

RECONSTRUCTING THE NIGERIAN ELECTORAL SYSTEM: A PROGNOSIS OF DEMOCRATIC CONSOLIDATION

Casmir Chukwuka Mbaegbu

Department of Political Science
University of Nigeria, Nsukka

&

Stephen Ofordi Ogbodo

Department of Political Science
Enugu State University of Science and Technology, Enugu

Abstract

Election as a core democratic process, underscores the potency of the electorate's power in determining political power positions. Hence, real political power belongs to the people and not the elite or the governing class. Theoretically, the Nigerian electoral system toed the nature and character of the colonial political heritage while actually reproducing the fundamental principles of the traditional electoral system of the country. It is rather an indisputable fact that the check introduced by the Nigeria Electoral Act 2010 (Section 87) as amended has not yielded the desired results as the just concluded 2015 Nigeria's general election was marred by institutional weakness. Thus, the contradictions and inadequacies of the existing electoral system and processes portend great danger for Nigeria's democratic progression. The study examines the Nigeria's electoral system and its impact on democratic consolidation. We predicated our investigations on Systems theory. Source of data for the study was basically secondary while content analysis was used as our method of data analysis. We noted that Nigeria's electoral processes were marred by systemic manipulation, and political interference at the collation processes at the detriment of free and fair polls. However, we observed that the 2015 general elections were the most acrimonious ever conducted in the annals of the country. Accordingly, the study submits that the electoral system and processes should be restructured to meet the increasing demands and challenges of the present day democratic Nigeria.

Keywords: Election, Electoral System, Electoral Reform, Democratic consolidation

Introduction

In all the countries, nation states, and semi autonomous independent societies, men and women in order to live in peace and harmony, surrender the rights they naturally enjoyed to a few individuals who by that singular act have conferred legitimacy to a selected few to govern them and manage their resources in a form of contract. This social contract according to Hobbes, Locke, Rousseau and other classical thinkers signifies ownership by the people. This implies that governance is for the best interest of the people and government is held in trust for the benefit of all. Government in a democracy derives its life from the people and that sacred nexus is made manifest in the electoral system. It is from this people-propelled transfer of

power that democracy as a form of government evolved. Democracy is founded upon certain fundamental precepts amongst which are the ability to hold periodic free and fair elections, effective judicial oversight and independent electoral gatekeepers. Elections are important in any democracy as they afford the citizen the opportunity and power to either express their satisfaction with an incumbent leader or political party or to display their displeasure with an incumbent leader/ political party. Election, it must be emphasized, is a process and not an event. It is a process that embodies all variables that lead to the formation of political parties to the declaration of results in the polls. It affords the citizens the opportunity to freely exercise their choice as to who will manage their resources and govern them over a given period of time. Hence, any attempt to manipulate the process is an affront on the collective will of the people.

The 2015 general elections in Nigeria have come and gone after much anxiety and surprises. The outcome of the elections enthroned a new political order and strong coalition in the Nigerian polity. Reconstructing the Nigerian electoral system presupposes a realization that we made mistakes and progresses during the past elections in the country. The point being made is that there were challenges, modest achievements and introduction of new issues and innovations in our electoral process. It is an established fact that the Independent National Electoral Commission (INEC) carried out extensive reviews of the pre-election processes as enshrined in the 2010 Electoral Act (as amended). These include (but not limited) to the registration of voters, issuance of voters card, review of the voters register, a new biometric register, introduction of Smart Card Readers, restructuring of its departments and streamlining schedules and evaluation of field staff: review of manuals and issuance of new guidelines. The Commission developed an Election Project Plan (EPP), Electoral Risk Management (ERM), Business Process Redesign (BPR), Election Operations Support Centre (EOSC) and Voter Education and Publicity Verification (Okoye, 2015).

The Independent National Electoral Commission (INEC) was open to the Nigerian people and engaged most of the critical stakeholders in terms of preparations for the elections. The Commission publicly and openly acknowledged its weaknesses and limitations, and was ready to make amends. To sustain the gains of 2015 general elections, there is urgent need to critically analyze the electoral system and processes that resulted in seeming successes of the just concluded general elections. While we have cause to celebrate the peaceful democratic transitions from the ruling party to the opposition party, we must not idealize the just concluded 2015 elections but engage in critical review of the successes, challenges and failures of the electoral process as the election was marred by institutional weaknesses.

In retrospect, the 1999, 2003 and 2007 general elections were allegedly manipulated. In particular, based on the magnitude of the electoral offences committed, some observers concluded that the 2007 elections were the most fraudulent in Nigeria's history (Ibrahim & Ibeanu, 2009). It is established that Nigeria emerged from the 2011 elections extremely polarized between North and South. Regardless of the significant improvement in administrative credibility and fairness of

the 2011 polls, there was a major outbreak of violence in several Northern states immediately after the result of the Presidential election was announced. It was the worst post-election violence in decades, leading to the death of at least 800 people and the displacement of more than 65,000 others (Orji & Uzodi, 2012). As the dust settled, it seemed as if Nigerians had moved on, yet many of underlying grievances that triggered the 2011 violence surfaced during the 2015 general elections and remained unaddressed, constituting a major concern in Nigeria's democratic consolidation.

The burden of the study therefore, is to analyze the nature and character of the Nigeria's electoral system and processes during the 2015 general elections. There is urgent need to reconstruct the Nigerian electoral system to meet and or conform to the changing demands and international best standards. It is important to advance the electoral system to a level where political parties and contestants will concede defeat and congratulate the winners without recourse to law courts as applicable in advanced democracies. These objectives, if achieved, will make the domestic and international election observers to showcase new ideas and new innovations in Nigeria's electoral system and the voting power of the Nigerian people.

Theoretical Underpinning

The study adopts the systems theory as an explicatory theoretical construct. System theory was first developed in the 1920s by Ludwig von Bertalanffy, a biologist. Its first introduction in the analysis of politics was by David Easton in his famous book *Political Systems* in 1953. Easton put forward its eight major characteristics: regularities, verification, techniques, quantification, values, systemization, pure sciences and integration; also referred to as the 'intellectual foundation stones' of behaviouralism (Varma, 2004). The political system, in the words of Easton, "takes inputs from the society consisting of demands for particular policies and expressions of support for the regime and converts them into outputs-authoritative policies and decisions. Feedback mechanisms put outputs back into the systems as inputs, thus completing a complex cyclical operation (Olaniyi, 2005: 71)".

The utility of the political system as analytical tool does not only accentuate the indispensability of the environment in influencing electoral inputs and governance, it also emphasizes how the environment helps in shaping the quality of elections through the typology of political culture that could be said to be in existence in the state. This is coupled with the fact that it does shape governance to the extent that it could be classified as poor or good governance depending on the extent to which governmental outputs are people-centred.

David Easton stresses the integration of identified components that make up the political system based on the specificity of component functions (Easton, 1953). This is because the political system is chain-structured with each component affecting the other. When this is related to the Nigerian scenario with focus on the electoral and governmental system, one could convincingly view the electoral system as a sub-system of the political or governmental system. This is not only because in a democratic set-up, governments and political regimes are expected to emanate from

the outcome of electoral processes but also because government acting on behalf of the state is expected to provide a conducive atmosphere for the conduct of elections through legislation, funding and provision of security.

Thus, just as elections impact on governance, governance also tends to impact on electoral conduct. The association between elections and governance as a matter of fact could be a function of the relationship between inputs and outputs of the political system. For instance, in a situation where electoral output (results) is a function of input (votes), there is every tendency for governmental policies to be shaped by the demand and support injected into the system by the people (Omodia, 2012). Talking about support, this should be manifested not only by the electorates, but, indeed the political actors who are seeking political offices. This indeed could be possible when both the electoral process and governance express confidence in the system where political contestants feel that offices have been fairly contested and won, and that governance irrespective of the outcome of the electoral process is integrative.

As a corollary from the above, our contention is anchored on the conception that just as elections tend to influence governance in Nigeria; the quality of governance to a great extent also tends to affect the Nigerian electoral process. As regard the political activities before the 1999, the pattern of governance to a great extent determined the electoral process. For instance, under colonial domination, especially in the earlier part, the electoral process was restrictive both on the basis of residence and property (Crowder, 1968 and Fayam, 2008). This was because democratic governance was viewed as a transformational experiment and also based on the fact that the colonialist at this stage never wanted to relinquish political power to the indigenous political elites, coupled with the notion that the indigenous political elites at this stage were only agitating for the right to be involved in the governmental process rather than the granting of political independence (Adigwe, 1977).

Overview on Electoral Systems

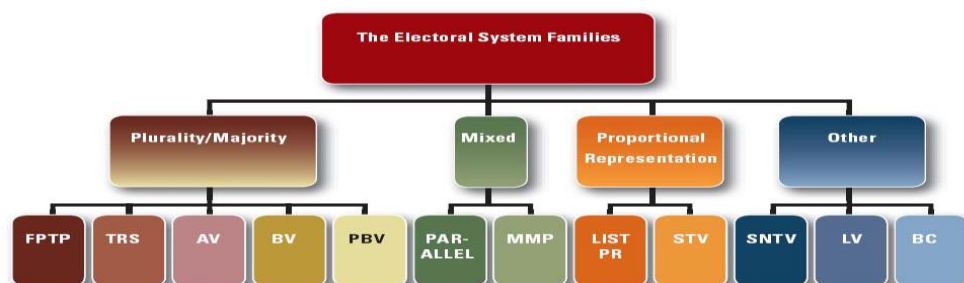
The choice of electoral system is one of the most important institutional decisions for any democracy. In almost all cases the choice of a particular electoral system has a profound effect on the future political life of the country concerned, and electoral systems, once chosen, often remain fairly constant as political interests congeal around and respond to the incentives presented by them (International IDEA, 2004). While conscious design has become far more prevalent recently, it has however traditionally been rare for electoral systems to be consciously and deliberately selected. Often the choice was essentially accidental, the result of an unusual combination of circumstances, of a passing trend, or of a quirk of history, with the impact of colonialism and the effects of influential neighbours often especially strong. The electoral system is a “complex of rules and regulations that govern the selection of office holders in an organization. It has an important effect not only on those who are recruited into political offices but also may be significant in deciding the persons or political parties that can form a government, the size of the

government's majority in the legislature and, therefore, its stability (Nnoli, 2003:230)".

At the most basic level, electoral systems translate the votes cast in a general election into seats won by parties and candidates. The key variables are the electoral formula used (i.e., whether a plurality/majority, proportional, mixed or other system is used, and what mathematical formula is used to calculate the seat allocation), the ballot structure (i.e. whether the voter votes for a candidate or a party and whether the voter makes a single choice or expresses a series of preferences) and the district magnitude (not how many voters live in a district, but how many representatives to the legislature that district elects). It also focus on the administrative aspects of elections (such as the distribution of polling places, the nomination of candidates, the registration of voters, who runs the elections and so on), these issues are of critical importance, and the possible advantages of any given electoral system choice will be undermined unless due attention is paid to them. Electoral system design also affects other areas of electoral laws: the choice of electoral system has an influence on the way in which district boundaries are drawn, how voters are registered, the design of ballot papers, how votes are counted, and numerous other aspects of the electoral process (International IDEA, 2004).

There are many different electoral systems currently in use and many more permutations on each form (Reynolds et al. 2005). For the sake of simplicity, they can be categorized into three broad families: plurality/majority systems, proportional representation systems, and mixed systems. Within these, there are nine 'sub-families': First Past The Post (FPTP), Block Vote (BV), Party Block Vote (PBV), Alternative Vote (AV), and the Two-Round System (TRS) are all plurality/majority systems; List Proportional Representation (List PR) and the Single Transferable Vote (STV) are both proportional systems; and Mixed Member Proportional (MMP) and Parallel systems are both examples of the mixed model. In addition, there are other systems such as the Single Non-Transferable Vote (SNTV), the Limited Vote (LV), and the Borda Count (BC) which do not fit neatly into any category and can be regarded as three further sub-families. Figure 1 below lays out these different families and sub-families.

Fig. 1: Different families and sub-families of the electoral system



Source: Reynolds et al. (2005)

The key characteristics/features of the three main electoral families according to Reynolds et al. (2005) are summarized below:

In most plurality/majority systems (e.g. FPTP, AV, TRS), there is only one seat per electoral district (that is, the district magnitude is 1), and only one candidate can be elected from a given district. Under plurality, candidates can win a seat when they win the most votes without necessarily winning over 50 percent of the vote. However, majoritarian systems (e.g. AV and TRS) try to ensure that the winning candidate receives an absolute majority (i.e. over 50 per cent), essentially by making use of voters' second preferences to produce a winner.

The rationale underpinning all proportional representation (PR) systems is to consciously reduce the disparity between a party's share of the national vote and its share of the parliamentary seats: if a major party wins 40 per cent of the votes, it should win approximately 40 per cent of the seats, and a minor party with 10 per cent of the votes should also gain 10 per cent of the legislative seats. Proportionality is usually achieved through party lists of candidates, and these lists can be either open (where voters rank the candidates in order of preference) or closed (where the ordering is in the hands of the party leadership and is decided prior to the elections).

In mixed systems (e.g. Parallel and Mixed Member Proportional), representatives are elected through a combination of different elements of the PR and plurality systems. Plurality systems are the most widely used worldwide. Table 1 below provides a breakdown of the geographic distribution of electoral systems in different parts of the world.

Table 1: Geographic distribution of different electoral systems by broad family

	Africa	Americas	Asia	Eastern Europe	Western Europe	Oceania	Middle East	Total
Plurality/Majority:								
FPTP	15	17	5	0	1	7	2	47
BV	1	3	2	0	3	2	4	15
PBV	3	0	1	0	0	0	0	4
AV	0	0	0	0	0	3	0	3
TRS	8	3	6	1	1	1	2	22
Proportional Representation:								
List PR	16	19	3	13	15	0	4	70
STV	0	0	0	0	2	0	0	2
Mixed:								
MMP	1	3	0	2	2	1	0	9
Parallel	4	0	8	7	1	1	0	21
Other:								
SNTV	0	0	1	0	0	2	1	4
BC	0	0	0	0	0	1	0	1
LV	0	0	0	0	1	0	0	1
TOTAL	48	45	26	23	26	18	13	199

Source: Reynolds et al. (2005)

From the table above, it can be deduced that of the 199 countries and territories which have direct elections to the legislature, just under half (91, or 46% of

the total) use a variant of plurality. Another 72 (36%) use PR-type systems; 30 (15%) use mixed systems; and only six (3%) use one of the other systems.

Perspectives on Nigeria's Electoral System

The persistent crises of the electoral system in Nigeria will be better understood if situated within the context of the nature of the political economy of the Nigerian state. The Nigerian state plays a dominant role in the national economy in the face of the underdevelopment of private capitalist enterprise. This throws up the state as a primary instrument of accumulation. As a facilitator of the capitalist development process, the Nigerian state is a major owner of the means of production. Buoyed by the expanded oil revenues of the early 1970s, the state effectively dominated all aspects of the national political economy (Jega, 2000). This made the state not only the biggest spender of resources but also the largest employer of labor. As noted by Joseph (1991:56), the expansion of petroleum production and the resultant increase in revenues heightened "the centrality of the state as the locus of the struggle for resources for personal advancement and group security." Under this circumstance, access to the state becomes a platform for primitive accumulation. Ake (1996:23) captures the immensity and the ubiquity of state power under this situation when he observed that "the state is everywhere and its power appears boundless. There is hardly any aspect of life in which the state does not exercise power and control. That makes the capture of state power singularly important."

The history of elections in Nigeria generally is divided into two epochs. That is, elections that were held when Nigeria was under colonial governance and those after independence. The elections under colonial governance and from the time of independence have implications for current democratic trajectory and governance in Nigeria. The principle of election was introduced into Nigeria under the Clifford Constitution of 1922. It was, however, the 1951 Macpherson Constitution that ushered in full scale competitive electoral politics into the country. Since then, the constitutions of Nigeria have all made the principle of competitive election the only legitimate way to acquiring political power in the country. One common feature about elections in Nigeria is that the principal elements of the system have remained relatively unchanged from colonial period through independence as a nation to the present day.

With the introduction of the elective principles, universal adult suffrage (universalism) developed slowly and in stages. Significant character of the 1922 electoral process was the limitation of franchise to selected categories of people living then in the two cities of Calabar and Lagos. Franchise was defined in terms of residency in these two cities for a period not less than twelve months, and the economic status of the individual who must also be a British citizen or British protected person, and not less than 21 years of age. Universalism of franchise came with the introduction of full scale election in the early 1950s. By the time of the nation's independence, universal adult suffrage had been introduced for men, and by 1964/1965 general elections, it was extended to women. However, this extension of suffrage to women did not apply to the predominantly Moslem North. This last major

restriction on franchise was lifted in 1979 when Northern women were enfranchised. By the transition of 1979, voting age had also been lowered from 21 to 18 years (Nwankwo, 2006).

In addition, it was under General Babangida as Nigeria's Military President, that an attempt was made to move Nigeria forcefully from Multiparty to two party system as basis of electoral competition, and toyed briefly with the so-called "open ballot system" against the norm of secrecy. The system required voters to queue up and be counted behind the candidate of their choice. This led to the adoption of Plurality system or First-Past-the-Post (FPP). The-First-Past-the-Post system is the simplest form of Plurality/majority system, using single member districts and candidate-centred voting. The voter is presented with a list of candidates, and votes by choosing one, and only one, of them. The winning candidate is simply the person who wins most votes; in theory he or she could be elected with two votes, if every other candidate only secured a single vote.

The presidential system of the country, the federal system, the multi-party system, the ethno-religious configurations, the socio-cultural values of the peoples, etc are some of such relevant factors that can impact, and in fact have impacted positively/negatively on the SMPS of the country. A few examples will suffice: Beginning with candidacy, though legally, every eligible Nigerian irrespective of ethnic belonging who has lived in an area for some years can stand for an election in the area. The ethnic ties are so strong that political parties hardly take the risk of sponsoring candidates that are non-indigenes. The effect is that in practice a candidate must be from among his own ethnic group. This ethnic tie no doubt, increases the direct relationship established between the voter and the candidate- already established by the direct election of all offices under SMPS.

Another issue in Nigeria's electoral system is the organization of representation and review of senatorial districts and constituencies. The primary unit of representation is territoriality. For election purposes, the country is divided into several territorial units or constituencies which are delimited on the bases of population. Nigeria has three main categories of constituencies which are distinguishable by their sizes: Senatorial, federal and state constituencies (Nwankwo, 2006). The boundaries of these constituencies are not defined in the constitution. However, the constitution defined the parameters for creating and reviewing them. These include equality or near equality of the number of people and that no constituency should lie between two states. The importance of the equality criteria cannot be over-emphasized since large inequalities in population will result in inequality in representation. The overall effect of constituency representation and the rule of drawing the boundaries in such a way that no senatorial district or federal constituency fall within more than one state, is that most, if not all ethnic groups, can be said to be represented in the National Assembly and in their respective State Houses of Assembly.

The Nigerian Constitution requires INEC to review the boundaries of senatorial districts and federal constituencies at least every ten years (FGN, 1999). The last review took place under a military regime in 1996. Given huge population

expansion and the migration of citizens across the country since then, there was a consensus among several stakeholders that a new constituency delimitation exercise was necessary before the 2015 general elections. This would improve polling arrangements, especially in urban centers like Abuja, PortHarcourt, Kano and Lagos which had seen a massive influx of people in the last 15 years. A review of constituencies and polling units would also enhance electoral representation. INEC's work plan for constituency delimitation envisaged four main phases: pre-delimitation planning, which involved the sensitization of key stakeholders; the delineation and mapping phase, which entailed the development of a delimitation database, the generation of provisional maps and reports, and the approval of provisional maps and reports; the public presentation and feedback phase; and finally the report presentation, approval and gazetting phase (Nigeria Civil Society Situation Room, 2015).

The Nigerian Electoral System and the Conduct of 2015 Elections

The results of the keenly contested election between PDP and APC, the two major political parties with spread across the country, have signaled the dawn of a new political order. However there were flaws inherent in the electoral process during the 2015 elections in Nigeria which remains a clog in the democratization process. The flaws inherent in the electoral act despite the electoral reforms includes but not limited to the following:

The flagrant violations of the campaign spending limit as enshrined in the Electoral Act. One of such abuse is the billions of naira donated by 21 Governors of the People's Democratic Party (PDP) on December 21, 2014 (during the Saturday night fund raising event). The 21 Governors donated N1.05 Billion to their party ahead of the 2015 elections. The governor's donation were part of the N21.2 billion raised by the party at the fund raising dinner held at the Presidential Villa, Abuja (*Premium Times*, 21 December, 2014). The generation of the N21.2 billion exceeds the N1 billion ceiling as enshrined in the electoral Act 2010 (as amended). Even though there were individual donors as well as other organizations who made substantial donations these donors were undisclosed. This contravenes the stipulations of the 2010 Electoral Act which states that all sources of campaign finance must be disclosed.

In addition, the two main political parties violated the Electoral Act by spending above limits, as the following sections stipulated in Electoral Act 2010 (as amended): Section 91(2) of the Act reads, "an individual or other entity shall not donate more than N1 Million to any candidate". Sub-section 10 of the same section adds that a presidential candidate "who knowingly acts in contravention of this section commits an offence and on conviction is liable to a maximum fine of N1 Million or imprisonment for a term of 12 months or both (Electoral Act, 2010)". Most of the donations were from PDP governors, some government agencies and parastatals. Ironically, some of the governors have civil servants whose monthly salaries were not paid while they teamed up to donate billions of naira for political campaign and election expenses. The above donations and spending also contravenes

Section 221 of the 1999 constitution which prohibits a state government from contributing to election expenses of any candidate or aspirant. Also, both the PDP and the APC has flawed the guiding laws. For instance, between December 2014 and February 2015, the PDP spent N3.55bn on publicity alone while the APC spent N1.42bn (Onuba, 2015). This does not include their spending after the postponement of the election date from February 28, 2015 to March 28, 2015. In essence this conduct by the political parties and the various donations made contravene the N1 million ceiling placed on individual donations to campaign finance.

Another violation of the Electoral Act 2010 as amended is the use of vulgar, propaganda and deceit against a candidate by other or a political party through publication, audio, audio-visual means, as well as unequal coverage of campaign activities for all the political parties and candidates by public media houses. Section 95(2) of the Electoral Act, also reads, "Abusive, intemperate, slanderous or base language or insinuations or innuendoes designed or likely to provoke violent reaction or emotions shall not be employed or used in political campaigns". More cases of violations of the electoral act include the non-adherence to campaign time-span rules.

Campaign rules were violated by both the then ruling People's Democratic Party (PDP) and the main opposition All Progressive Change (APC). They engaged in political campaigns prior to the time of campaign by political parties as stipulated in the Electoral Act. One of such campaigns is the activities of the Transformation Ambassadors of Nigeria (TAN) whose primary objective is to canvass support for President Goodluck Jonathan and Namadi Sambo for their re-election bid in 2015. TAN organized several campaigns under the guise of 'Unity Rallies' in all the six geo-political zones of the country. This form of violation also applies to General Muhammadu Buhari (rtd), the presidential candidate of the APC for 2015 presidential election. Similarly even the gubernatorial, senatorial, members of both the federal and states houses of assembly candidates were not left out in this case of violations. The actions of these aspirants are a flagrant violation of the provision of the 2010 Electoral Act (as amended). Section 99 (1-3) of the act stipulates that, "the period of campaigning in public by every political party shall commence 90 days before polling day and end 24 hours prior to that day". The activities of TAN also breach Section 221 of the Constitution of the Federal Republic of Nigeria 1999. The constitution clearly states that "No association, other than a political party, shall canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election".

Furthermore, most serving governors and presidential candidates in Nigeria use state resources in the conduct of political campaigns despite prohibition. Section 100 (2) of the Electoral Act has banned the use of state apparatus including the media to the advantage or disadvantage of any political party or candidate at any election. As part of the violation and breach of this section Falana (2015) observed: some state governments have declared public holidays and force civil servants to attend rallies. Schools have been closed down for the compulsory attendance of teachers at political rallies. Many highly placed public officers have been using state owned television and radio channels to promote certain political parties and candidates while depriving

members of the opposition parties airtime to reach the electorate. Official vehicles are used to ferry politicians and supporters to rallies. Such abuse of power was taken to a ridiculous extent in Ekiti State when all civil servants were recently compelled to either attend a political rally of the ruling party or forfeit their salaries. A permanent secretary who demurred and refused to attend the rally on solid legal ground has been compulsorily retired.

Falana (2015) further observed that, a number of the advertisements published by some political parties and politicians are reckless and inciting while others are scandalous. Other cases of abuse of the Electoral Act is the inability of the police to provide adequate security during political rallies by the two dominant political parties (PDP/APC) during electioneering campaigns in some states of the federation. The Presidential candidate of the PDP, President Jonathan convoy was stoned by irate youths during rallies and processions in Katsina, Adamawa, Taraba, Kaduna and Bauchi states. In Rivers state there were cases of disruption of campaign by armed thugs. For instance, the APC campaign in Okrika could not hold due to attacks which led to the death of a Police Corporal Ifeanyi Okorie during the rally (Akasike, 2015). The inability of the police to safeguard the electioneering campaigns in these states is a clear case of violation of Section 94 (1) of the Electoral Act which states that “for the purpose of peaceful conduct of political rallies and processions, the Commissioner of Police in each state of the Federation and the Federal Capital Territory (Abuja) shall provide adequate security for processions at political rallies in the States and the Federal Capital Territory Abuja”.

The results of the EU EOM media monitoring demonstrate the failure of federal and state government-controlled broadcast media to adhere to the existing legal framework requiring equitable coverage of the political contestants and stipulating that the state media shall not be employed to the advantage or disadvantage of any contestant. The media bias remained essentially unchallenged by the regulatory body, the National Broadcasting Commission (NBC), which lacks capacity to systematically monitor broadcast media. The Nigerian Television Authority (NTA) and the Federal Radio Corporation of Nigeria (FRCN), the only media with nation-wide reach, clearly favored the then ruling PDP. In prime-time news, PDP received 57% of NTA’s political coverage, and 43% of FRCN’s. Additionally the incumbent gained extra airtime through coverage of Presidential and Federal Government activities, which amounted to another 27% of NTA airtime and 35% FRCN’s. In contrast to PDP’s total 84% coverage APC received 11% on NTA, and on FRCN PDP’s 78% contrasts with APC’s 13%. Inequalities were even more apparent in other prime-time programmes (EU EOM, 2015).

The biometric system significantly reduced the incidence of fake and multiple voting, inflated figures, vote buying and other popular forms of rigging in the country. The EU EOM observers wrote that they “saw no evidence of centralised systematic fraud although a few attempts at manipulation were observed” (EU EOM, 2015: 11). However, some notable cases concerning “under-age voting (in the northern part) and inflated figures were observed in the Niger Delta states - Rivers, Akwa Ibom, Bayelsa, and Delta states (EU EOM, 2015: 12)”. This also includes a

few cases of ballot snatching –with the aid of security officers in a number of states (TMG, 2015). Despite these incidents, TMG observers argued that they did not significantly affect the credibility of the electoral process because we have 36 states plus Abuja, so 37 in all, and 774 local governments. I think that if we have irregularities in four to five percent, they can't be used to judge the election as not valid (TMG, 2015).

The most apparent problem on the election day, which nearly marred the entire process, was the technical hitches experienced in the use of the card reader. A number of voters, including the President and his wife, could not be verified electronically given the malfunctioning of the card readers. Electoral officials and some politicians suspected a deliberate sabotage by some individuals initially opposed to the use of card reader with the aim of discrediting the process. INEC was however able to salvage the process by announcing an alternative process –manual accreditation –which accommodated the voters that encountered the problem. This did not, however, stop the re-scheduling of elections in 300 polling units where the problem occurred (Onapajo, 2015). Some observers suspected that the use of manual accreditation at some polling units would have encouraged the malpractices which INEC was trying to prevent through the electronic system (EU EOM, 2015).

As a corollary of the above, it can be seen that several sections of the Electoral Act 2010 (as amended) were violated with impunity. Sections 91(2); 95(2); 99(1-3) and so on were violated and section 221 and others of the 1999 Constitution of the Federal Republic of Nigeria (as amended) were also violated.

Reforming the Nigerian Electoral System: The Need for a Paradigm Shift

Since the return of democracy in Nigeria in 1999, discourse on the appropriate electoral system for the country has been put firmly on the national democratic agenda. The sustained interest in the choice of electoral regime is better appreciated when juxtaposed with the fact that no election in Nigeria since 1959 has gone undisputed. The immediate past effort at electoral reform collapsed in large part due to the insincerity of the authors of the reform project. The Yar'Adua/Jonathan regime in Nigeria at inauguration promised to commit itself to reforming the electoral process in a manner that protects the sanctity of the ballot, as the 2007 general elections that brought them to office were the most flawed in the history of elections in Nigeria. The 2007 elections, in a profound manner, deepened electoral crisis in Nigeria (Animashaun, 2010). This is underscored by the huge size of election petitions that greeted the elections. Indeed, the elections will go down in history as the one that attracted the highest number of post-election litigations in Nigeria. Official results of the elections were contested at the three levels of governance: local, state and federal. The body language of the Yar'adua /Jonathan regime at the onset appeared to inspire high hopes for a credible reform process. This was partly demonstrated in the administration's demonstrable respect for the rule of law and due process which represented a radical departure from the governance style of its immediate predecessor. It should be noted that there is little or no change in Nigeria's

electoral system and processes since the inauguration and submission of a 22-member Electoral Reform Committee (ERC) report in August, 2007.

The outcome of the 2015 pre-election significantly affected the modest democratic gains of the post-election period and provided the context for the renewed public pressures for electoral reforms that would protect the integrity of the ballot as there were institutional weakness and conspiracy during the collation of election results. Setting the agenda for electoral system reforms in Nigeria should not be a difficult task. Salient issues for reform in the Nigerian electoral system have been identified by opposition parties, civil society organizations, election monitor groups and election tribunals. This underscores the clarion call for Nigeria's democratic consolidation beyond 2015.

The framework for electoral governance in Nigeria is anchored on two instruments: the 1999 Constitution and the 2010 Electoral Act (as amended) both of which were recently amended by Nigeria's federal legislature. These two documents contain rules and regulations that drive electoral governance in Nigeria. These regulations are aimed at protecting the integrity of the electoral process. Although these regulations are ambitious, they have failed to ensure credible elections. The failure of these documents is attributed to two major reasons: the inherent weaknesses /inadequacies of some of the provisions of these documents; and weak enforcement institutions (Animashaun, 2010). These two factors were brazenly exploited by the politicians during the first post transition elections in 2003 and were taken to an absurd level during the 2007, 2011 and 2015 polls.

The Electoral Act regulates the electoral process, including the nomination of candidates, the registration of political parties, and the regulation of party primaries, finances and electoral offences. The Electoral Act 2010 was further amended on the 29th of December, 2010, and on the 24th of January, 2011, in order to provide INEC adequate time for the conduct of voters' registration and polling. While the amended Constitution and Electoral Act were improvements on previous laws, they left room for further improvements. In November 2012, INEC proposed further amendments to the legal election framework as part of preparations for the 2015 elections (INEC, 2013). The adoption of the Constitutional (Fourth) Alteration Bill 2014 and the amendments to the Electoral Act by the National Assembly only a few weeks before the 2015 general elections meant that the changes proposed in the laws were not applied to the elections. In the end, the Electoral Act was not signed alongside the Constitutional (Fourth) Alteration Bill by President Jonathan. The President withheld his assent because of his stand that the Legislature usurped executive power and whittled down certain powers inherent in the President's office (Azimazi and Onochie, 2015).

The balance sheet or synopsis on this discourse based on the foregoing evidence dictates that succor be drawn from Narang (2002: 377-378) that "...elected leaders must...tackle multiple tasks. They must build institutions, reform institutions and in some cases dismantle institutions... procedurally; they must govern with sufficient accountability and faithfulness to the law and constitution to enhance the legitimacy of the constitutional system..." These postulations offer enduring path to

democratic consolidation which is feasible but quite herculean, and creates the necessary bulwark against democratic instability. While there is a plethora of factors that account for electoral crisis in Nigeria, the institutional factor (designing a credible electoral system) appears to be the most salient. In addition, the process of implementing such an efficient electoral regime is challenged by sociological variables such as the pluralist character of the Nigerian nation, underdeveloped political culture and irrational elite behaviour.

It is obvious that the electoral system and specifically political party system within this period has failed to chart a course that could entrench genuine democracy. This position was taken further by Ikeanyibe (2009:70) while building on the works of other scholars that political parties, especially in Nigeria's fourth republic are "...lacking in organization, discipline focus or souls. Their membership is filled by corrupt, unpatriotic and undisciplined political elite that sees election more as an investment than a call to serve people". The desperation of politicians to capture state power becomes clearer in the light of these averments. In a related discourse, Onyishi (2007:199) was more pungent in positing that the inordinate quest to acquire and retain state power implies the deployment of "...resources of the state in the ... struggle to retain it". He submitted further that they "block every democratic tendency... (and) continue to use all kinds of means to capture state power in order to protect themselves against the vagaries of politics." These expositions present cogent explanations on the palpable nature of democratic experience in Nigeria's Fourth Republic. This is exacerbated by lack of ideology, values and internal democracy within and among political parties. It is axiomatic and revealing that credible and robust opposition politics anchored on democratic tenets have been quite elusive within this period, and this was typified pejoratively by Ikeanyibe (2009:60) as "the irony of one-party state in a multiparty system."

One of the foremost issues for reform in Nigeria's electoral system is the composition of the election oversight body. At the heart of this debate is the indisputable fact that the extant process of appointing members of the electoral body both at the federal and state levels does not confer the requisite institutional autonomy on the electoral body. Section 154(1) of the 1999 Constitution vests the powers to appoint the chairman and other members of the Independent National Electoral Commission in the President subject to confirmation of the Senate. At the state level, governors are constitutionally empowered to appoint members of State Independent Electoral Commission subject to confirmation by Houses of Assembly (*Section 198 of 1999 Constitution*). Given the underdeveloped nature of political culture in Nigeria, this process cannot guarantee the impartiality of the electoral body as members of the electoral body tend to see themselves more as appointees of the President/Governor and, *ipso facto*, must endeavor to deliver victory to the party of the president/governor. The experience in Nigeria since the 2003 elections shows that sitting Presidents and Governors have manipulated electoral management bodies to boost the electoral fortunes of their parties.

Secondly, the salient reform issue on the election management bodies is their funding. Presently, the financing of electoral bodies is under the control of the

executive. This creates structural dependence of electoral agencies on the President and Governors as heads of the executive arm of government. Apart from creating structural dependence, this process also does not guarantee operational efficiency for the election bodies.

Finally, the success or failure of any election is determined by the election staff and not the politicians or the citizen. We argue that we need to look at the United States of America's electioneering system, modify it to our peculiarities and use it. We need to reconstruct our electoral system in line with the United States of American system where the board of elections is elected by the people and the board is staffed by equal number of the two major political parties, the Democrat and the Republican. The Federal Election Commission (FEC) is headed by a six-person group of three Republicans and three Democrats. The chairmanship of the Commission rotates among commissioners. Election booth referred to as precinct in United States of America is manned by equal number of the two major political parties, a police officer and an independent election observer. In this system, there will be no need for party agents or using unemployed person or under-employed fellow. We strongly believe that this is workable in Nigeria and will help the integrity and quality of the elections.

Conclusion/Recommendations

This study reviewed the current electoral system in Nigeria and argued for pro-active reconstruction of the Nigerian electoral system to improve the quality of electoral politics in the country which in turn advances democratic consolidation. The current Electoral Act and its reform in the country is nothing but a stop gap measure whose provisions cannot guarantee credibility and legitimacy of the electoral process. Genuine commitment to electoral reform remains the key factor to credible and enduring electoral system in Nigeria. The depth of commitment deployed to the reform efforts both by the government and the people will determine the level of legitimization that will be accorded the reform process.

Although several amendments aimed at improving the legal framework for the 2015 general elections were proposed, the National Assembly could not complete the amendment process before the elections took place. The National Assembly only submitted the bills seeking to amend the Constitution and Electoral Act to President Goodluck Jonathan for his assent in mid-March 2015, a few days before the elections. In the end, the existing legal framework proved adequate to some extent for the conduct of the elections. Following the refusal of President Jonathan to assent to the amended 2010 Electoral Act, the National Assembly chose to override the President's veto, as provided in Section 58(4) of the 1999 Constitution. Some legal experts have argued that the National Assembly could not override the President's veto on matters relating to constitutional amendment and so the President sought the intervention of the Supreme Court through a suit instituted by the Attorney General of the Federation (Ade, 2015).

It remains to be seen how this impasse between the executive and legislative arms of government would be resolved. In the meantime the Nigerian electoral

system seems to be the most affected by the lingering legal election framework dispute. The failure to address the gaps in Nigeria's legal election framework will continue to limit INEC's operational capacity as well as its ability to control electoral irregularities and violence in the future. It will also hinder the investigation and prosecution of breaches of the electoral law and limit popular participation in elections. What the foregoing brings out in bold relief is that the Nigerian governing elite do not have abiding faith in representative democracy and its consolidation.

The 2015 elections provided an opportunity for Nigeria to consolidate the gains it made during the 2011 elections, which had been hailed by observers as the freest and fairest in the country since 1999. However, competing claims to the presidency by Northern and Southern politicians, a keenly-contested campaign smeared by inflammatory messages, the grave security threat posed by the Boko Haram insurgency, allegations of a politically-motivated postponement of the elections, and gaps in electoral preparations, posed serious obstacles to the smooth conduct of the just concluded elections. In spite of the progress that the 2015 general elections represent, we believe that a number of reforms and improvements are required to ensure that the achievements of the past two elections are consolidated.

As a result of Nigeria's diversity, it is obvious that democracy is the sole political choice for its survival, and the best system for managing the nation's current challenges is by fostering better governance, and ensuring popular welfare. This can be achieved through an efficient electoral system. The fact remains that the current electoral system is faulty and requires reforms. Arising from the above, we therefore offer the following recommendations for consideration and possible implementation by various stakeholders in the Nigerian electoral process:

1. Amend the Constitution of the Federal Republic of Nigeria to bring Resident Electoral Commissioners (RECs) under the control and direction of INEC Headquarters through appointments of State Directors of elections to replace RECs.
2. The executive and legislative arms of government should resolve the disagreement over proposed amendments to the Constitution and ensure that proposals seeking to improve the electoral process receive the attention they deserve.
3. INEC should immediately commence arrangements to reorganize constituencies and polling units in Nigeria, as this is long overdue.
4. Amendments to the 2010 Electoral Act particularly Section 31(4) of the Act to allow for greater internal democracy in the parties.
5. The Federal government should implement the full report of the 22-member Electoral Reform Committee submitted in 2007.

References

- Ade, A. (2015). FG seeks Supreme Court's injunction to halt constitution amendment. *Punch*, 27 April 2015. Accessed from <http://www.punchng.com/news/fg-seeks-supreme-courts-injunction-to-halt-constitution-amendment>, on 15th September, 2015.
- Adigwe, F. (1977). *Essentials of government for West Africa*. Ibadan: University Press.
- Akasike, C. (2015). "Apologise for Okrika Attack, APC Tells Jonathan Wife". Retrieved from www.punchng.com/.../apologise-for-okri... on 23/9/2015.
- Ake, C. (1996). The political question. In O. Oyediran (ed.), *Governance and development in Nigeria: Essays in honor of Professor Billey Dudley*. Ibadan: Agbo Areo Publishers.
- Animashaun, K. (2010). Regime character, electoral crisis and prospects of electoral reform in Nigeria. *Journal of Nigeria Studies* 1(1).
- Azimazi, J. and Onochie, C. (2015). Why I declined assent to constitution review bill, by Jonathan. *The Guardian*, Lagos, 16 April 2015. Accessed from <http://www.ngrguardiannews.com/2015/04/why-i-declined-assent-to-constitution-review-bill-by-jonathan/>, on 15th September, 2015.
- Crowder, M. (1968). *West Africa under colonial rule*. Benin City: Ethiope Publishing Corporation.
- Electoral Act (2010). Federal Republic of Nigeria Official Gazette. 64 Abuja.
- European Union Election Observation Mission -EU EOM (2015). Second preliminary statement: More efficient polling although increased incidents of violence and interference.
- Falana, F. (2015). "Legal and Ethical Issues in Reporting 2015 Elections" Retrieved from <http://www.thisdaylive.com/articles/legal-and-ethical-issues-in-reporting-2015-elections/200920/> on 19/10/2015.
- Fayam, F. N. (2008). Colonialism and elections in Nigeria: The root of elective principle. In S. M. Omodia (Ed.), *Managing Elections in Nigeria*. Keffi: Onaivi Publishing.
- FGN (1999). *The 1999 Constitution of the Federal Republic of Nigeria*. Abuja: Government Printing Press.
- FGN (2010). *Electoral Act 2010 (Amended)* Abuja-Nigeria.
- Ibrahim, J. and Ibeanu, O. (2009). *Direct Capture: The 2007 Nigerian Elections and Subversion of Popular Sovereignty*. Lagos: Centre for Democracy and Development.
- Ikeanyibe, M. O. (2009). The irony of One-Party state in a Multi-Party system: A study of political parties in Nigeria's Fourth Republic (1999-2009). *Nigerian Journal of Politics and Administration, University of Nigeria, Nsukka*, 2 (1).
- INEC, (2013). INEC proposes Amendment of electoral Act. Accessed from <http://www.inecnigeria.org/wp-content/uploads/2013/07/Amended-Electoral-Act.pdf>, on 15th September, 2015.
- International IDEA (2004). *Electoral System Design: The International IDEA Handbook* (Draft November, 2004) - Forthcoming Idea Stockholm 2005.

- Jega, A. (2000). The State and identity transformation under Structural Adjustment in Nigeria. In A. Jega (ed.), *Identity transformation and identity politics under Structural Adjustment in Nigeria*. Kano: Nordiska Afrika institutet & Centre for Research and Documentation.
- Joseph, R. (1991). *Democracy and prebendal politics in Nigeria*. Cambridge: Cambridge University Press.
- Narang, A.S. (2002). *Comparative government and politics*. New Delhi: Gitanjali Publishing House.
- Nigeria Civil Society Situation Room, (2015). Report on Nigeria's 2015 General Elections 28 March and 11 April 2015. Accessed from www.placng.org/situation_room/sr/wp-content/uploads/2005/07/SITUATION-ROOM-REPORT-ON-2015-ELECTIONS.pdf on 15 September, 2015.
- Nnoli, O. (2003). *Introduction to politics*. (2nd ed.) Enugu: Snaap Press Ltd.
- Nwankwo, O.B.C. (2006). Elections and democratic governability in Nigeria. *Journal of International Politics and Development Studies* 2(1).
- Omodia, S. M. (2012). Election, governance and the challenge of national integration in the Nigerian Fourth Republic. *British Journal of Arts and Social Sciences* 5(2).
- Onapajo, H. (2015). The positive outcome of the 2015 general elections: The salience of electoral reforms. The Roundtable. *Commonwealth Journal of International Affairs* (in press).
- Onuba, F. (2015) "PDP, APC spend N4.9bn on publicity, others –Group". Retrieved from www.punchng.com on 20/10/2015.
- Onyishi, T. (2007). Consolidation of democracy in Nigeria: Problems and prospects. *Nigerian Journal of Public Administration and Local Government, University of Nigeria, Nsukka*. XIII (1).
- Orji, N. and Uzodi, N. (2012). *Post Election Violence in Nigeria: Experiences with the 2011 Elections*. Abuja: Policy and Legal Advocacy Centre.
- Reynolds, A., Reilly, B, and Ellis, A. (2005). *Electoral System Design: The New International IDEA Handbook*. Stockholm: International IDEA.