

## **APPRAISING THE ELECTORAL PROCESS IN NIGERIA: THE NEED FOR OUR VOTES TO COUNT**

**OMEZUE-NNALI, EBERECHUKWU EKEMMA**  
**Akanu Ibiam Federal Polytechnic, Unwana, Afikpo, Ebonyi State**  
**Email- [ukpabie3@gmail.com](mailto:ukpabie3@gmail.com)**  
**Tel : +234-806-624-3364**

### **Abstract**

*Every democratic government entails the rule by the people for the good of all the people; that is to say, the people willfully choose their leaders/representatives to pioneer their affairs in government. The process whereby a given population selects a few persons to represent them needs to be guarded so that the will of the people/population would not be jeopardized or truncated. This process ought to be transparent, free, very fair to all parties and then credible enough to the satisfaction of both citizens and even the foreign observers of the elections. The objective of this study would be to appraise the Electoral history from Pre-Independence time till this present time. It further considered the predominant challenges in our electoral process and principles that would ensure a smoother electoral process and principles that would ensure a smoother electoral process and also conditions to attain a free and fair election. This study relied essentially on qualitative methodology as it gathered most information from documentary sources such as books, journals, magazines and internet materials. More so, a handful of the information was obtained by direct observation and participation during the last concluded 2019 General Elections in Nigeria. The study thus recommends inter alia, that all the institutions or bodies involved in the Electoral process (such as the Independent Electoral Commission, the Political parties, the judiciary and the executives) should ensure that the votes count. Also voter education should be taken seriously and zealously to the grassroots, this is to ensure maximum and purposeful participation in the Electoral process as it would help to install the choices of the electorates into the relevant elective positions.*

**Keywords: Appraisal, Election, Voting Exercise, Electoral Act, Political Parties.**

### **1.1 Introduction**

Election has been seen as the act or power of electing someone to fill an office or position. Nigeria today has a multi-party system that is to say there are so many registered political parties existing in Nigeria and there are about 91 in number (INEC, 2019, P.1).

It is worthy to note that elections can only take place in a democratic government. Democracy is generally seen as the government of the people, by the people and for the people. Thus, the populace is being bestowed with the right to choose their leaders and representatives in government. And according to Nachana, Yusuf & Auwalu (2014, P. ), elections are only acceptable institutionalized process which enables members of the society to choose office holders and its electoral process is what provides the electorates with the institutionalized framework for choosing representatives through a competitive free and fair election.

Election is also seen as a decision-making process whereby a population makes a decision on individual(s) that would represent them in running the affairs of the State (Wikipedia, P. 1). According to Dye (2001, p.34) cited in Abah & Nwokuwu (2015), Election is a major instrument for the recruitment of political leadership in democratic societies, the key to participation in a democracy and the way of giving consent to government. Election allows the governed to choose and pass judgment on office holders who theoretically represent the governed (Rose (1978) cited in Obakhedo (2011)). In the words of Babalola (2019), he simply said, 'Elections are all about choosing leaders'. On the other hand, the electoral process refers to the member by whom a person is elected to public office; it also involves taking and counting of votes. Idike (2014, p. 135) sees the electoral process as a complex process that encompasses the good intentions and undesirable outcomes of election administration, particularly in emerging democracies where general elections are often marred by culturally hued electoral malpractices.

The electoral process was defined by Elekwa (2008) to include the enteric cycle ranging from the provision of voter education to the dissolution of the National Assembly. Elekwa (2008) also quoted the Independent Electoral Commission (INEC, 2006) that highlighted the different phases of the electoral process to include:

1. Delimitation of electoral boundaries
2. Registration of voters
3. Notice of elections
4. Nomination of candidates
5. Election campaigns
6. Elections, Announcement of results and completion tribunal sittings
7. Participation of other organizations
8. Resolution of electoral conflicts resulting from the participation of other organizations, people, groups etc.

The phases of the Electoral process were simply seen by Ademowo (2016) to be of three phases. There are:

1. Pre-Election Phase – This involves delimitation, voter registration, registration of political parties, voter-education, and campaign processes – these are all concluded prior to the Election Day.
2. Election Phase – This involves the activities that take place on the Election Day proper. They include polling Stations, Election Monitoring and Observation, Casting Votes, Counting of Votes, and movement of Election Materials.
3. Post-Election Phase – This take place from the close of polls on the Election Day and then other activities after the Election day. They include announcement of results and in some places post electoral disputes.

Thompson (2019, Para. 1) who is heading the league of Women Voters of the United States observed that the Electoral process involves three processes, they are: the selection of candidates, registration of voters and the voting procedure. Under **Selection of candidates** she observed that a political party selects a candidate and supports him or her with money, advice and publicity, by use of direct-mail fliers and Television advertisement to present the

candidates' positions to the electorates. We have however noted that the selection process in the United States is at variance with the Nigerian Electoral Process where each political party conducts a primary election at the party levels to democratically choose/elect a candidate that would be the Flag-bearer of the political party. The second is the **Registration of Voters** according to Thompson is a requirement before a citizen can vote. This is in line with their 26<sup>th</sup> Amendment to the U.S. Constitution, which stated that, any U.S. citizen at the age of 18 or older may vote. Before this the citizen must first register or sign up into the proper authorities and it can be done through mails or by mails or by proper personal registration depending on the state and her Registration laws. This is in *pari passu* with Section 12 of the Electoral Act, 2010 (with 2011 Amendments) while provides five conditions one must qualify prior to registration as a voter, they include:

1. The person must be a Nigerian citizen and must be up to 18 years of age.
2. And must be residing or working in the ward covered by the registration centre,
3. And must present himself or herself for the registration officers of the commission.
4. The person must not be under any legal incapacity to vote under any laws or regulation in force.

The third arm of the electoral process as propounded by Thompson (2019, P. 12) is the Voting Procedures. She sees this Voting Procedure to be when registered voters would appear in person to cast their votes at their respective polling unit (Public Schools are usually used).

At the polling place, the voter identifies himself or herself and is checked off on an official list of registered voters. Then the Voter is led to the voting machine or handed over a paper ballot (Voting machines are enter computerized or mechanical devices that keep count of the voters for each candidates). She noted that most states in America use these voting machines instead of paper ballot. This selection must be carried out in a Private Voting Booth. After casting the votes, the public officials certify the results and the winners would be declared at their respective polling units. The voting starts from morning and lasts until late evening.

This voting procedure is similar to the Nigeria Electoral Process save for the use of Voting Machine. In Nigeria, the following Sections of the Electoral Act provides for this voting procedures:

1. Section 47 the Electoral Act, 2010 stipulated that voting shall take place simultaneously - that is the same day and time throughout the Federation. It further stated that before the commencement of voting, the presiding officer shall open the empty Ballot box for all to see and then close it and seal the box to avoid unauthorized person(s) from having access to same (Section 48).
2. Section 52 (1) (a) expressly provided that the conduct of poll shall be by open secret ballot. This to my mind is because it is done openly; the ballot box is kept in the open place and in full view of all persons that are present. However, it is secret because the electorates secretly and personally enter the Voting stand, place their respective thumbs/any finger on the Ink and then thumbprint or fingerprint on the Ballot Paper

across the Political Party he/she has chosen to vote for before folding the Ballot Paper to put in the Ballot Box.

3. Section 49 provides that during an election, a person should go to the Constituency where he/she did his Voter Registration, as his /her name shall be contained in the Register of Voters there. Every voter should go to the Polling Unit with his/her voter's card. The Presiding Officer shall confirm whether the person's name is on the Register of Voters, afterwards he would be issued with a ballot paper and the thumb would be marked with a Marker to indicate that the person has voted.

### **Nigeria 2019 General Election**

We have observed that in this 2019 General Election, the procedure is a bit extended because of the introduction of Voters' Card Reader Machine. The Card Reader Machine is a portable machine that reads or dictates the permanent Voters' Card; it also has a sensitive transparent glass where the thumb or any of the fingers as was captured during Voter registration (Banire, 2015, Para. 4-5). The process starts with giving your Permanent Voters Card (PVC) to the Presiding officer who is with the Card Reader Machine, he/she verifies the voter's picture and then places the voter's thumb or any finger on the Card Reader for it to detect the bearer's fingerprints. Afterwards the voter gets to the second Presiding officer who verifies that the person's name is on the Voters' Register and then the voter would thumb print on the copy of the Register of Voters where his/her name appears and the voter's finger would be marked to indicate that he has voted. The third Presiding Officer would then stand and sign the Ballot Papers at the back and then tear out a copy for each voter from the bulky Ballot Booklet Row. Afterwards the voter takes the Ballot Sheets and heads to the movable Voting stand where he/she would place the Ballot paper on the table-like stand with coverage and then fingerprint against his/her chosen political party. The voter would then fold the ballot paper and put in the relevant ballot box as the tagged, in some cases, the standing party Agent would collect the ballot papers or carefully fold it and put in the required box.

It is worthy to note that the Nigerian Electoral Act 2010 (with 2011 Amendments) expressed stated that 'The use of electronic voting machine for the time being is prohibited' (Section 52 (2) of the Electoral Act, 2010). This bring deep amazement to us because in developed Countries this electronic voting machine is mostly used to ensure that the electorates' votes count and thus subdue rigging, ballot box snatching and other electoral offences.

Banire (2015, Para. 5) sees Electronic voting or E-Voting as both the electronic means of tabulating votes, here votes can be casted without the use of ballot papers. Examples of Electronic Voting Machine include Punch Card Systems, Optical Scan voting system, Direct-recording Electronic (DRE) and Internet Voting. He however argued that a Card Reader machine is not an electronic voting machine but that it is only a machine used for the accreditation of voters prior to the voting proper. He also argued that the Electoral Act did not forbid the use of Card Readers for the accreditation of voters.

The Presiding Officer is empowered to close the poll at the prescribed time and those already in the Polling unit are usually allowed to vote. The counting of votes should also be done by the Presiding Officer openly at the polling unit and the number of votes scored by should also do the counting of votes and the number of votes scored by each candidate is entered in the

prescribed form which the presiding officer shall sign, stamp and be counter-signed by both the candidates or their Polling Agents (Section 62 (1) (2) and Section 63 (1-4) of the Electoral Act, 2010 (With Amendment).

The presiding officers at the various Polling Units would announce the results at their respective polling units and then deliver the results and their respective sensitive/Electronic materials to the person prescribed or as designated by the Independent Electoral Commission (INEC) and this must be done under Security.

## **2.1 The Nigerian Electoral History**

This would detail us on how our country Nigeria has been governing her ever-challenging electoral processes.

### **2.1.1 From Pre-Independence days to Post- Independence Era:**

Abubakar (2015, P. x), observed that Nigeria has experienced unpleasant electoral history and that within the colonial era, the electorates were only about 5000 adults who must also be persons with 100 pounds sterling income per annum – this was the criteria as at then. That is to say franchise was only restricted to men aged 21 years and above who were British subjects or native of Nigeria who had lived their municipal area for 12 months prior to the election and earned at least E100 in the previous calendar year.

Ademowo (2016) formulated five categories of the electoral phases in Nigeria, there are:-

1. Elections in the colonial period (1922 – 1959).
2. Elections in the early years of independence (1922 – 1959).
3. Elections in the early years of independence (1960 – 1965).
4. Elections during the years of Military Rule
5. Elections under civilian regimes in-between the years of military rule.
6. Elections during civilian to civilian to civilian transition (1999 – till date).

During the colonial era, a number of elections were held in Nigeria starting with the Legislative Councils in Lagos and Calabar (Akerele, 2003). After the Introduction of the Sir Hugh Clifford Constitution of 1922, an election was held in Lagos and Calabar. Several other elections were held in Nigeria in order to fill legislative seats. All through this period till 1954, there were several limitations to the right to election, and even women from the Northern States were not allowed to come out and vote, this continued till 1959, when the Electoral Decree then granted them suffrage. It was the December 12, 1959 General Election that ushered in Nigeria its political independence in 1960 (Ademowo,).

The Electoral process was defined in the case of *N. D. P V. I. N. E. C (2013) 20 WRN 1*, where Ariwoola JSC held that it is a method 'by which a person is elected to public office in a democratic society'.

Further on this Nwabueze (1993) emphasized that a credible Electoral Process must include:

... the suffrage, the registration of voters, distribution of Constituencies, the right to contest elections, electoral constitution between rival parties, the body

charged with the conduct and supervision of election, the method of electing candidates within the political parties, nomination of candidates, method of voting, the actual conduct of election, the determination of results, oral and determination of election disputes, electoral malpractices and their consequences.

Boix (1999, P. 611) opines that the electoral systems are the composite of different rules regulating the access of citizens to suffrage the number and use of votes by voters, the number and size of electoral districts, the introduction of threshold and bonuses and the allocation mechanism used to transform vote into seats.

### **Conclusion/ Recommendation**

We have examined the meaning of election, the voting procedure, the 2019 General election in Nigeria and the history of Nigeria Electoral process, thus in our next paper we shall consider the post independence electoral experiences of Nigeria, factors to ensure an effective electoral process, conditions for free and fair election and finally the predominant challenges in our electoral process.

We therefore recommend that all the institutions or bodies involved in the Electoral process (such as the Independent Electoral Commission, the Political parties, the Judiciary and the Executives) should ensure that the votes of the people count.

We believe and thus recommend that a practical implementation of the usage of Card Reader machine and even the E-Voting machine and then immediate uploading of each polling unit result to the INEC Database would further aid the transparency of INEC and ease the stress of paper collation of results at Abuja. There should be a Central WhatsApp Platform where each polling unit should upload their results to immediately after announcing it at the Polling Unit. Subsequently, the hard copy of the election result would be brought to the collation centre at the State and then to Abuja, it would be cross checked with the soft copy already uploaded, we believe this *inter alia* would minimize the threats on the lives of State Resident officers to manipulate Election results.

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