money Politic corruption in Nigeria, Abuja: IFES, 2006, Pp. 105-123.

<sup>38</sup> Fawole. A. W, “Voting without choosing: Integrating the Crisis of electoral Democracy in Nigerian”, in Lumumba-Kasongo, Tumbi (ed.), *Liberal Democracy and its Critics in Africa*, Dakar: CODESRIA Books; London: Zed Book. 2005.

<sup>39</sup> A A. Ujo, “Election Management Bodies and consolidation of Democracy”, New Nigerian, 18<sup>th</sup> December 2003.

<sup>40</sup> “Breaking News: Abel Guobadia ex-INEC boss dies”, *Vanguard*, 4<sup>th</sup> February, 2011.

<sup>41</sup> Victor A.O Adetula, “The Independent National Electoral Commission (INEC) and the 2003 Election: An Evolution” ...

<sup>42</sup> Victor A.O Adetula, “The Independent National Electoral Commission (INEC) and the 2003 Election: An Evolution” ...

<sup>43</sup> O O. Okpoh, “Election Management Bodies in Historical Perspective” ...

<sup>44</sup> “Patterns of election violence”, retrieved from <https://www.hrw.org/> on 2019-07-10.

<sup>45</sup> “Do the votes count? Final report of the 2003 general elections in Nigeria,” Transition Monitoring Group.

the Catholic Church, which at least gave credit to the INEC. In a statement on the report by Archbishop John Onaiyekan, (CON), the Archbishop of Abuja and the President of the Catholic Bishops Conference of Nigeria, he described the elections as “generally free and fair,” and also said INEC deserved commendation for this.<sup>46</sup>

Their statement, which has been published in a number of newspapers, has described the elections of April 12 and 19 as too seriously flawed to be the reflection of the wishes of the Nigeria voters. Among other things, the statement said, “We have evidence that in many polling stations across the country, voters voted, results were declared at some polling stations, while in others there was a conscious decision by electoral personnel not to declare the results. Whether declared or not, these results were manipulated by electoral officers and party officials at collation centres. Contrary to INEC guidelines, observers were in some states and centres refused access to these collation centres”. In addition to this, the local observers also reported widespread collusion between governors and INEC officials to manipulate results. The works of local observers was also corroborated by the foreign observer missions including the Economic Community of West African States (ECOWAS), the European Union, the Commonwealth, the African Union, the National Democratic Institute and the International Republican Institute, those from the United States, and those from South Africa. With 118 monitors spread among 31 states and the FCT, the EU, among other things, said it observed many instances of “ballot stuffing, changing results and other serious irregularities ... in Cross River, Delta, Enugu, Imo and Rivers.” The elections in these states, the EU said, “lack(ed) credibility.” The EU said it also observed irregularities in Anambra, Benue, Edo, Katsina and Nasarawa states, irregularities which “undermined the integrity of the electoral process” in those states.<sup>47</sup>

Of this foreign observer missions, the only one that seems to be speaking from the same side of the mouth as INEC was, the ECOWAS, perhaps because of its financial dependence on Abuja. With presence in just seven states including, Bauchi, Bornu, Cross River, Kaduna, Kano, Ogun and the Federal Capital Territory, ECOWAS which has the smallest number of representatives among the foreign observers held the premature position that, “any hiccups that might have occurred during and after the conduct of the election process were grossly insufficient to adversely affect the outcome of the elections”. Thus, owing to the loss of trust in the electoral process stemming from these reports of hypocrisy by INEC in the April 12 and 19 elections, when elections to the states houses of assembly were to be held on May 3 of that year, a number of aspirants from the opposition parties turned-down their participation. Arising from the

various cases of irregularities that characterised the 2003 general election, the authors of wikipedia.org gave the following submission;

*Millions of people voted several times. The police in Lagos uncovered an electoral fraud, finding five million false ballots. International observers, including the European Union, determined various irregularities in 11 of the 36 Federal States. Thus, in many cases votes were pre-filled or results were later amended. In some states those did not fulfil minimum standard for democratic elections. Nearly all opposition parties refused to recognize the result. The electoral committee noted for example that in the city Warri in the Niger delta of 135,739 voters, 133,529 voted for the parliamentary election. Observers reported, however, that up to the Saturday afternoon no elections and only some polling stations had opened. Also the counting time very long compared with other countries pointed according to observers on possible electoral fraud.<sup>48</sup>*

The reason for the relative lackluster performance of INEC in this 2003 election is not so unconnected to the statement credited to the then INEC chairman, Dr Abel Guobadia below;

*INEC's problems can be traced to (1) the presidency which often gave INEC too little money, too late for it to discharge its functions properly, and (2) the bickerings between the presidency and the National Assembly which led to serious delays in passing the electoral law for the 2003 elections.<sup>49</sup>*

The above statement was made during an interactive section with media chiefs in Lagos on 18<sup>th</sup> February, 2003, this was just some two months before the election commenced on 12<sup>th</sup> April that same year. In several other press interviews, Dr. Guobadia has rejected suggestions that the delays in and the inadequacy of funding INEC were deliberate, but this seems clearly to be the case. First, when Guobadia replaced Chief Ephraim Akpata following the latter's death early in 2000, one of his first acts was to announce that he will computerize the compilation of the country's voters register, for the first time in the country's history. For more than one year after he approached the presidency for the release of funds to carry out the exercise, he was studiously ignored. Indeed, it was on good authority, that when he finally personally took his case to the president and said he would like to commence the exercise in November 2001 so that a computerized voters' register would be ready in time for the February 2002 local government elections scheduled against the end of the three year tenure of the local governments that

<sup>46</sup> M. Haruna, “2003 General Elections: A Bungled Historical Opportunity”, retrieved from <https://www.gamji.com/> on 2019-07-16.

<sup>47</sup> M. Haruna, “2003 General Elections: A Bungled Historical Opportunity” ...

<sup>48</sup>“Nigeria General Election 2003”, retrieved from <https://www.wikipedia.org/> on 2019-07-16.

<sup>49</sup>“Parliamentary Chamber: Senate Elections Held in 2003”-Historical Archive page of parliamentary election results for Nigeria.

had started in May 1999, the president told Guobadia and the National Commissioners that accompanied him, that there would be no such elections.<sup>50</sup>

More difficult is the fact that during the 2003 election INEC worked in a somewhat complicated environment. For this election, INEC registered more than sixty million voters. On top of this, there were a total of 120,000 polling stations in the conduct of general elections across Nigeria,<sup>51</sup> as well as several thousands of observers it accredited and staff of the commission that conducted the election nearing one million persons if not surpassing this figure. On the grounds of this complex state of affairs, one should thus not be surprised that the outcome turned out the way it did. In this respect, Adetula noted;

*The task of administering these elections were vast and complex, and giving increasing indication that INEC was not developing and executing the requisite extensive planning, the procedural irregularities cited by all election-day observers were to be expected to some extent.*<sup>52</sup>

Just some two years to the 2007 general elections Dr. Abel Guobadia retired as the chairman of INEC in June 2005. Since there was only a limited time left before the commencement of the 2007 elections, the then president, Olusegun Obasanjo appointed the pharmacist, Professor Maurice Iwu to head the nation's number one electoral body. Iwu thus, succeeded Abel Guobadia as Chairman of INEC. Soon after being appointed, Iwu announced that foreign monitors would not be allowed during elections, but only foreign election observers. This decision was condemned by politicians and civil society groups who called for his immediate removal from office.<sup>53</sup> Following from this early body language of the new INEC chairman was series of what critics described as a lopsidedness and compromising attitude towards the dictate of the party at the center before and during the conduct of the 2007 election as we shall demonstrate in the succeeding lines. One of the prominent critics as observed by Ibrahim and Garuba, was Nigeria's former senate president, Ken Nnamani, who was quoted as saying; "The problem we have had in Nigeria is that every succeeding election is worse than the previous ones. In other words, the election of 1999 was better than that of 2003, and from several indications, that of 2003, will be better than that of 2007. That does not show growth, it does not show that our democracy is being deepened, talk less of thriving".<sup>54</sup>

Luqman also echoed a similar fear as expressed in his 2009 remark that; "while a great deal of the problems

confronting elections and electoral process in the nation's democratic history can be linked to behavioural and attitudinal dispositions of the political elite, a substantial portion of the blame must be placed on the door step of institutions that have been saddled with the responsibility of conducting elections in Nigeria. Experiences have shown that rather than being independent of the executive arm of government and maintaining a non-partisan stand, past electoral commissions in Nigeria's political history were indeed tied to the apron strings of the incumbent executive. Rather than being independent of the executive arm of government, transparent in its dealing, impartial in the discharge of its functions, accountable and responsive to the stakeholders involved in the process, electoral commissions in Nigeria have exhibited the opposite of all these virtues".<sup>55</sup> Before the election, the INEC chairman assured Nigerians that, reforms will be in place to improve upon the level of INEC management of elections. This promise was based on a review of the 2003 presidential and national polls, in which candidates from the All Nigeria People's Party (ANPP) complained vigorously and challenged the outcome in court and in the media accusing the winning incumbent party, the People's Democratic Party (PDP), of widespread vote rigging. Hence, reforms were recommended, principally around enhancing the capacity of INEC to conduct credible, free and fair elections, and the media broadening of public debates. INEC did embark these reforms, but there were questions as to whether they had been far-reaching enough to significantly improve on the conduct of election in 2007.<sup>56</sup>

Going by reports, some opposition candidates soon cried foul. There were complaints that preparations for the 2007 Elections have shown more than a few fault lines – a tight election time-table that has limited voter registration at centres that have been overwhelmed and immersed in controversy about registration machines allegedly gone missing or undelivered. Subsequently the registration deadlines became a moving target from December 14 to January 31 and the last extension forced by public demand to INEC reset for 2<sup>nd</sup> February, 2007.<sup>57</sup> But even with these extensions, reports indicated that many eligible voters were still not registered. Further, voter education has been minimal and largely urban focused. Whatever the hitches to the election schedules, the preparations went on however, the electoral environment raised some consternation. A public feud between the then President Olusegun Obasanjo and his Vice President, turned opposition politician, Atiku Abubakar, stoked political tensions.<sup>58</sup> As the election was going on news soon spreading from across the country indicated that the National Assembly election had been postponed in several States due to the non-inclusion of names and logos of some

<sup>50</sup>Parliamentary Chamber: Senate Elections Held in 2003"- ...

<sup>51</sup> J. O. Orlu, "Ogwa Clan: INEC's 120,000 Polling Booths and 2011 Elections", *Modern Ghana*, 28<sup>th</sup> December, 2010.

<sup>52</sup> Victor A.O Adetula, "The Independent National Electoral Commission (INEC) and the 2003 Election: An Evolution" ...

<sup>53</sup>"The Many Battles of Maurice Iwu", *ThisDay*, 30 March, 2009.

<sup>54</sup> J. Ibrahim, Garuba D. (2010) "A Study of the Independent National Electoral Commission", Dakar: CODESRIA Research Reports. No 1. 2010.

<sup>55</sup>Luqman. S, "Electoral Institution and the Management of the Democratic Process: The Nigeria Experience", *Journal of Social Sciences*, 21(1), 2009.

<sup>56</sup>"Nigeria's 2007 Elections and Media Coverage" -article19.org ...

<sup>57</sup>"INEC News", retrieved from <https://www.inecnigeria.org> on 2019-07-20.

<sup>58</sup>"Nigeria's 2007 Elections and Media Coverage" -article19.org ...

candidates and political parties on the ballot paper. In Lagos State, the senatorial election was shifted in Lagos West and Lagos Central as well as seven federal constituencies. In Oyo State, election into seven federal constituencies was also postponed. There was no national assembly election in Abia State because of a mix-up in the ballot papers. Election into three senatorial districts in Ogun and Rivers States was also shifted, in addition to election not holding in some federal constituencies. In states such as Enugu, Imo, Kaduna, Ondo, Gombe and Bayelsa, voting did not start at 10 o'clock as scheduled. Shortage of electoral materials was reported in some local government areas of Ekiti State. The election was shifted in one senatorial district in Enugu State. News also spread that voting did not take place in two senatorial districts in Delta State while the Residential Electoral Commissioner had earlier shifted the election in ten federal constituencies.

In Jigawa State, INEC office in Ringim Local Government was completely razed by people protesting the non-inclusion of names and logos of some candidates and parties. Election was also shifted in seven local government areas of the State. (This is just more evidence of how insincere INEC has been about the election. Six INEC officials were also arrested in Lagelu local government of Oyo state for allegedly thumb-printing ballot papers in favour of a particular political party. A presiding officer, Felix Ugboaja in Lugbe area of Abuja, was reported to have absconded with election materials. In Epe, Lagos, complaints of shortage of materials including ballot papers and boxes was reported while in Ajah, still in Lagos, INEC officials arrived the area late and some voters who had waited for hours at polling centres could not hide their frustration.<sup>59</sup>Owing to these factors, the 2007 election is alleged to be fraudulent and partisan on the part of INEC conduct. This was expressed in unconciliatory tone of local and foreign observers of the poll. Even the acclaimed winner of the poll, the PDP's candidate Umaru did not mince words in accepting that the process that gave him victory was a fraudulent one.

### III. INEC AND THE CONDUCT OF ELECTIONS IN NIGERIA'S FOURTH REPUBLIC: 2011-2015

In fulfilment of an assurance given at his inauguration to pursue electoral reform, President Yar'Adua established a 22-member Committee on Electoral Reforms in August 2008. It was headed by Justice Muhammed Uwais, former Chief Justice of the Federation. It is notable that Professor Attahiru Jega, who subsequently became the Chairman of INEC, was a member of the Uwais Committee. Some of the key recommendations of the Committee included the following:

- i. Removal of the Independent National Electoral Commission from the direct control of the presidency and abolishing of state selectoral commissions;

- ii. INEC chairman to be appointed by the National Judicial Commission (NJC) rather than the President (the NJC would forward the name of the selected nominees to the senate for ratification following a period of public advertisement);
- iii. Determination of election petitions by tribunals should take no more than four months, and appeals a further two months, making a total of six months; and,
- iv. Establishment of new legislative bodies to deal with electoral offences. Such bodies would include: Electoral Offences Commission (EOC), Constituency Delimitation Commission (CDC), and Political Parties Registration and Regulatory Commission (PPRRC).<sup>60</sup>

President Yar'Adua presented a modified version of the Uwais Report, containing its recommendations, to the National Assembly in 2009, and in March 2010, Acting President Goodluck Jonathan forwarded an unedited version of the Report to the National Assembly for approval. The Electoral Act 2010, enacted under President Jonathan's administration, incorporated some of the recommendations of the Uwais Committee such as provisions for shorter time frames for hearing election petitions, and stricter rules for political party primaries. The National Assembly was, however, criticised for not including key recommendations of the Uwais Committee such as the procedure for appointment of the Chairman of INEC and the creation of an Electoral Offences Commission. On 28 April 2010 Acting President Jonathan, who had meanwhile also committed himself to pursuing electoral reform, removed the former Chairman of INEC, Professor Maurice Iwu, from office. Iwu's term was due to expire on 13 June 2010. Acting President Jonathan subsequently appointed new INEC Commissioners although a few of the existing ones were retained. The appointment of Professor Attahiru Jega, then the Vice Chancellor of Bayero University, Kano, as the Chairman of INEC was met with widespread approval both within and outside Nigeria, as Professor Jega was hailed as a man of integrity. As noted earlier, Professor Jega had also been a member of the Uwais Committee.<sup>61</sup>

The result of the Presidential Election as announced by the INEC Chair in the order of number of votes received by the four leading presidential candidates were as follows:

- i. Dr Goodluck Jonathan (PDP) 22,495,187 58.9%
- ii. General Muhammadu Buhari (CPC) 12,214,853 31.98%
- iii. Mallam Nuhu Ribadu (ACN) 2,079,151 5.41%
- iv. Mallam Ibrahim Shekarau (ANPP) 917,012 2.4%

<sup>60</sup>“Nigeria Presidential and National Assembly Election, “28<sup>th</sup> March, 2015”, Commonwealth Observer Group.

<sup>61</sup>“Nigeria Presidential and National Assembly Election, “28<sup>th</sup> March, 2015” ...

<sup>59</sup>Adaure Achumba, “Nigeria Votes 2007 Part II: The Presidential Election”, The World According to Adaure- a Blog.



The remaining 16 presidential candidates received 1.32% of the total votes cast.

Following the National Assembly elections, the seat allocation was as follows: PDP

205, ACN 69, CPC 36, ANPP 28, LP 9, APGA 6, ACC 5, others 2.<sup>62</sup>

The Commonwealth Observer Group led by H.E. Festus Mogae, former President of Botswana, noted that “the 2011 elections marked a genuine celebration of democracy in Africa’s most populous country and a key member of the Commonwealth. As a consequence, previously held notions that Nigeria can only hold flawed elections are now being discarded and the country can now shake off that stigma and redeem its image. Notwithstanding the organisational deficiencies that resulted in the 2 April National Assembly elections being aborted after they had started, and in spite of persistent procedural inconsistencies and technical shortcomings, the elections for the National Assembly and the Presidency were both credible and creditable and reflected the will of the Nigerian people”.<sup>63</sup> While reacting to allegations that, INEC officials are corrupt, the former boss of the commission, professor Attahiru Jega did not deny this position. In 2013, Jega somewhat accepted this claim when asked, during an interview on whether rigging of elections have been made possible and easier by corruption in the Independent National Electoral Commission. This was what Jega said;

*No doubt, I must share with you that my own assessment of what has happened is that in INEC previously, certainly there were a few bad eggs who had done things and things they had done had more or less damaged the image of the entire members of the Commission... We said we were not looking for fault. We will not do anything wrong or ask anybody to do anything wrong and if anybody should do anything wrong, he will have him or herself to blame. And that has been our guiding principle. It has helped tremendously... We made it very clear as a Commission and I think in one of the interactive sessions we had with staff of INEC, we made it very clear to them that we are drawing the line... There were many people that were indicted who were not faithful due to criminal activities which clearly were incompatible with the objectives and responsibility that they were supposed to bring to this job. We have retired people...<sup>64</sup>*

Jega was further quoted as saying;

<sup>62</sup>“Nigeria Presidential and National Assembly Election, “28<sup>th</sup> March, 2015”

...

<sup>63</sup>“Nigeria Presidential and National Assembly Election, “28<sup>th</sup> March, 2015”

...

<sup>64</sup>“Some of Our Staff Are Corrupt – INEC Chairman”, Information Nigeria, 27<sup>th</sup> June, 2013.

*...We have dismissed people and asked people to withdraw their services. We have done a lot quietly and it is not something that really should have been advertised... INEC officials are not immune to prosecution. Since we came here, as a Commission we have prosecuted INEC officials, who have been clearly found guilty of breaching established laws, rules and regulations and we have also quietly shown people the way out. Probably, it was not well advertised... It is really a terrible thing that has happened. And it is very, very clear that majority of staff of INEC are honest people doing honest job under very difficult circumstances. All they required was motivation and encouragement and inspiration from the conduct of those who are placed in positions of responsibility.<sup>65</sup>*

To make his promise real, professor Jega, when ahead with an overhaul plan geared towards stirring up its personnel and operational strategy. In 2013, it launched into what authorities called “routine exercise”. But in critics’ quarters, it was seen as “dart-shootings” at perceived enemies. Whatever the arguments, the idea behind the move, many believe, was to ultimately rid the Commission of bag eggs and get it ready ahead of 2015 elections. Remarkably, the exercise affected 26 directorates in the commission which were pruned down to nine. Also, some departments were collapsed into others.<sup>66</sup>

General elections were held in Nigeria on 28 and 29 March 2015, the fifth quadrennial election to be held since the end of military rule in 1999.<sup>67</sup> Voters elected the President and members to the House of Representatives and the Senate. The incumbent president, Goodluck Jonathan sought his second and final term. The elections were first scheduled to be held on 14 February 2015. However, the electoral commission postponed it by six weeks to 28 March, mainly due to the poor distribution of permanent voters cards, and also to curb ongoing Boko Haram insurgency in certain north-eastern states.<sup>68</sup> The government closed its land and sea borders from midnight on 25 March until the end of the polling date.<sup>69</sup> The election was extended to 29 March due to delays and technical problems with the biometric card readers. It was the most expensive election ever to be held on the African continent.<sup>70</sup> Before the 2015 election, as a way of avoiding the usual inflammatory campaign comments, INEC had issued a Code of Conduct for Political Parties in 2013, which prohibits such activities. INEC further anticipated that, in future, greater effort should be needed to moderate the tone of the campaign by enforcing penalties against offenders. INEC also published

<sup>65</sup>“Some of Our Staff Are Corrupt – INEC Chairman” ...

<sup>66</sup>LevinusNwabughio, “2015: Jega’s reforms stir INEC”, *Vanguard*, 26<sup>th</sup> April 2013.

<sup>67</sup>“Nigeria”, retrieved from <https://www.ifes.org/> on 2019-08-26.

<sup>68</sup>“Nigeria delays elections over Boko Haram threat”, *Independent*, 7 February 2015.

<sup>69</sup> “Citing security concerns, Nigeria closes border ahead of election”, *Aljazeera*. 25 March 2015.

<sup>70</sup>“Nigeria elections: Nation split in Jonathan-Buhari contest”, *BBC News*. 26 March 2015.

a Political Party Finance Manual, a Political Party Handbook as well as a Code of Conduct for Political Parties in 2014, which was agreed by the parties. The Code of Conduct was agreed voluntarily by political parties and set out the behaviour expected of political candidates during the 2015 elections.<sup>71</sup>

The Chairperson of INEC held a Press Conference on 7 February, 2015 and informed the nation that the Presidential and National Assembly elections were postponed to 28 March, 2015, while the Governorship elections would be held on 11 April, 2015. Prior to the 2015 general elections, there were insinuations that, INEC has failed in the distribution of the PVCs, which is one of the major materials for the election.<sup>72</sup>In his statement, Professor Jega indicated that although INEC was ready to conduct elections as scheduled, following wider consultations, it became pertinent for the Commission to seriously consider the security advisory presented to it by the Security and Intelligence Services. He said the Security Agencies warned INEC that they would not be able to ensure a safe environment for personnel, voters, election observers and election materials if elections were held on the scheduled dates due to the insurgency in the four North East states of Borno, Yobe, Adamawa and Gombe. In this regard, it was reported that the National Security Adviser, all the Armed Services and Intelligence Chiefs had unanimously indicated that security services needed at least six weeks within which to conclude a major military operation against the insurgency in the North-East, and that during this operation, the military would be concentrating its attention in the theatre of operations such that they might not be able to provide the traditional support they would render to the Police and other agencies during elections.’ A copy of the statement is attached and marked “Annex IV”.

In a reaction, the National Coordinator of Move on Nigeria, Mr. Clem Aguiyi was quoted as saying;

*The reason for the poll postponement as advised by the National Security Adviser at Chatham House, London, on the 15th of January, is that INEC’s attempt to disenfranchise 23 million Nigerians, something that has never happened before in the history of this country, is a security risk. We make bold to say that the INEC chairman is playing poker with the distribution of PVCs. He has decided to help the opposition party, All Progressives Congress, APC, rig the election by depriving parts of the country that would traditionally vote for Jonathan of their cards while the part of the country that would traditionally vote for Buhari are armed with the cards.<sup>73</sup>*

Even though this election is considered to be one of the most credible in the political history of Nigeria in some quarters, others still believe that the INEC chairman jeopardized the process to the advantage of the presidential candidate of the All Progressives Congress, Muhammadu Buhari. Part of this claim is the one credited to a well-known PDP supporter from the south-west, Mr. Femi Aribisala who at the end of the poll asserted;

*Buhari prevailed as a result of a deliberate disenfranchisement of the Igbo by INEC through the manipulation of PVC distribution and the failure of the card reader in the South-East and the South-South. INEC ensured that, far more disproportionately and relative to other geopolitical zones, millions of South-East voters disappeared between 2011 and 2015, in order to provide a smooth passage for a Northern presidential candidate; which turned out to be Buhari. The first strategy of INEC in this regard was to create 29,000 additional polling units, allocating 21,000 of these to the North and only 8,000 to the South. In this crass manipulation, INEC gave more additional polling units to Abuja than it gave to the entire South-East. However, widespread outcry over this proposal forced INEC to jettison it despite protracted resistance by Jega. But INEC had a plan B: the registration of voters and the collection of PVCs. This was bogus and lopsided; skewed most especially against the south-east where only 7.6 million were registered and 5.6 million PVCs collected. Compare this with the war-torn north-east: 9.1 million were registered and 7.4 million collected.<sup>74</sup>*

This commentator further added;

*But the most outrageous were the figures of the north-west. 17.6 million registrations and 15.1 million collections were recorded in the North-West; much more than the figures in the entire South-East and South-South combined. On election day, news of a bomb blast in Enugu served to discourage people from coming out to vote in the South-East. In addition, there was widespread late voter accreditation and voting in the South-East as well as the South-South. One reason for this was the massive failure of the card-readers in these zones, highly suggestive that they were programmed to fail there. Quite incredibly, the card-reader failed to recognize even the president. It took President Jonathan 35 minutes to get accredited; but within five hours, we are meant to believe that 2.5 million voters in Kano were duly accredited. In the middle of the election, INEC changed from card-reader to manual accreditation. This suddenly brought into play the huge voter registrations in the North-West. Cell-phone video recordings showed many of the*

<sup>71</sup>“Nigeria Presidential and National Assembly Election, ...

<sup>72</sup>AnozieEgole, “Polls shift: Group tells Jega to resign”, *Vanguard*, 16<sup>th</sup> February 2015.

<sup>73</sup>AnozieEgole, “Polls shift: Group tells Jega to resign” ...

<sup>74</sup>Femi Famutimi, “How Jega Defeated Jonathan for Buhari”, *The Herald*, 8<sup>th</sup> April, 2016.

*North-West's bloated PVC holders to be under-aged children.*<sup>75</sup>

By August 2015, only about some 200 persons out of the over 1000 electoral offenders found culprit by INEC in the 2011 general election were prosecuted.<sup>76</sup>

#### IV. INEC AND THE CONDUCT OF THE 2019 ELECTIONS

As the 2019 election drew close, INEC hoped to improve upon the grounds that it had gained in 2015, By January 2018.<sup>77</sup> The commission had already drawn an extensive program of action as contained in the timetable it brought out which included the period for the commencement of campaign by the various aspirants of different political parties, as well as the period for which it is legible for the various political parties to conduct their primaries, the duration of the continuous voters registration which was at the time ongoing and the time frame for the collection of the permanent voters (PVC) cards was as well established in the INEC Program Schedule. It was also in the INEC program of events that the election date was scheduled, thereby establishing February 16 2019 for the presidential and National Assembly election and March 2 for the governorship and states houses of assemblies' elections. The window for the commencement of campaigns by political parties' aspirants was opened on 18<sup>th</sup> November, 2018<sup>78</sup> for presidential and national assembly elections, while the window for governorship and states houses of assemblies' elections was fixed for commencement on 18<sup>th</sup> December 2018.<sup>79</sup> By 30<sup>th</sup> June 2018 INEC had released the election time-table for the commencement of presidential and national assembly primaries and gave October 7, 2019 as the deadline for all primaries.<sup>80</sup> At their own discretion, while working within the time frame of INEC, the various political parties chose dates that were conducive for these primaries which they also referred to as party congresses. As for the two dominant political parties, the Peoples Democratic Party (PDP) and the All Progressives Congress (APC), on August 25, 2018, the APC's announced that its 2019 electoral activities will begin on September 8, 2018 with its nationwide congresses<sup>81</sup> (both at the Federal and state level) will be held on that date, while on its part, the PDP, had a slight shift from its earlier scheduled date for its congress following an adjustment of dates for its National Assembly and governorship primaries.

The date for its National Assembly election primaries shifted from 14<sup>th</sup> September to 2<sup>nd</sup> October, while governorship primaries (state congresses) were as well moved to September 26, 2018.<sup>82</sup> While the APC Presidential congress produced an unopposed outcome, since none of the party members contested against the incumbent president and a unanimous or consensus candidate, in the case of the PDP, its congress held on October 5-6 2018<sup>83</sup> has several party big-weights. in contention of the presidential ticket of the party which was eventually won by former vice-president of Nigeria, Alhaji Atiku Abubakar. In all these processes, INEC served as umpire as well as observer during the various party primaries, making sure that the various vested interests stick with the rules it has designed. By August ending 2018, INEC closed the window for voter registration after extending it for two more weeks.<sup>84</sup> Unlike in the time past when INEC set aside a given period for the collection of the permanent voters' card in the INEC local government offices, in 2019, this was not to be.

Those who were yet to collect their PVCs were asked to wait behind in their various polling units while INEC delegate accredited presiding officers (only Corp members) to go to each polling unit and distribute the prepared permanent voters' cards of those who were captured in the continuous voters Registration exercise which closed in August 2018. This distribution exercise took place in February 2019. INEC had closed voters' registration in August 2018, because, according to the commission's chairman, it has met its December 2018 target to register at least 80 million voters.<sup>85</sup> Indeed, INEC by the end of registration in 2018 had a total of 84 million registered voters on its register.<sup>86</sup> This was an increase considering just around 69,720,500 voters who registered to vote in 2015.<sup>87</sup> Out of the registered 84,000,484 registered voters, INEC was eventually able to distribute just around 72.8 million permanent voters cards (PVCs). For the smooth success of verification, authentication, and accreditation of voters, INEC acquired a total of 180,000 card readers<sup>88</sup> and by February 19, 2019 just four days to the new scheduled date for the presidential and national assembly polls, INEC gave a word of assurance that it has achieved 95% configuration of the card readers it hopes to deploy for the 2019 poll.<sup>89</sup> INEC also procured the ballot boxes which

<sup>82</sup>“PDP Announces New Dates for Primaries”, *Channels Television*, 11<sup>th</sup> September, 2019.

<sup>83</sup>“PDP Announces New Dates for Primaries” ...

<sup>84</sup>“Breaking: INEC Extends Voters' Registration by Three Weeks”, *Sahara Reporters*, 14<sup>th</sup> August, 2018. See also, “INEC Extends Voters' Registration to August 31<sup>st</sup>”, *Punch*, 15<sup>th</sup> August, 2018.

<sup>85</sup>“INEC PVCs deadline: when voters Registration go end?” *BBC Pidgin*, 30 August, 2018.

<sup>86</sup>“84.2 million Registered to vote in 2019, says INEC”, *Punch*, 7<sup>th</sup> September, 2018.

<sup>87</sup>“2019 General elections: Nigeria has 84 million registered voters”, *Pulse*, 6<sup>th</sup> September, 2018.

<sup>88</sup>“Breaking: 72.8 million Nigerians collected PVCs, says Sahara reporters”, 21<sup>st</sup> February, 2019.

<sup>89</sup> “We have Achieved 95% Configuration of 180,000 Card Readers”, *Punch*, 19<sup>th</sup> February, 2019.

<sup>75</sup>Femi Famutimi, “How Jega Defeated Jonathan for Buhari” ...

<sup>76</sup>Yusuf Alli, “200 electoral offenders convicted, says INEC chief”, *The Nation*, 18<sup>th</sup> August, 2015.

<sup>77</sup>“Finally, INEC Releases 2019 Election Time-table”, *Vanguard*, 9<sup>th</sup> January, 2018.

<sup>78</sup>“Finally, INEC Releases 2019 Election Time-table” ...

<sup>79</sup>“Finally, INEC Releases 2019 Election Time-table” ...

<sup>80</sup>“Finally, INEC Releases 2019 Election Time-table” ...

<sup>81</sup>“2019: APC Proposes September Dates for Primaries”, *The Nation*, 25<sup>th</sup> August, 2018.

together with the card readers were already with INEC in January 2019.<sup>90</sup> INEC did also bought other electoral materials like the ink-box, the stamp-pad, the pens as well as the cubicle and the kit for the officials that would conduct the polls.<sup>91</sup> As for electoral personnel related issues, INEC by mid-2018 had organized a five-day training program for its permanent staff ahead of the 2019 polls. These trainings were meant to sharpen the skill of its employees while at the same time providing them with the requisite resources to be employed for the training of the ad-hoc staff to be used for the election. As for the ad-hoc staff training, while rumor flew in that INEC might train over 1,000,000 personnel for the 2019 polls,<sup>92</sup> report however later has it that only 850,000 ad-hoc workers<sup>93</sup> were eventually trained when training commenced in January 2019. On 10<sup>th</sup> February, 2019, the INEC chairman gave a final deadline which was 24 hours<sup>94</sup> from that date, for the submission of polling or party agents after several parties failed to meet the earlier deadline set by the commission which was in conformity with the 14 days<sup>95</sup> ultimatum provided by the commission for parties to meet this requirement. Hence, as INEC required, each party sent the names and passports of each party agent<sup>96</sup> to be deployed to each polling unit to the commission.

With much preparation already in the pipe-line, all was now set for the commission to conduct the election based on the time-frame established in the earlier election time-table released by the commission which recognized 16 February as the date for the presidential and the Nigerian national assembly election and 2<sup>nd</sup> of March for the governorship and states houses of assembly elections. But just as the anticipation of Nigerians were high and the spirit of the ad-hoc staff was in top gear, to the dismay of all Nigerians and against the expectation of the ad-hoc, just about under 6 hour to the February 16 poll, the INEC chairman came out to announce the unexpected, “the presidential and national assembly elections had been postponed by a week to February 23, 2019”. The national enthusiasm and euphoria which accompanied this earlier date was deadened, as INEC was bothered with all forms of damning diatribes. It was only after some few hours into the following day (17<sup>th</sup> February), during a press conference that the chairman of INEC, Yakubu, explained the commissions reason for this shift in date citing adverse weather condition which made it impossible to distribute sensitive election materials to some states of the

federation, or failure of logistics and operational plans<sup>97</sup> and assured Nigerians that political influence was not the reason for the upward shift in date.<sup>98</sup> Even the president of the federation, Muhammadu Buhari, was himself none-the-least satisfied with this development saying he was deeply disappointed.<sup>99</sup> On the other hand, the Coalition of United Political Parties (CUPP) and the main opposition to Mr. Buhari’s APC, the PDP, accused the president of haven covertly orchestrated the postponement because of an apparent fear of defeat as it was captioned in the punch report with the headings; “presidency behind the postponement of elections, says PDP”.<sup>100</sup>

The PDP therefore called for the sack of the INEC boss, Professor Mahmud Yakubu.<sup>101</sup> There were even insinuations among several Nigeria media pundits owing to the accusations by the CUPP afterwards that, the president was planning to sack the incumbent chairman for the forthwith employment of Amina Zakari, the INEC Commissioner in charge of collation center<sup>102</sup> which many accused as being the president’s niece, as the replacement.<sup>103</sup> To check the problem of discrepancy in accreditation figure and the voting figure, INEC introduced the simultaneous voting system where unlike what the commission had in 2015, in 2019, once one particular voter is accredited by the INEC assistant presiding officer 1 (APO2), and name is verified in the election register by the APO (3), what is then left is for either the presiding officer or APO VP (voting point) to sign and issue the ballot paper for the electorate to vote. In 2015, it was the concurrent voting that was used in which the accreditation process and the actual voting process were separated. In 2015, accreditation lasted from 8am to 12pm, followed by a two hours break separating the accreditation period from the voting period (12pm-2pm), and then the voting period (2pm-4pm). The only condition that polling might cross the 4pm bar set by INEC, is when there were still a number of voters already accredited but have not voted. This post 4pm exercise is usually a source of controversy in certain polling units, as parties who almost certain of defeat are often wont to accuse INIEC of prejudice against them.

A trend that has resulted in perpetration of all sort of extra-judicial and damning attack on INEC officials on the field has been delay in starting the election on the set aside date. This state of affair called for de-jure recognition of an

<sup>90</sup> “INEC Procures Card Readers, Ballot Boxes for 2019 Elections, *BusinessDay*, 16<sup>th</sup> January, 2019.

<sup>91</sup> “2019 Elections: INEC Begins Training of Staff”, *Vanguard*, 23<sup>rd</sup> July, 2018.

<sup>92</sup> “INEC to Train Over 1 Million personnel for 2019 Polls”, *Vanguard*, 7<sup>th</sup> January, 2019.

<sup>93</sup> “INEC Begins Training of 850,000 Personnel for 2019 Poll”, *Punch*, 8<sup>th</sup> January, 2019.

<sup>94</sup> “INEC issues 24 Hours Ultimatum to Political Parties”, *Sahara Reporters*, 10<sup>th</sup> February, 2019.

<sup>95</sup> “Nigeria Elections 2019: INEC go Reject Party Agent Wey no Submit Passport”, *BBC Pidgin*, 9<sup>th</sup> February, 2019.

<sup>96</sup> “INEC Threatens to Reject Political Parties Agents Over Photos”, *Punch*, 10<sup>th</sup> February, 2019.

<sup>97</sup> “Re: INEC Reschedules 2019 General Elections”, retrieved from <https://www.nsc.org/> on 2020-09-02.

<sup>98</sup> “Election Postponement”- *Vanguard*, 16<sup>th</sup> February, 2019.

<sup>99</sup> “Nigeria-Election postponement- President Muhammadu Buhari Reacts”, retrieved from <https://www.allafrica.com/> on 2019-08-29.

<sup>100</sup> “Presidency Behind the Postponement of Elections, says PDP”, *Punch*, 16<sup>th</sup> February, 2019.

<sup>101</sup> “CUPP says Buhari Want to Appoint Amina Zakari as INEC Boss”, *Pulse*, 16<sup>th</sup> February, 2019.

<sup>102</sup> “IPAC Ask INEC to Remove Amina Zakari as Result Collation Officer”, *Punch*, 4<sup>th</sup> January, 2019.

<sup>103</sup> “Amina Zakari’s Family Speaks on her Relationship with Buhari”, *Pulse*, 9<sup>th</sup> January, 2019.

extended voting hour to perhaps 6pm or 8pm by INEC so that, activities can operate within an all-accepted time range, so that officials at the field are not provided with any de-facto power on the field, as this could result in the abuse of this power. In 2019, one of the writers of this essay (Momoh), as one of the APO VPs that worked with INEC can conger authoritatively that as at 8pm on the evening of the 2019 presidential election, votes counting was still on in Angwa Hausawa Unit 9 in Ankpa local government of Kogi state, where he conducted the election. This is by no means suggesting that, there was unnecessary favoritism meted to any party against other parties by INEC. This was as in some other places firstly, as a result of late commencement of poll and secondly, the number of voters registered in the area perhaps owing to the irrational settlement pattern in Nigeria which in most cases does not tally proportionately with mathematical probabilities designed by institutions of the state. We therefore expected that if INEC could rationalize the growth of the number of polling units through the creation of voting points, to save the cost of creating additional polling unit, it would have been more rational to also extend the voting time in 2019, but this was not to be. In 2019 ad-hoc officials were meant to explain to the electorates who came questioning why voting had to continue beyond 4pm even though the radio stations have already broadcasted 4pm as the closing time of the poll. Perhaps, this radio station did not enlighten the people enough that those who have been accredited and have not voted could still vote. In Angwa Hausawa, the atmosphere almost turned tumultuous, but for the timely intervention of the military men deployed to man the poll.

After the election was postponed by a week from the 16<sup>th</sup> to the 23<sup>rd</sup> February for the presidential and national assembly polls and from the 2<sup>nd</sup> to the 9<sup>th</sup> March for the governorship and states assembly polls, the election finally held albeit with some few shortcomings arising on the hills of INEC commencing voting late-an average of 10am across polling units across the federation against the stipulated time of 8:00am – 2:00pm contained in the program schedule of the commission which allowed voting to drag on beyond the agreed closing time of 2:00pm.<sup>104</sup> The European Union Observer Mission (EOM) in a report sent to the INEC chairman through the chief observer Maria Arena captures the situation as thus;

*...even with the challenges, there were positive improvements as the election were competitive, parties and candidates were allowed to campaign and freedom of expression and movement largely respected... INEC worked in a difficult environment and made some improvements such as simplifying procedures. However considerable weaknesses remained as, operational deficiencies led to the postponement of the election. There were insufficient checks and*

*transparency in the result process, as well as a general lack of public communication and information. The election became increasingly marred by violence and intimidation with the role of the security agencies becoming more contentious as the process progressed.*<sup>105</sup>

More also reports by the National Democratic Institute (NDI) and the International Republican institute (IRI), calls for the need for the INEC to improve on its system. This was also contained in the separate reports submitted by the acting Africa Director of the IRI, Elizabeth Lewis, and the senior associate for Africa of the NDI Dr. Christopher Fominyoh, presented to the INEC Chairman in Abuja on 17<sup>th</sup> June 2019. There were also about 50 other similar reports from several reporters from the 144 observer groups that were said to have covered the election deploying 73,258 observers, with the Eu alone deploying 91 observers to 261 polling units and 94 collation centers in 31 state of the federation.<sup>106</sup> In reaction to the observation of these observer missions, the commission chairman and other top-ranking officials we quit to defend INEC. According to the INEC chairman while responding to questions on the EU Report; “every election in any democracy around the world is work in progress... we are confident that there will be useful lessons for the commission as we prepare for future election.<sup>107</sup> Indeed, the report is coming at the right time as it will feed into our ongoing review of the conduct of the elections”. The INEC chairman then added;

The 30 observations and recommendations provided by the EU election observer mission in 2015 were instrumental in improving the Nigeria’s electoral processes, including consolidating our democratic system since 1999... INEC has already merged accreditation and voting process as recommended by the mission.<sup>108</sup>

At the end of the election, like a spur, series of petitions poured out as one should expect. Politicians and the INEC were implicated in the petitions sent to the National Election petition Tribunals, states elections tribunal and the various high courts. One report in the Guardian, 16 April, 2019 even had it that as at that month (just a month after the election), there were already 736 petitioners at the tribunals.<sup>109</sup> Delta alone had 51 of these petitions which as well included allegation of malfeasance against the governor of the state Ifeanyi Okowa of the PDP who was declared winner by INEC against the candidate of the APC Great Ogboru, as well as a similar allegation from the former governor of the state

<sup>105</sup> IgboAkeregha, TehembaDaka and SodiqOmolaoye, “2019 Elections: EU scores Nigeria below par”, *Guardian*, 16<sup>th</sup> June, 2019.

<sup>106</sup> “NDI, IRI Release Preliminary Report on Nigeria’s Elections”, *Sahara Reporters*, 12<sup>th</sup> March 2019.

<sup>107</sup> “2019 general elections: EU submits findings report to INEC”, *Vanguard*, 14<sup>th</sup> June, 2019.

<sup>108</sup> “2019 general elections: EU submits findings report to INEC” ...

<sup>109</sup> “Imperative of electoral reforms as 736 petitioners go to tribunals”, *Guardian*, 16<sup>th</sup> April, 2019.

<sup>104</sup> Nigerian Bar Association (NBA) 2019 Election Working Group Report for Nigeria 2019 General Elections.

Emmanuel Uduaghan who this time was seeking a senatorial berth from Delta South senatorial district against the eventual “winner” James Manager.<sup>110</sup> Oyo as well had a total of 17 petitions against INEC.<sup>111</sup> But the high-point of the various petition was the presidential election petition sponsored by the former vice-president, Alhaji Atiku Abubakar of the PDP against INEC, the all progressive congress, and major-General Muhammadu Buhari retd; of the APC who INEC declared as the actual winner of the February 23 presidential election.<sup>112</sup>

At the time of writing this paper the case, from dragging on at the election petition Tribunal, the case has moved to the supreme court of Nigeria. INEC had announced president Buhari winner of the election with 51,262, 978. However, Atiku claimed that results he generated from INEC server showed that he scored a total of 18, 356, 732 as against 16, 741, 430 votes by Buhari.<sup>113</sup> The Tribunal presided over by a five – member panel of justices led by Justice Mohammed Garba on Tuesday the 12<sup>th</sup> June fixed June 14 for hearing after the counsel to the PDP and Atiku Abubakar Levi Uzoukwu (San) notified the Tribunal of the application dated May 8.<sup>114</sup> Key on Mr Atiku’s request is an injunction from the Tribunal to compel INEC to grant him and the PDP access to the smart card reader and server used by INEC for the election, in a case in which INEC, APC and Buhari were respondents. Recall that Mr Atiku and the PDP had earlier requested the president of the court of Appeal Zainab Bulkachuwa who is the presiding judge in the case to recuse herself from the case on 22 May 2019.<sup>115</sup> This followed a request filed by Atiku the PDP asking her to recuse herself from the case in a letter addressed to the Tribunal on 13 May 2019.<sup>116</sup> The PDP had alleged that the justice could be biased against it citing familial relationship between Bulkachuwa and some to APC members.

The tribunal again met over the case, INEC’S position was that Atiku and the PDP were asking for data the commission does not have the reason given by INEC for this being the fact of the non-ratification of the electoral act or the amendment to 1999 constitution both of which did not make provision for electronic collation and transmission of results and for this reason, the commission resorted to manual collation and documentation of results. Several Nigerians thus

asked how was it then possible for electronic voting to be used during the Edo and Osun governorship elections prior to the 2019 poll, but again, INEC’S position was that, the use of this procedure in these two states were done as an experimenting ground for the feasibility of adopting e-voting in Nigeria, since the issue of including e-voting as an amendment to the electoral act or an amendment to the 1999 constitution was then being discussed at the national assembly, and that even up to the eve of the 2019 general election, it was still expecting these amendments to be carried out, and since they were not done, INEC, then had to resort to manual voting and collation. Other Nigerians questioned INEC over the huge amount of money budgeted for the election, and if these monies also do not include provisions for e-voting and collation? But again, INEC response was that all the necessary electronic gadgets for the election were procured, but they were not put into use because of the no-implementation of the electoral act.

Recall also that, on August 18,2018, INEC had adjusted its 2019 Election budget to ₦ 243 billion, but senate approved the sum of 189 billion.<sup>117</sup> However, to ensure a hitch – free poll, president Buhari based on a total requirement of ₦ 242 billion fund he earmarked for the election in July 2018, requested senate to approve this sum (242 billion naira) for the poll.<sup>118</sup> After the 14 June sitting the Tribunal adjourned to 25 June, 2019, but on this date, the tribunal refuses Atiku and the PDP’S request to inspect server.<sup>119</sup> Delivering ruling, the chairman of the tribunal held that; “the matter being a substantive issue for determination by the tribunal, it cannot be determined at the interlocutory stage”. He further held that; “since the issue of server was being contested by the parties, allowing the application would amount to prejudicing and admitting the existence of the server even before the substantive hearing... the scenario would be unpalatable and will create the impression that the court has indeed recognized the existence of a central server and that the result was electronically transmitted”.<sup>120</sup>

Another instance of misunderstanding between INEC and an aspirant that took a national centre stage was the one involving the commission and the outgoing governor of Imo state Owelle Rochas Okorochoa of the APC. On 7<sup>th</sup> June, 2019 court ordered INEC to issue certificate of return to Okorochoa over the Imo west senatorial district.<sup>121</sup> The Judgement follows an injunction of the court by the plaintiff (Okorochoa) against the defendant (INEC) 21 March 2019 at the Federal

<sup>110</sup>“Delta Tribunal Sacks James Manager, Orders Fresh Election Within 90 Days”, *Sahara Reporters*, 7<sup>th</sup> September, 2019.

<sup>111</sup>Gbenga Abegunrin, “Oyo INEC Receives 17 Petitions”, *Independent*, 27<sup>th</sup> March, 2019.

<sup>112</sup>AbisolaOlatipo et. al, “Buhari wins 2019 presidential election”, *Guardian*, 27<sup>th</sup> February, 2019.

<sup>113</sup>“Discard Atiku, PDP’s petition, I won presidential election-Buhari”, retrieved from <https://www.businessday.ng/> on 2019-08-28.

<sup>114</sup>John ChuksAzu, “Election Tribunal in a Week”, *Daily Trust*, 16<sup>th</sup> June, 2019.

<sup>115</sup>“Justice Bulkachuwa Recuses Self from Election Petition Tribunal”, *Guardian*, 22<sup>nd</sup> May, 2019.

<sup>116</sup>“Tribunal: PDP, Atiku ask Justice Bulkachuwa to Recuse herself as the Presiding Judge of its Case”, *Daily Trust*, 15<sup>th</sup> May, 2019.

<sup>117</sup>Ahurakalsah et. al, “2019: NASS Rejects N189 bn INEC Budget, Approves N143bn”, *Leadership*, 28<sup>th</sup> August, 2018.

<sup>118</sup>“2019 election: President Buhari say e go cost ova N242 billion”, retrieved from <https://www.bbcpidgin.com/> on 2019-08-24.

<sup>119</sup>Alex Enumah, “APC to Tribunal: Dismiss Atiku’s Petition, He’s Ineligible to Run”, *ThisDay*, 14<sup>th</sup> June, 2019.

<sup>120</sup>“Breaking: Tribunal rejects PDP’s plea to access INEC’s server”, *Vanguard*, 24<sup>th</sup> June, 2019.

<sup>121</sup>“Court Orders INEC to Issue Certificate of Return to Okorochoa”, *Punch*, 7<sup>th</sup> June, 2019.

High Court Abuja, to challenge INEC for withholding his Certificate of Return.<sup>122</sup>

INEC had refused to issue certificate of Return after the Returning officer for the February 23 election, Professor Francis Ibeawuchi, said he announced Okorochoa as the winner of the senatorial election “under duress”.<sup>123</sup> In the suit filed by Kehinde Ogun Wumiju (SAN), the Plaintiff made INEC the sole defendant. On 11 June, 2019 INEC finally presented certificate of return to Okorochoa.<sup>124</sup> Aside Okorochoa who had this certificate of return issue with INEC, one report in *Businessday*, 27<sup>th</sup> May 2019 has it that INEC as at the time had withdrawn 64 certificates of return,<sup>125</sup> just a month and some weeks after the 2019 general elections. This was an increase of over 100% (percent) from just 25 withdrawals made as at 20<sup>th</sup> May 2019.<sup>126</sup> In Kaduna 2 certificates of return were withdrawn on 23 May, 2019.<sup>127</sup> This followed an earlier withdrawal of the certificates of return of Senator Peter Nwaobosi<sup>128</sup> and 24 other purported winners of the 2019 General Election by INEC on 21<sup>st</sup> May 2019. These withdrawals were based upon courts injunction to that effect. These withdrawn certificates were then dished out to those courts’ ruling had been fair to (contending candidates) against those who were initially issued these certificates.<sup>129</sup>

## V. CONCLUSION

This study reviews some of the most pressing issues that the Independent National Electoral Commission (INEC), has had to contend with since its founding which coincided with the beginning of the Nigeria’s Fourth Republic political transitions. This was part of the findings in this study that, the primary reason for INEC’s establishment was to serve as an umpire for leveraging electoral contestation of those who seek to occupy vacant public political spaces. In other words, INEC was found to play the function of a political “stock broker”. The study through findings concludes that the activities of INEC in the last two decades of its existence have been a tale of mixed blessings.

<sup>122</sup>“Okorochoa Takes INEC to Court for Withholding Certificate of Return”, Sahara Reporters.

<sup>123</sup>“Imo West: I declared Okorochoa winner under duress –RO”, retrieved from <https://www.sunnewsonline.com/> on 2019-29-09.

<sup>124</sup> “INEC Finally Presents Certificate of Return to Okorochoa”, *Punch*, 11<sup>th</sup> June, 2019.

<sup>125</sup>“2019: INEC withdraws 65 Certificates of Return”, *Businessday*, 27<sup>th</sup> May, 2019.

<sup>126</sup> “INEC withdraws 25 certificates of Return in Kaduna”, *Leadership*, 23<sup>rd</sup> May, 2019.

<sup>127</sup>“INEC Withdraws Certificates of Return of Nwaoboshi, 24 Others”, *Guardian*, 21<sup>st</sup> May 2019.

<sup>128</sup> “INEC Withdraws Certificates of Return of Nwaoboshi, 24 Others” ...

<sup>129</sup>“INEC Withdraws, Dishes out Certificates of Return for 2019 Election Winners”, retrieved from <https://www.placng.org/> on 2019-09-30.