

NIGERIA ELECTION WATCH

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Issue 3

National Assembly Elections: 2 April 2011
Presidential Election: 9 April 2011
Governorship/State Assembly Elections: 16 April 2011

Citizens of Africa's most populous country will go to the polls in April to elect their leaders for the fourth time since Nigeria's transition to civilian government in 1998-99. The National Democratic Institute (NDI) is conducting an international observation mission to analyze the electoral process before, during and after the elections. NDI fielded a pre-election assessment team in Nigeria from Oct. 10 to 15, 2010, and will deploy approximately 30 short-term observers for the presidential election. Observations in this newsletter are based on the findings of NDI's 12 long-term international observers, who are reporting on the country's electoral process in each of Nigeria's six geopolitical zones.

Election Facts:

- Provisional figures released by the Independent National Electoral Commission (INEC) on Feb. 21 indicated that 67.8 million voters were registered between Jan. 15 and Feb. 7. The final voters list, published on March 2, said 73.5 million voters were registered. The difference of almost six million voters was because of the lack of an efficient tracking system and communication flow between the lower level election administration officials and INEC headquarters. This prevented timely and accurate reporting on the number of registered voters. INEC said it detected 870,612 cases of multiple registration and pledged to publish the names and prosecute the offenders.
- Because of a recent court ruling, there might be no gubernatorial elections in six states where re-runs were held after the 2007 elections: Adamawa, Bayelsa, Cross Rivers, Delta, Kogi and Sokoto states. The winners of those elections will remain in office for a full term following the re-run. Governorships in an additional four states (Ondo, Osun, Edo and Ekiti) will not be contested in April because current officeholders won appeals overturning the 2007 election results, and were sworn in for a new term without fresh elections. The last state without an April gubernatorial election is Anambra, which held its poll in Feb. 2010.
- Out of 63 registered political parties, 54 are fielding candidates in the April elections. The Action Congress of Nigeria (ACN), All Nigeria Peoples Party (ANPP), Congress for Progressive Change (CPC), and Peoples Democratic Party (PDP) are the only parties fielding candidates in the presidential, National Assembly, and state level races.
- INEC began releasing lists of nominated candidates on March 2, and legally must publish all lists by March 16.
- INEC will recruit 360,000 ad hoc staff to administer the elections.

VOTER REGISTRATION: IMPROVEMENTS NOTED IN THE CLAIMS AND OBJECTIONS PERIOD, BUT CONCERNS REMAIN

During the official display, claims and objections period, which ran from Feb. 14 to 18, voters could check their names on the preliminary voters register compiled by the Independent National Electoral Commission (INEC). Nigerian law guarantees citizens a minimum of five days to examine the preliminary voters list and submit petitions against inaccuracies. While people who missed the official voter registration period cannot be added to the list, previously registered voters can correct their data and object to multiple registrations or registration of minors, non-residents, foreigners, deceased or fictitious individuals.

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A potential voter reviews the preliminary voters register in the Federal Capital Territory.

ACCREDITATION VOTING: EFFORTS TO REDUCE FRAUD IMPACT VOTER ACCESSIBILITY

For election day, INEC is considering the use of “accreditation voting” – a system that requires all voters to check in at their polling units before anyone can vote. Voters must stay in the polling unit area until the accreditation process has ended and then queue again to vote. Nigerian civic groups have been at the forefront of calls for accreditation voting, claiming it can deter fraud and enhance public confidence.

“Surely, this is bound to be a grueling process for Nigerians, who will have to spend hours on queues to be accredited and to vote. However, we believe that the elections are important enough for that sacrifice.”

Prof. Attahiru Jega, Chairman, INEC

Some groups have taken this a step further by suggesting that all voters remain at the polling unit to observe the counting of ballots after the polls close, a form of what is known locally as “mandate protection.”

Accreditation voting was first used during Nigeria’s 1993 election, which many Nigerians consider the country’s fairest and most credible,¹ and most recently for last January’s Delta State gubernatorial re-run election. But while the process may curb multiple voting and decrease the risk of ballot box tampering, it also raises the possibility of voter disenfranchisement. The Transition Monitoring Group (TMG), one of Nigeria’s foremost monitoring organizations, noted that in the 1998 elections some voters did not under-

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VOTING DAY : PROTECTING THE SECRECY OF THE BALLOT

Section 52(2) of the Electoral Act 2010 allows INEC to determine the method of marking ballot papers, but the commission has yet to do so. Section 54(1) suggests that a thumb print on a ballot paper is not considered to be “a mark of identification” of the voter, even though Nigerian voters have traditionally used their thumbs to mark choices on the ballot. INEC collected voters’ finger and thumb prints during voter registration to reduce multiple registrants. A youth activist at a recent civil society forum with INEC raised concerns that the collection of biometric data could compromise voter secrecy if ballots were compared to fingerprint records to determine how specific people had voted.

Other concerns over ballot secrecy have also been raised. For example, election officials must write the

voter’s name and identity number on the back of “tendered ballots,” which are provided to voters if someone using their name and identification has already cast a ballot. Some recall that privacy screens

were not used at a number of polling stations in 2007 and fear a repeat of instances that left some voters to mark their ballots in the open. Nigerian citizen observers have also expressed concern over ballot design and would like to see options to prevent ballots from opening when they are placed in the transparent ballot boxes.



2007 voter preparing to mark ballot with thumb (no privacy screen)

VOTER REGISTRATION (CONTINUED FROM PAGE 1)

The claims and objections process is widely seen as an improvement over the 2007 effort, due to INEC’s efforts to display lists not only at the LGA level as required by law, but also at each of the polling units. But the exercise did have problems.

The one-week extension of voter registration gave INEC less time to compile registration data into a preliminary voters list and check for duplicates before the display period began, though data was reportedly screened through an automated system to flag duplicates and incomplete records.

Compilation of voter lists took longer than expected in some states, leading to reported delays and, in some

cases, failure to display the lists. While some states ended the display on time by Feb. 18 regardless of the number of days lists were displayed, others kept the process open beyond that date to meet the five-day legal requirement. Some state-level residential election commissioners have promised to reopen the process in locations where delays in the data screening process prevented lists from being posted.

Further, despite INEC’s publication of guidelines on its website and in newspapers, some state and local election officials said they had received little or no instructions from INEC about data verification procedures and were not always clear on how to respond to challenges.

CANDIDATE SELECTION: LEGAL CHALLENGES PROLIFERATE

The number of legal challenges to candidate lists since political party primaries ended Jan. 15 suggests that many parties failed to adhere to new legal requirements designed to improve transparency and fairness in the candidate selection process. Complaints have included charges that primaries were manipulated or, in some cases, not held at all, and that the names of individuals who did not compete in the primaries have appeared on party lists submitted to INEC for review. Parties themselves have filed complaints against INEC for refusing to certify their

candidates, as the commission has refused to certify those believed to have been unfairly selected in contravention of newly established procedures. This so-called “candidature by litigation” has resulted in substantial legal costs for political parties and INEC, as well as the transfer of authority for the selection of candidates from parties to the courts. Unresolved challenges could delay INEC’s design and printing of ballots. A similar situation in 2007 led to the late delivery of ballots, many of which were printed with mistakes.

ACCREDITATION VOTING (CONTINUED FROM PAGE 2)

stand the process and left polling stations after being accredited, believing that they had already voted.² Additionally TMG noted in its 1998 interim report that the late opening of some polling units prevented some potential voters from being accredited. This problem was experienced again in the Delta State re-run election.

The time commitment required in accreditation voting is also a potential problem. In a joint report in 1998, observers for the Association of African Election Authorities and the International Foundation for Electoral Systems noted that accreditation voting appeared to have depressed voter turnout as voters were unable to dedicate the time required.³ Representatives of nongovernmental organizations working on women’s rights warned that women, in particular, may be dis-

couraged by the accreditation voting process, especially in more conservative areas of the country.

Some representatives of political parties, along with the International Observation Working Group, have expressed the view that the accreditation system is not necessary to prevent multiple voting. They assert that an accurate, credible voter registry coupled with additional measures – such as the use of indelible ink, comprehensive training of electoral officials and widespread voter education – could achieve the goal of reducing multiple voting without risking voter disenfranchisement.

¹ M.K.O. Abiola won this election over Bashir Tofa, but the results were annulled by then President General Ibrahim Babangida, who subsequently appointed a transition government. This action was widely viewed as undemocratic.

² <http://apic.igc.org/docs98/niq9812b.htm>

Security Report:

Security concerns are increasing as campaigns heat up before election day. NDI’s observers in the North West region, for example, witnessed intimidating campaign tactics in Kebbi State. In the North Central and North East regions, observers reported that rival parties engaged in violence around campaign events, including vandalism of party campaign materials and vehicles, and physical attacks against party supporters. In Kogi State, observers heard complaints that police ignored, and in some cases joined in, vandalism of party campaign materials. In Kwara State, observers reported that police defused an incident of rival parties clashing by bringing the conflicting parties together.

Security officials in many states reported that they are meeting regularly with political parties and other elections stakeholders to promote peaceful campaigns and are training police and security agents about appropriate actions on election day. The State Commissioner of Police in Ekiti, for example, has created a consultative committee on security that includes representatives of the security sector, political parties and civil society. Despite these efforts, many Nigerians expressed concerns about the ability and political will of security forces to forestall violence on election day, based on concerns that security officials had contributed to abuses on election day in 2007.

NDI is a nonprofit, nonpartisan, nongovernmental organization working to support and strengthen democratic institutions worldwide. NDI has worked in Nigeria since 1998. For more information, please contact NDI Senior Resident Director Carlo Binda (cbinda@ndi.org).

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