

# ANALYSIS OF THE 2019 NIGERIA'S PRE-ELECTION ADMINISTRATION ON LEGAL FRAMEWORK AND VOTER REGISTRATION

By

**Adekola Abdulazeez Alao Ph.D.**

**Department of Political Science and Public Administration,  
Faculty of the Humanities and Social Sciences,  
Al-Hikmah University, Ilorin.  
Phone: 08030710254  
[aaadekola50@gmail.com](mailto:aaadekola50@gmail.com)**

And

**Nurudeen Sikiru Lanre Ph.D.**

**Department of Political Science and Public Administration,  
Faculty of the Humanities and Social Sciences,  
Al-Hikmah University, Ilorin.  
Phone: 08133417422**

## Abstract

*Pre-election administration is central to electoral process while the legal framework and voter registration are also central to election administration. The integrity of election results is determined by the management of pre-election administration most especially the legal framework and the voter registration. Right from Nigerian independence, electoral manipulations are linked to both the poor conduct and management of legal framework and voter registration. This trend still continues in the Nigeria present democratic Fourth Republic. This development has greatly dented the integrity and credibility of election results. It is against this background that this paper attempts to examine and analysis the 2019 Nigeria's pre-election administration on legal framework and voter registration. To properly take off, the study adopts secondary source of data collection using textbooks, journals, election reports, internet, newspapers, magazines and other relevant unpublished materials. Democratic theory and equality theory are adopted as foundation upon which the arguments or discussions on the paper are based. The paper reveals that there were a number of amendments made to the Constitution in 2018 which had some bearing on election matters but nothing was done to Electoral Act regarding amendment. However, some aspects of the legal framework used for the conduct of 2019 elections are deficient. On voter registration, continuous voter registration exercise took place in 2017 to 2018, lasted for sixteen months. The paper revealed that there are some disparities identified in the exercise. It is then concluded that legal framework and voter registration played significant role in the 2019 elections. Alternative options are provided to stem the identified challenges for future elections.*

**Key Words:** pre-election administration, electoral process, voter registration, legal framework,

## Introduction

Elections make up one type of socio-political mechanism, among others, for aggregating preferences of a particular kind in a political system. It is a procedure recognised in a democratic

state for choosing persons to hold offices in a state. It performs several roles or functions in contemporary democratic practice. These include: participation, mobilization, integration, education, selection, regulation and legitimation in politics (Browne, 2003:46). The majorities of contemporary or modern states claim to be democratic and seek to prove their democratic credentials under the banner of representation. In multi-party political systems, elections are used as a mean by which the representatives as well as choice of policies are decided. (Bello-imam (2008:87) opines that despite the pervasive and repeated collapse of democratic practices in Africa, successive regimes differ tremendously in the level of political freedom and choice they afford their citizens. Consequently, the character of electoral system and administration of elections cannot, therefore, be realistically assessed in abstract. The standards of the reference and indeed judgment must be country specific.

Lindberg (2009:139-151) argues that the positive effects of holding repetitive elections are perhaps not restricted to free, fair elections, at least not in early stages of democratisation. For instance, electoral problems such as inflated voters' registers, political violence during the campaign and polling day, outright fraudulent voting and collation of votes, intimidation of voters and political opponents may stimulate activism in society even more than free election.

The importance of election to democratisation process cannot be over emphasised. Free, fair and credible election can only be realised through well organised and administered election administration. In pre-election management, the most critical aspects are legal framework which serves as regulator of the respective stakeholders in the administration of election. Inappropriate rules of the game will definitely destruct the conduct of the game and subsequently vitiate the credibility of the results. Therefore, legal framework in election administration stands out as the main pillar that can make the process credible. Secondly, voter registration also plays a critical role in electoral process. It is voter registration that determines the credibility or otherwise of any election. Elections are manipulated through incredible conduct of voter registration. The integrity of the voter reflects on the outcome of elections, which indicates how importance is voter registration to electoral process, administration of election and the credibility of election results.

Right from Nigerian independence, there are several allegations of electoral corruption, with active connive of Election Management Bodies and other agencies that involved in

the administration of elections, as it raises basic questions about the status of Election Management Bodies regarding independence, impartiality and accountability. These electoral manipulations are majorly traced to voter registrations with the assistance of poor and inadequate legal framework. It is against this backdrop that this study attempts to examine and analysis the election administration of 2019 elections on legal framework and voter registration to determine their impact on the outcome of the results of the elections.

### **Objective of the Study**

There are two major objectives of this study which include to:

1. examine and analysis the role of legal framework and voter registration on the administration of 2019 elections in Nigeria; and
2. identify the challenges confronting the administration of 2019 elections on legal framework and voter registration.

### **Methodology**

The study adopts qualitative technique, relying on information from secondary sources. A number of these sources are: published books, journal articles, newspapers and magazines, internet publications, reports of election observers and relevant unpublished materials. These sources of information are utilised to examine and analyse the role of legal framework and voter registration on the 2019 elections in Nigeria. Challenges confronted the legal framework and voter registration on the administration of the 2019 elections in Nigeria. The paper provides alternative options to stem the challenges for future elections.

### **Theoretical framework**

This study adopts Betham's theory of equality as theoretical framework upon which the discussions and arguments on this study are based. On Bentham's theory of equality, Bhikhu (1970) states that one of the remarkable features of traditional discussion of equality is how it has often been hamstrung by the Aristotelian theory of justice inspired

by Aristotelian view that justice requires that equal should be treated equally and unequal unequally, and that man be treated equally only if they can be shown to be already equal in some relevant respect, the advocates of equality have often looked for some features in which all men are equal. All men have equal worth or equal value or equal status in the great chain of being.

It is noteworthy to state that it is this theory that brought about the idea of “one man one vote” which was first used by the British trade unionist, George Howell in political pamphlets in 1880. During the 20<sup>th</sup> century period of decolonialisation and the struggle for national sovereignty, from late 1940s onward, this phrase became widely used in developing countries where majority of people sought to gain political power in proportion to their number. “One man one vote” expresses the principle that individuals should have equal representation in voting. This slogan is used by advocates of political equality to refer to such electoral reforms as universal suffrage, proportional representation and eliminating of plural voting.

### **Conceptual Clarifications**

It is universally recognised that for any academic research to be meaningful, the key concepts should be clearly explained in line with the research objectives. This will also assist the research to be more focus and also serve as a basis of the discussions in the research study. From the above understanding, the opinion of various scholars on the concepts of election administration, legal framework and voter registration are to be reviewed and clarified.

### **Concepts of election and Election Administration**

The meaning of election is simple with wide conception depending on the perception and focus of individual. Broadly, it is a process of chosen a representative of people in government in a particular area at a particular time for a specified period of time. An election is a formal group decision-making process by which a population chooses an individual or multiple individuals to hold position of authority.

According to Adesina (2006), Elections in general determine who exercises ultimate political power within a system. The exercise of power involves the allocation of societal values. It could therefore be stressed in this respect that the prominence given to any issue within the political system is directly correlated with the access which those pressing for these issues have over the exercise of political power. In paraphrase, we submit that elections are means of making political choices by voting. They are used in the selection of leaders and in the determination of issues. This conception of election implies that the voters are presented with alternatives that they can choose among a number of proposals designed to settle issues of public concern. The presence of alternatives is a necessary condition for selections although electoral forms may be employed to demonstrate popular support for incumbent leaders and their policies, the absence of alternatives disqualifies such devices as genuine elections (Bello-imam, 2015).

Election has become an important component of democracy and democratisation debates not only in Nigeria but also in Africa. Some commentators believe that repetitive elections, the good, the bad, and/or the ugly, has democratic self-reinforcing powers, stimulating civic activism and actions often better than free and fair elections (Bratton, 2013). Others contend that only high-quality election can lead to democratisation. While each of these arguments holds and perhaps clarifies the extent of democratic commitments, none examined the significance of institutional capacity building of Electoral Management Bodies (EMBs) in improving the credibility of election. Moreover, the most common problems of electoral irregularities occurred in sub-Sahara Africa and are tied to logistical, administrative, and political difficulties (Norris, 2014).

Meanwhile, the meaning of election administration is complex and difficult to define. Most scholars, for better understanding, usually describe the term. On this note, Ajayi (2007:142-144) gave a comprehensive definition of election administration by describing and explaining what the term entails. He posits that election administration is the management and organisation of all stages of electoral process. It involves the planning, organisation and conduct of elections. Election administration has three stages which are pre-election, actual Election Day and post-election activities. The pre-election involves legal framework, delimitation of constituencies, registration

of political parties and eligible voters. It also involves screening and verification of candidates for elections. These are essential activities that must be accomplished before the actual Election Day. Activities on the actual Election Day include: balloting by registered voters, counting of votes collating of results and announcement of final results and declaration of winners. Activities on Election Day also include: election monitoring, observing and reporting by local and foreign poll watchers to evaluate the freeness, fairness, transparency and credibility of election. The third stage is post election period, which has to do with election complaints and litigations by aggrieved parties and contestants. Such complaints/litigations are usually handled by special election panels or tribunals set up for such purpose.

Furthermore, North (1990:10) states that electoral governance in any democracy irrespective of form (parliamentary or presidential; unitary or federal states) or system (direct vs proportional) is a collective responsibility of various institutions; the electoral commission which is charged with the conduct of elections is dependent on various other ancillary institutions, formal and informal to discharge this responsibility. To this extent, elections management cannot be entirely ascribed to a single institution. Because, of the dualistic classification of socio-political institutions involved in electoral governance.

From the above submissions on the meaning of election administration, electoral process is therefore 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. In the Nigerian case, the truth remains that the electoral process is immensely characterised by a culture of electoral malpractices.

It is understandably clear that a well-managed electoral process by respective stakeholders will produce a fair, free and credible results. It is on this note that Therese (1999:283) observes that Electoral providers and those entrusted with preparing elections are acutely aware of the harm that poorly runs and administratively flawed elections can do to vulnerable new democracies. If there is a strong belief, whether among the press, the opposition, or the general public, that the elections were not conducted in an open, transparent and fair manner, then the likelihood of contested results and political instability dramatically increases.

## **Legal Framework**

Legal framework refers to the system of relevant states organizations, institutions, departments and agencies of government laws, act of parliament and regulations which are used and all stakeholders in that organization must comply with. The legal frame work regulate the conduct and activities of all the members of the community. It provides tools for ensuring the continuous integrity of the society. According to Collins dictionary, legal frame work is a particular set of rules, ideas, or beliefs which are used in order to regulate the activities of people in a given society. It is otherwise means the platform rules, each contribution agreement and each fund description that constitute a legal basis for the cooperation of members.

According to Electoral Knowledge Network, legal framework may be viewed as a set of constitutional, legislative, regulatory, jurisprudential and managerial rules that together establish the voting rights citizens use to elect representatives

## **Voter registration**

According to Adekola (2018), voter registration or enrollment is the requirement that a person otherwise eligible to register or enroll on electoral roll before they will be entitled or permitted to vote. Such enrollment may be automatic or may require application being made by the eligible voter. The rule governing registration varies between jurisdictions. Some jurisdictions have “election day registration” and others do not require registration, or may require production of evidence of entitlement to vote at time of voting. In some jurisdictions, registration by those of voting age is compulsory, while in most is optional. In jurisdictions where registration is voluntary, an effort may be made to encourage persons otherwise eligible to vote to register, in what is called a “voter registration drive”. Nigeria’s electoral systems over the years fall within the jurisdiction where registration is optional to those who are qualified to register. Thus, people need to be encouraged or persuaded to register by getting them educated on the importance of elections and democratic system. Registered person may need to re-register or update their registration if they change

residence or other relevant information. In some jurisdictions, when a person registers a change of residence with a government agency, say, for a driver's license, the information to the electoral agency to automatic updates the voter registration information. Nigeria does not fall into this category because of lack of accurate data.

Voters' registration is crucial for political participation in a democratic context. There must be a guarantee that the right to vote in elections is universal, equal, direct and secret. The franchise is the means through which the governed agree to delegate their authority to those who govern. It is the link between the legitimacy of political governance and the liberty of human beings.

### **Analysis of Legal Framework for the 2019 Elections in Nigeria**

Laws and regulations that governed the conduct of 2019 general elections are: The Constitution of the Federal Republic of Nigeria, 1999 (as amended). The Constitution not only establishes the Independent National Electoral Commission and provides for its powers, it also empowers the Commission to appoint dates for elections. The Electoral Act 2010 (as amended) provides for the registration of voters, procedures for election, procedure for election into Area Councils, among other provisions, relating to the consideration and determination of election petitions, regulation of political parties and the process of handling electoral offences, etc. and lastly, guidelines and Manuals issued by the Commission to guide the conduct of the 2019 General Elections.

A number of amendments that were made to the Constitution in 2018 had some bearing on election matters. These included changes to reduce the age limit for running for the position of a member of the House of Representatives & House of Assembly, governor or president; increasing the time for INEC to conduct re-runs for the office of president and governors of states to 21 days from 7 days; providing time limits for the determination of pre-election matters; and establishing criteria for de-registration of political parties (Situation Room (2019:17). This observation is supported by the report of EUEOM (2019: 11) that positively, since the last general elections, there have been some changes to the Constitution. Some candidates' age requirements have been lowered, thereby promoting electoral inclusivity. Time limits for pre-election cases have also been introduced, thereby increasing opportunity for remedy.



This development increased the level of youth participation in 2019 election. According to Commonwealth (2019: 17), Nigeria's past five elections were noted for low levels of youth participation as candidates. However, civil society reported that youth participation in all elective offices had significantly increased. For the Senate, in 2015, 10 per cent of candidates were youth. In 2019, 13.5 per cent were youth. For the House of Representatives, 18 per cent of candidates for 2015 were youth, compared to 27.4 per cent in 2019. In the State House of Assembly in 2015, 29 per cent of candidates were youth, while in 2019, youth candidates increased to 41.8 per cent. The increase in youth candidates could be attributed to the passage of the "Not Too Young To Run Act" in 2018.

The Constitution of 1999 broadly provides for democratic elections and guarantees for fundamental freedoms of opinion, expression and assembly, as well as access to remedy. However, the Constitution lacks clarity in some provisions. For example, the Constitution does not mention the number of days a petitioner has for filing a post-election appeal. In addition, section 222 gives the impression that political parties only need to register with INEC, while section 40 implies INEC discretion in recognising parties.

The constitution also contains undue restrictions on candidacy, including no provision for independent candidates. The Constitution does not provide for a structurally independent election administration. There is a predominantly presidential appointment mechanism for the INEC chairperson and national commissioners, who are appointed by the president subject to confirmation of the Senate. It is the same process for the 37 resident electoral commissioners in each state and the FCT (EUEOM, 2019: 17). This observation could be linked with what happened immediately after the 2015 elections when, the President appointed an acting Chairperson of the electoral body and there was a public outcry from Civil Society Organisations (CSOs) and the political opposition against the appointment on the grounds that the candidate appointed was the President's cousin. The allegation was denied but this singular act reduced the trust people had in the independence of the electoral body. This observation indicates that Nigeria refuses to yield to the recommendation of the Electoral Reforms Committee, set up in 2007 and led by former Chief Justice of Nigeria, Justice Mohammed Uwais, which recommended that the procedure for

appointing the INEC chairperson should follow advertisement of the position by the National Judicial Council, a shortlisting of three candidates and the forwarding of their names to the National Council of State before confirmation by the Senate.

For the Electoral Act, a tradition had been established whereby it had undergone some form of amendment after every general election since the end of military rule in 1999, usually informed by the lessons taken from the preceding vote. The preparations for the 2019 elections were not different, as several changes were initiated and put into process in the National Assembly to amend the Electoral Act. According to IRI/NDI (2019:19), following the 2011 and 2015 polls, stakeholders identified areas for additional electoral reform and in 2016 the National Assembly, in consultation with INEC, drafted a bill to amend the Electoral Act. The proposed amendments would have codified the use of smart card readers and other forms of electronic voting. The bill also sought to increase penalties for vote buying, impose higher fines on media houses not providing candidates equal airtime and make the voter register and results electronic and accessible. The first version of the amendment bill was introduced in 2016 but was not passed and sent to the president until early 2018. In March 2018, Buhari withheld his assent, citing concerns including a controversial amendment stipulating the sequence of elections. Between June and December 2018, the National Assembly sent three revised versions of the bill to the president, who withheld his assent each time. Buhari cited inconsistencies in the bill and conflicts with existing law, and said INEC would not have time to implement the changes before the elections.

The Electoral Act 2010 (as amended) regulates political party registration, political finance, primaries, candidate nomination and voter registration, and mandates INEC to prosecute electoral offences. However, it includes only weak transparency and accountability measures with, for example, no requirements for INEC to provide complete results data on its website. For instance, the Electoral Act requires the commission to post on its website a notice showing the candidates and their votes, and to state the person declared as elected. The 2010 Electoral Act does not specify the timeline requirement for a breakdown of results. This leads several questions as to the inadequacy of the law. Thus, there is weak compliance with commitments relating to information of public interest being made easily and quickly available. This is contrary to ICCPR General Comment (GC) 34 para. 19, which states that:

*“To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.” CAC article 7.4, “Each State Party shall... endeavor to adopt, maintain and strengthen systems that promote transparency.”*

There are also limitations on who can file petitions, leaving individual voters and civil society organisations unable to seek remedy, which is not consistent with Nigeria’s international commitments. Other enduring shortcomings in the Act include the lack of an effective mechanism to monitor political party organisation, finances and primaries. Furthermore, INEC is granted with an extensive mandate but limited powers. For example, INEC is unable to reject nominated candidates who do not fulfil legal requirements, and it does not have powers to sanction campaign violations. This results in enforcement of the law instead of being deferred to litigation, which can be protracted and complex ((EOEM, 2019: 11).

INEC’s 2019 regulations and guidelines, issued on 12 January, clarified procedures but were problematic in having some inconsistencies with legislation, leaving the electoral process vulnerable to subsequent judicial challenge. For example, EUEOM (2019:12) observes that the guidelines tried to increase integrity in the process by establishing that all voters have to be recognised by smart card readers in a polling unit. However, the Electoral Act refers to voters being able to vote if they are on the voter register, with no reference to the smart card reader. Similarly, various Supreme Court rulings stipulated that the smart card reader is only supplementary to manual procedures for accrediting voters. For instance, Supreme Court jurisprudence refers to provisions for manual accreditation provided in law, whereby a voter can still vote if their name is on the register (Rivers Election Petition Case 2015; Nyesom v. Peterside & Ors 2016 and section 49 of the Electoral Act). Therefore, cancellation of polling units based on the non-use of smart card readers may be subject to legal question. The guidelines also establish an offence that is not stipulated in law, specifically when a polling official fails to use the smart card reader for the accreditation of voters. The need for a stronger legislative basis for integrity measures shows the importance of a prompt review of the Electoral Act, with the involvement of INEC and other stakeholders.

### **Voter Registration for the 2019 Elections in Nigeria**

Voter registration or enrollment is the requirement that a person otherwise eligible to register or enroll on electoral roll before they will be entitled or permitted to vote. Such enrollment may be automatic or may require application being made by the eligible voter (Adekola, 2018:123). Voter registration is a very challenging process due to the lack of reliable identification documents and the absence of systematised recordings date of births and deaths. While the Electoral Act establishes that it is an offence to register more than once, in practice there are duplicate registrations that are difficult to deal with given the size of the electorate. The reliability of the voter register is of particular importance given the history of electoral malpractice, including multiple voting. Consequently, biometric registration was introduced in 2011 and then smart card readers in 2015 to biometrically identify voters. During registration, each person's biometric data is captured and then the registrant is required to make a subsequent visit to their local INEC office to collect their Permanent Voter Card (PVC), which includes a chip containing personal biometric data. An automated fingerprint identification system is used to match fingerprints against a database in order to identify any duplicate records.

After the 2015 elections, INEC conducted voter registration exercises before various off-cycle elections in Kogi, Bayelsa, Edo and Ondo states, registering some 420,000 new voters. A continuous voter registration exercise was then held between April 2017 and August 2018. INEC conducted this in four phases at a local level in 8,809 wards, primarily for people who turned 18 as well as those who had not previously registered. During this exercise, voters who changed their address could apply for the transfer of their registration, or could ask to be added if their names were not on the register. Voters could also request new PVCs if their cards were damaged, contained incorrect biometric data, were lost or had not been printed. INEC then undertook a cleaning and optimisation process to identify duplicate records, during which INEC reported eliminating more than one million invalid entries. Voters were given just five days, after each of the four registration phases, to check their data on the voter register (EUEOM, 2019:17). According to him, the exercise enables young men who have attained 18 years to register, stressing that the commission has been decentralizing the voting points to ease the problems encountered by citizens who go out to register. Moreover, he said additional registration centres have been opened beyond the LGAs. "With the efforts

According to Samson (2018), the Independent National Electoral Commission (INEC) disclosed that a total of 84,271,832 Nigerians was registered to cast their votes in the upcoming 2019 general elections. The number rose from the 69,720,350 voters registered for the 2015 general elections, as the commission registered 14,551,482 new voters in its continuous voters' registration exercise that took place for 16 months between April 27, 2017 and August 31, 2018. The exercise was conducted for a period of sixteen (16) months, from 27th April 2017 to 31st August 2018, the exercise was conducted continuously in all the states of the federation and the Federal Capital Territory (FCT) as envisaged by the Electoral Act. INEC states that the figure is likely to drop after the commission runs the Automatic Fingerprint Identification System (AFIS). He further disclosed that AFIS will enable the commission present a detailed analysis of the voter register, not only by state and gender, but also by age group and occupation.

On 7 January 2019, INEC announced 14.3 million new registrants during the continuous voter registration exercise, bringing the official total number of registered voters for the elections to 84,004,084, a 22 per cent increase from 2015. INEC arrived at this figure after carrying out Automated Finger Print Identification System (AFIS) on those who registered during the Continuous Voter Registration (CVR). Of the total figure, Lagos and Kano states top the list of registered voters. Lagos state has 6,570,291 and Kano state has 5, 457, 747 registered voters. In the register presented by INEC Chairman, North-West has the highest number of registered voters with over 20.2million voters. It is trailed by South-West with 16.3million. the South-East has the least with over 10million voters. North-East has 11.3million; North-Central 13.4million and South-South with 12.9million. Male registrants are 44,405,439 million and female registrants is 39, 598, 645 million (Vincent, 2019:6).

However, the voter register is significantly inflated as INEC has no reliable process for the removal of the names of the deceased. As the voter register is now eight-years-old, and given the death rate in the country, there are estimates that up to eight million deceased persons are still on the register. A further problem is that there can be duplicate entries across different states because the cleaning process was only undertaken at state level as deduplication across states is more complex and reportedly difficult to complete (EUEOM, 2019:17).

The process passed through by voters to register and then return later to collect their PVC is onerous, especially for rural and poor voters who cannot afford the cost or time to travel multiple times to distribution centers. In the weeks before the original election day of Feb. 16, citizen observer groups and media outlets reported instances throughout Nigeria of voters repeatedly traveling to PVC distribution centers to find that they were not ready. Voters also reported encountering disorganization and confusion among election officials about the location and status of their PVCs ((IRI/NDI, 2019:21). To their credit, INEC and civil society groups made notable efforts to increase information about the PVC collection process through traditional and online communication platforms, including television, SMS and WhatsApp. INEC also targeted youth through its Youth Votes Count campaign involving musicians and comedians to reach voters to encourage PVC collection. INEC also extended the PVC collection deadline by three days from Feb. 8-11 to allow more voters to collect their cards. According to INEC, 86.3 percent of PVCs were collected by voters, an increase from 82 percent in 2015 ((IRI/NDI, 2019:21). It is then observed that INEC's distribution of PVC mechanism is deficient.

### **Challenges**

On Legal Framework, it is evident from the above discussion that the 1999 constitution lacks clarity in some provision. For example, the Constitution does not mention the number of days a petitioner has for filing a post-election appeal. Secondly, independent candidacy not provided for and the constitution does not provide for the independent election administration. Thirdly, on electoral Act, inability of both the Legislature and the Executive arms of government to resolve their differences in amending the Electoral Act is a serious challenge to the electoral process. Electoral Act 2010 (as amended) has weak transparency and accountability measures because there is no requirement for INEC to provide complete results data on its website. Only candidates and their votes and to declare winner are provided for not the breakdown of the results. Fourthly, INEC's 2019 regulations and guidelines clarified procedures but were problematic and contradictory in having some inconsistencies with legislation, leaving the electoral process vulnerable to subsequent judicial challenge. For instance, the guideline states that eligible voter's PVC must be recognized by Smart Card Reader while Electoral Act states that voter is qualified to vote if his/her name is found in the register. The Act does not recognize the Smart Card Reader. Finally, there is limitation to those who can file petition. The law only gives candidates and the political parties the opportunity to do so.

The first major challenges that confronted the election administration of 2019 on voter registration is poor logistic on the distribution of PVC and procedure for distribution of PVC were insufficiently followed. This led to disenfranchise some electorate in the 2019 elections. Secondly, INEC failed to provide regular update because there was considerable variation in collection rates between states varying from 49 percent in Sokoto to 96 percent in Osun states. This raises question of inequality of service and access to electoral participation. Thirdly, INEC has no reliable process for the removal of the names of the deceased from the register. Fourthly, there is possibility of duplicate entries across different state because the cleaning process was only undertaken at state level. Lastly, continuous voter registration process is onerous and frustrating. It requires people to register and then return later to collect the PVC. This process is both the time and money consuming and stressful particularly for those who are in the rural areas where poverty is endemic.

### **Recommendations**

On legal framework, there should be proposed amendments to the Constitution, which should include issues critical to the transparency, inclusiveness and accountability of the electoral process, such as allowing independent candidates to run for office, in conformity with international principles for democratic elections, make provision for the number of days a petitioner has to file a post-election appeal. Secondly, the executive and legislative arms of government should resolve the disagreement over proposed amendments to the Electoral Act 2010 and ensure that proposals seeking to improve the electoral process get the attention they deserve. Thirdly, proposed amendment to Electoral Act 2010 (as amended) should strengthened the transparency and accountability of the law make provision for INEC to provide in its website complete results data of the elections. The legal framework should delimit the number of those that could file election petition beyond the candidate and the party to include electorate, civil societies etc. the problematic and contradictory aspects of INEC's 2019 guideline and regulation should be reconciled with other laws.

On voter registration, INEC should improve on the existing continuous registration system. The commission should design mechanisms for developing and maintaining the register in order to provide for its accuracy and inclusiveness. This involves, the removal of the names of the deceased as well as duplicate entries across the country, and the management of transfers of registration. Cleaning of voter register should be done centrally to avoid duplication. Such processes be subject

to stronger INEC supervisory checks and internal audits, with greater scrutiny from agents, observers and the media. Adequate time should be created for claim and objection. INEC should also improve the system of collection of permanent voter cards, with more local distribution points and stricter adherence to distribution procedures. The procedure for the distribution of PVC should be sufficiently followed. Other logistic problem should be addressed. Regular public updates be provided on collection rates, ultimately with a breakdown by polling unit. In order to improve biometric functionality, PVC collection be combined with on-the spot biometric testing of the registrants' cards and fingerprints.

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