



# Nigeria Votes 2015

Election Management and New Technologies in Africa's Largest Democracy

By



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# Executive Summary

## Nigerian Democratic Transition Consolidation Election Administration and the Election Management System

Nigeria underwent its most recent and meaningful democratic transition in 1999, at which time its last military oligarchy ended with multiparty elections placing Olusegun Obasanjo, the leader of a former military regime and the creator of the People's Democratic Party (PDP), in the presidency. Although Nigeria's post-1999 civilian regimes have resisted regression into the country's post-colonial cycles of coup-driven political transitions, management of the four contemporary democratic national elections (1999, 2003, 2007, and 2011) suggests that Nigeria's administrative transition is a work in progress. Administrative transition is an often-overlooked yet essential component of democratic consolidation. Election management systems are essential in terms of:

1. Perceived legitimacy of election processes and outcomes that increases the perceived legitimacy of government processes and operations more generally
2. Minimized grounds for formal challenges or reactionary violence by candidates, their parties and supporters, or their associated armed militias.

This working paper examines the status of Nigerian election management as an essential component of *administrative* democratic transition and consolidation.

Essential for administrative democratic transition, and a component of more general democratic transition and consolidation, is the presence of an election management system able to deliver routine, professionally managed, transparent, competitive elections that follow accepted and predictable standard operating procedures (SOPs) with results perceived as technically legitimate by the candidates, the electorate, and legitimate or credible domestic and foreign observers including civil society. Taking such institutional issues into consideration, the 16 years of contemporary Nigerian election management evolution is an insufficient period to expect completed democratic administrative transition and consolidation. In addition to time necessary for institutional evolution, factors underlying Nigeria's stalled administrative transition range from highly institutionalized bureaucratic corruption to armed militias' directed role in pre- and post-election violence. The Nigerian election management systems is undergoing incremental reform, sometimes in association with and sometimes in conflict with other political and government institutions.

The 2011 elections reflected a second important post-transition turning point for Nigerian democracy after that of 1999. The 2011 elections produced seemingly contradictory outcomes in terms of Nigeria's election management trajectory. First, they marked a notable reduction of vote-rigging and other forms of electoral fraud as well as extensive reforms in the public institutions relevant to election management in the form of 2010 reform of the Independent National Election Commission (INEC). However, they also introduced the most bloody post-election violence of the Fourth Republic's electoral history. Table One lists certain election management limitations of the post-1999 Nigerian Fourth Republic in terms of the extent of progress in the 2011 election:

**Table One** *Presence of Nigerian Election Administrative Limitations in 2011 Progress*

No.	Administrative Limitations	2011 Presence
1	Pre-Election violence or threat of violence including that of armed militias associated with politicians' or candidates' personal networks	<b>Extensive</b>
2	Voter harassment and other forms of decision-based influence	<b>Extensive</b>

3	Election process subversions (vote rigging and fraudulent or otherwise corrupt practices)	<b>Extensive in Specific States</b> Inflated votes but first Nigerian prosecutions for fraudulent electoral activities
4	Corrupted vote collation and counting practices	<b>Extensive</b> Inflated votes (south-south and south-east states) but use of non-partisan public schools for some counting
5	Official challenges to election processes/results (with/without grounds)	<b>Some</b> Use of post-election petition tribunals under the court of appeals
6	Post-election violence driven by results or perceived election management	<b>Extensive</b> Most to date and focused in the north, including Boko Haram bomb blasts associated with the presidential inauguration
7	Confused or vague electoral legal framework	<b>Improved</b> Election commission reforms
8	Insufficient penalties or prosecution for violation of electoral laws	<b>Improved</b> (Insufficient party penalties yet some prosecutions)
9	Inflated voter rolls, confused voter registrations, and improperly functioning voter technologies	<b>Improved</b> (Inflated rolls, confused registration, and ill-functioning technologies but increased strategic responses to improve the rolls)
10	Polling station management SOP departures and other inconsistencies	<b>Improved</b>
11	Logistical problems or disruptions related to voter materials	<b>Extensive</b> Issues regarding timely voter materials access and full distribution
12	Confused, partial, or inappropriate application of voter technologies	<b>Improved</b> Use of Modified Open-Secret Ballot (MOBS) and new technologies but rollout too close to elections and technologies abused

### Pre-Election Predictions Violence over Administration

Given the 2011 national elections' contradictory election management outcomes, the 2015 elections served as a determinant of Nigerian administrative progression. 2015 election predictions were relatively pessimistic regarding the likelihood for post-election violence suggested by the 2011 electoral outcomes coupled with the continuation of conventional Nigerian electoral challenges and the unique 2015 variants of those challenges. The 2007 and 2010 elections have been used as case studies for the examination of the nature and causes of election-related violence.<sup>1</sup> The 2015 national Nigerian elections attracted international media attention due to this record of electoral violence as well as other cases of violence with international resonance, specifically violence related to the now-IS affiliated Boko Haram.

Examples of the unique 2015 variants of conventional Nigerian electoral challenges include:

<sup>1</sup> For example, see: P. Collier and P. Vincente, June 2008, "Votes and Violence: Experimental Evidence from a Field Experiment in Nigeria," *HICN Working Paper 50*, HICN institutional website at: <http://www.hicn.org/wordpress/wp-content/uploads/2012/06/wp50.pdf>.

**Table Two** *Examples of Unique 2015 Election Challenges*

NO.	CONVENTIONAL NIGERIAN ELECTION CHALLENGE	UNIQUE 2015 CHARACTERISTICS
1	Established transnationalized militant-based security threats in the northeast by Boko Haram, which claimed official association with IS in March 2015	Nigeria has struggled with political and other militant groups, especially in relationship to post-1999 elections; although Boko Haram adopted a more extensive violent presence after 2009 and was active in previous pre- and post-election violence, the scope and transnationalized impact notably increased since the 2011 elections, creating an influx of internally displaced persons (IDPs)
2	Historicized militant-based security threats in the south associated with Niger Delta militants	Nigeria temporarily stabilized the security challenges from Niger Delta militants they threatened to break this amnesty given the loss of incumbent president Goodluck Jonathan
3	Fielded rival parties that, just like the incumbent PDP, maintained links with political, communal, and other armed militias that fueled or directly supported election-related violence	Election outcome unpredictability increased with the establishment of an opposition; increased unpredictability increases the probability of election-related violence
4	Complicated divisions within PDP regarding the geo-political origins of the candidates designed to ensure party cohesion and maintain a multi-regional electorate	Although incumbent president Jonathan's 2011 win represented an important historical presidency (the first southern minority to win office), his legally valid decision to claim the 2015 PDP candidacy threatened one of the Party's fundamental institutional premises (geo-political rotation)
5	Continued forms of disenfranchisement including individuals moving between geo-political regions ahead of elections to avoid targeted election related violence	Massive increases in the number of internally displaced persons (IDPs) as well as refugees crossing into neighboring states, complicating mandatory permanent voter card (PVC) distribution and establishment of accessible polling stations, especially in northeastern states associated with geo-political divisions

The above challenges and their 2015 variants represented the primary focus of high-level Nigerian election observation. The challenges' collective impact on Nigeria's young transitioning election management system requires specific assessment. The general surprise that resulted from Nigeria's relatively peaceful 2015 national elections should not distract attention from the election management system's assessment.

### Nigeria Votes 2015

#### Working Paper Overview

This working paper, *Nigeria Votes 2015*, is the first of the Middle East and African Research Center's (MARC) working paper and briefing series. It covers the first of the two national elections managed by INEC on 28 March and 11 April, 2015; the first election included the Nigerian presidential and national assembly tickets. This working paper focuses only on the election's presidential ticket in its analysis of INEC's institutional reforms and election management system, inclusive of introduced voter technologies. It assesses the extent to which the 2015 Nigerian presidential election represented: **1.** ongoing reforms and continuing challenges of Nigerian election administrative transition; **2.** the continued importance of personality-led politics in Nigerian elections, even in terms of election management; and **3.** Nigerian citizens' popular perception of election legitimacy as a product of election management systems.

The working paper finds that: **1.** certain INEC reforms and new voter technologies were generally successful but still require notable development and **2.** several management limitations remained from 2011, although the larger election outcome offered several milestones in terms of Nigerian democratic administrative transition and consolidation.

# Nigeria Votes 2015

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## I. INTRODUCTION

### 2015 Nigerian Presidential Elections Why Examine Election Management Systems

The overwhelming expectations for the outbreak of post-election violence, and the peaceful acceptance of the presidential election results by the incumbent president, was of such historic importance that post-election analysis overlooked more technical characteristics of the 2015 national elections. Important among these characteristics was the election's progress in terms of:

1. Reformed election administrative processes
2. Implemented "next generation" voter technologies
3. Continued institutionalization of a modern election management system

Although an often forgotten component of democratic transition, election administrative processes and the management systems underlie the fundamental concern of Nigerian election-related violence as well as Nigeria's continued post-1999 democratic transition. The Nigerian 2015 national election management system facilitated – or at least did not prevent – a legitimate Nigerian presidential election outcome and the first transition of presidential power between political parties in the post-1999 Nigerian Fourth Republic.

This working paper, *Nigeria Votes 2015*, assesses Nigerian election management of the 2015 national elections. Its specific focus is on Nigeria's election management institution, the Independent National Election Commission (INEC), and the Commission's related election administrative processes and management system. These processes and the general system includes the implementation of new voter-related technologies incrementally introduced since 2011 and a new biometric voter registration database.

Nigerian election administrative processes and the overarching election management system represented a complicated set of exchanges and institutions that include:

1. Inherited political and economic structures
2. Regionally varied and often tenuous state-society relations
3. Contextually embedded political and bureaucratic corruption
4. Neo-patrimonial networks
5. Complicated local government authority (LGA)-state-federal political relations
6. Historically based geo-political, ethnic, and religious divisions

This working paper assesses the national Nigerian election processes and the management system within these fundamental contexts. This assessment addresses the extent to which the 2015 Nigerian presidential election represented: **1.** ongoing reforms and continuing challenges of Nigerian election administrative transition; **2.** the continued importance of personality-led politics in Nigerian elections, even in terms of election management; and **3.** Nigerian citizens' popular perception of election legitimacy as a product of election management systems.

The working paper's policy assessment, although relevant to technical policy analysis, speaks to the Sub-Saharan African (SSA) and Nigerian literature on regional political leadership structures and neo-patrimonial network dynamics. It also applies this assessment to policy debates regarding the growing use of new regional election management approaches and tools that address certain fundamental weaknesses but introduce new weaknesses in election management systems. Also relevant are the voter identity tools that contribute to Nigeria's and the region's "identity gap" affecting public and private service delivery.

### Nigeria in the Region Regional Ramification of the

Although focused on Nigeria, this working paper contributes to the larger body of policy research addressing regional election management systems. Unquestionably a historic outcome for Nigeria, the 2015 presidential electoral results were also meaningful for other SSA states as well as the West African regional community as suggested by the presence of African Union (AU) and ECOWAS election monitors. The broader importance of

2015 Nigerian  
Elections and  
Election  
Management

the Nigerian election management system and the election results is three-fold. First is Nigeria's status as SSA's largest, most populous state burdened by notable political, social, and economic divisions that come to the fore during heavily publicized, high-stakes national elections. Nigerian elections may touch off contagion in terms of cross-border instability as suggested by Boko Haram's impact on neighboring countries. Second, as the continent's largest economy following the recent rebasing of its GDP and as a major source of peacekeeping troops or related resources, change in the Nigerian political system will affect regional exchanges and power balances. Third and finally is the regional comparative model offered by the Nigerian election management system. Nigeria's contributions as such a model include its use of biometric voting cards, poll security, enfranchisement of internally displaced citizens, and election-based fraud prosecution. Such comparative opportunities are especially important in 2015 given the sheer number of SSA elections taking place throughout 2015.<sup>2</sup> This working paper provides details related to the Nigerian management system with sufficient detail that it may be used to assess the processes and technologies applied within other regional systems.

## II. SHIFTING FROM THE TOPIC OF VIOLENCE

Election-Based  
Violence  
Dominant  
Narratives of  
Nigerian Elections

The historic conclusion of Nigeria's 28 March 2015 presidential election, held on the same ticket as the National Assembly elections, represents the West African country's first transition between ruling parties since the country's 1999 return to civilian rule. Incumbent president Goodluck Jonathan's early acceptance of the outcome, and the public's comparatively peaceful response, marked a positive departure from a majority of pre-election predictions made in the run-up to the final 28 March election day. Those forwarding pessimistic predictions based their assessment on:

1. Nigeria's post-1999 election trajectory as well as the 2015 presidential election's high stakes
2. Conventional electoral challenges coupled with their unique 2015 variants
3. Continued systems-based predilections for personalized leadership and extensive political and bureaucratic corruption
4. The 2013 emergence of a coalition opposition party, the All Progressive Congress (APC), able to seriously challenge the People's Democratic Party (PDP), the ruling party since the Fourth Republic's 1999 creation

Such pessimistic predictions and their emphasis on violence are staples of Nigerian elections. Although this working paper refocuses attention from Nigerian election-related violence to the national election management, it does not suggest that the former should not be a point of ongoing concern. This paper instead suggests that assessments of Nigerian elections must dedicate increased attention to the election management system, especially because of those systems' close relationship to election-related violence.

The incidence of violence during Nigerian political transitions is a product of longitudinal political, social, and economic institutional trajectories with colonial origins. Examined factors range from the political implications of government-based resource dependence and the inheritance of colonial political structures to the strategic use of Nigerian federalism emphasizing recentralization. Agents and organizations likely to participate in Nigerian election-related violence include:

- Spontaneous citizen protests or riots in response to perceptions of corrupted candidates of all political levels and their supporters
- Political or communal militia, often mobilizing uneducated and unemployed youth, linked to personalized political networks

<sup>2</sup> EISA's most updated (6 April 2015) list of African elections (North and Sub-Saharan African) may be found at: EISA, 6 April 2015, "African Election Calendar 2015," EISA institutional website, <http://www.content.eisa.org.za/old-page/african-election-calendar-2015>.

- Uneducated and unemployed youth, often practicing forms of substance abuse, who taking part in politicized violence as a form of opportunism
- Boko Haram and Niger Delta armed groups that make specific election-related threats premised on their larger orienting mission
- Other members of neo-patrimonial networks that increase the stakes of election outcomes and mobilize armed political or communal militias<sup>3</sup> dependent on the networks' resource distribution<sup>4</sup>

These agents' and organizations' role in election-related violence is, in many circumstances, related to the insufficient institutionalization of the election management system as well as the public perception of the election management system as unreliable if not fundamentally flawed.

### 2015 Violence Observed Election Violence and the Election Management System

2015 marked an improvement from 2011 in terms of violence; however, as reported by ACLED, Nigerian violence notably spiked in March 2015, especially in the three days between 27 and 29 March straddling the 28 March presidential elections.<sup>5</sup> Importantly, the categories of violence dominating this spike were protests and riots. These protests and riots led to fewer deaths than created by other annual violent events.<sup>6</sup> The specific 2015 election-related events that sparked notable reaction if not violence were generally related to voter reactions to perceived election corruption or other forms of electoral manipulation directly related to Nigerian election management systems. Examples include:

- INEC's official delay of the 14 February presidential election date to 28 March given the domestic terrorist threat in specific LGAs of northeastern states
- INEC's problematic procurement and delayed distribution of the new permanent voter cards (PVCs) mandatory for qualified voters' enfranchisement
- Ongoing confusion by voters regarding the functions of PVCs and the purpose of data included on the PVC microchip
- Government arrests of the company owner holding the PVC tender
- International and domestic monitoring organizations' release of polls suggesting a possible opposition victory attracting threats from different social segments or armed groups (to Niger Delta militias, etc.)
- INEC's insufficient changes to the vote counting and collation processes popularly perceived as the Nigerian election administrative processes most open to corruption
- Federal government's deployment of the military to protect polling stations ruled unconstitutional by the Lagos and Sokoto Federal High Courts given concerns of federal election interference and polling station intimidation, with those Courts recognizing other security forces – specifically the police – as holding jurisdiction over polling station security

As suggested by the above examples' relationship to administrative election processes and other attributes of the election management system, continued transition of that system and its component parts will alter fundamental dynamics of Nigerian election-related violence.

<sup>3</sup> ACLED, April 2015, "Real Time Analysis of African Political Violence," *Conflict Trends* 36: 1-11, Nigeria Elections.

<sup>4</sup> Also important are transnationalized non-judicial networks associated with Nigeria's informal economy that need connections to juridical networks for survival and that provide juridical networks with cash, drugs, and weapons.

<sup>5</sup> ACLED, April 2015, "Real Time Analysis of African Political Violence," *Conflict Trends* 36: 1-11, Nigeria Elections. Also, 2011 election-related violence, primarily post-election violence, created approximately 69,000 internally displaced persons and took the lives of approximately 800 Nigerians with some estimates suggesting over 1000 deaths. For more on 2011 post-election violence, see: Human Rights Watch, 17 May 2011, "Nigeria: Post-Election Violence Killed 800," HRW institutional website at: <http://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800>.

<sup>6</sup> ACLED, April 2015, "Real Time Analysis of African Political Violence," *Conflict Trends* 36: 1-11, Nigeria Elections.

### III. AN INTRODUCTION TO THE 2015 PERSONALITIES

#### The Importance of Personalities

Individual Personalities in Elections and Election Management

Nigerian election contexts are premised on both individual personalities as well as personalized networks. This section reviews the four primary personalities of the 2015 national presidential elections: two presidential candidates (G. Jonathan and M. Buhari), the implicit post-1999 Nigerian political leader and kingmaker (O. Obasanjo), and the INEC Chairman originally reputed as a trusted reformer (A. Jega). Each of these personalities dominated Nigerian election coverage. Equally important, each of these personalities either contributed to or somehow undermined the post-2014 trajectory of Nigeria's election management system during the Fourth Republic. They did so by means including suggestions to their followers to either bypass or protest the election management system as well as their specific public reactions to election results.

#### The Presidential Incumbent

Goodluck Jonathan

The first and most known personality of the 2015 elections, Goodluck Jonathan, is the incumbent president and member of the PDP. The political career of the zoologist, which includes his 2010-2015 political tenure, is one of relative luck and timing that often had more to do with the actions of dominant political personalities than Jonathan's ability to work his way through the electoral system. Jonathan spent his early career as a relatively unknown lecturer, an education inspector, and an environmental officer. In 1999, he became an undistinguished deputy governor of the Bayelsa state, one of the six primary states composing Nigeria's South-South geo-political zone dominated by Christian Ijaws. He emerged from his relatively obscure station in 2005 when he replaced the Bayelsa governor forced from office given money laundering charges.<sup>7</sup> Jonathan's subsequent rise to the Vice Presidency was again a product of luck. In this case, the first civilian president and then-chair of the ruling PDP party's board of trustees, Olusegun Obasanjo, personally selected him as the southern vice presidential nominee on the PDP presidential ticket with the northerner Umaru Yar'Adua as the presidential nominee. Within three years, luck brought Jonathan the presidency following the death of Yar'Adua.

Although marred by violence, Jonathan's 2011 election victory was of historical significance as the first southern minority group to win presidential office. Importantly, he did face a primary challenge against former Vice President, A. Abubakar, recognized as the northern candidate of choice. Despite concerns regarding his failure to carry any of the far northern states in the election, Jonathan did take over 25% or more of the vote in over 30 states and approximately 59% of the popular vote, well over the minimum threshold requirements of the Fourth Republic's constitution. Equally telling, the 2011 opposition candidate (Buhari), did not carry any southern states and received under 40% of the popular vote. That said, Jonathan he under-performed his PDP predecessor's 2007 popular vote of approximately 70%. Jonathan's PDP also suffered in the National Assembly and gubernatorial elections having lost the federal legislative majority and four state gubernatorial positions. As noted by the International Crisis Group in 2011, the elections also represented an important departure in terms of the electorate's motivating factors of partisan or personality-based preferences.<sup>8</sup> This variation of motivating factors suggests the potential decline of high-level political personalities, the functions of their personal networks, and Nigerian party politics.

Despite generally legitimate, Jonathan's 2011 election was met by violence that left 800 or more dead as well as approximately 70,000 displaced. The greatest post-election violence in 2011 took place in states of the northern and middle-belt geo-political regions (Adamawa, Bauchi, Kaduna, Kano, Nasarawa, and parts of Niger). Although the northern-based Boko Haram did target PDP representatives and Christians both before and after the election, the organization was not the sole basis of election-related violence in the northern states. Instead, this violence included reactions to the election management system. Popular opinion assumed rigged results and regional political inequality with a southerner taking what was deemed to be a northerner's presidential turn. This interpretation was connected in part to the political discourse of the

<sup>7</sup> Governorships are powerful positions in Nigeria given the structure of the federal system, developed in part as the federal government's recentralization strategy, and their budgets that can dwarf those of neighboring countries.

<sup>8</sup> International Crisis Group, 15 September 2011, "Lessons from Nigeria's 2011 Elections," *ICG Africa Briefing* **81**, Pg 10.

2011 CPC opposition party and Buhari, its presidential candidate. Buhari claimed 2011 would be his third and final presidential bid due in part to fundamental problems of the Nigerian election management system. He and other opposition party members stated that the 2003 and 2007 election results were not premised on legitimately casted votes or the public will due to extensive vote rigging and other forms of election-related fraud or corruption. Some opposition leaders even antagonized systems-related violence, suggesting that the youth should adopt more reactionary strategies to retaliate against the system and break from the PDP-led Nigerian political trajectory.

Having served only a year of Yar'Adua's term, Jonathan qualified to run for a second election bid in 2015. Although constitutional, this run proved difficult for Jonathan despite his incumbency. First, the political resources of the government and therefore the PDP decreased given declining oil prices. The bureaucracy itself was also difficult to mobilize as a large voter cadre given ongoing problems regarding salary disputes and related issues. Second, Jonathan proved unable to address growing organized security threats in the northeast, providing too few troops with too few resources due to the government's historical relationship to the military as well as corruption in the upper ranks of the military.<sup>9</sup> Third, the institutionalized culture of corruption exceeded tolerable levels with the revelation of US\$20billion in missing funds from the Central Bank. Fourth, Jonathan lost the essential symbolic political support and personal networks of the Nigerian PDP kingmaker Obasanjo. Jonathan's failure to comply signaled his break from the party's creator and from party members' uncodified expectation north-south candidate rotation. The validity of his candidacy actually supported Nigeria's democratic administrative transition but his refusal countered the political culture's assumed Nigerian electoral norms, at least for the PDP.

Giving Jonathan strong yet non-judicial political backing was the diverse set of militias in the southern Niger Delta region, representing the south-south geo-political zone. These groups assumed a highly political role in the 2015 elections, making threats against a possible legitimate opposition win. Although Jonathan's government had maintained an uneasy disarmament agreement with the militias following a 2009 amnesty with an unconditional surrender that led possibly 15000 militants to lay down arms within two months, certain groups threatened to rearm given a PDP-Jonathan loss.<sup>10</sup> Such threats held sway given militias' impact on Nigerian oil output – essential to fill the government coffers<sup>11</sup> – along with the pre-election increase in light arms availability in the Niger Delta and the end of the 2009 amnesty agreement in May 2015 (coinciding with the 2015 presidential inauguration). These threats, as well as those by other militias and Boko Haram, raised concern regarding how the election management system could ensure safe polling stations without creating opportunities for formal security forces to serve specific interests by means of voter coercion. Not only did INEC delay the elections due to such threats, but Jonathan attempted to reassign the army from fighting Boko Haram to patrolling polling stations despite public reaction.

<sup>9</sup> This military failure represented a continuing concern that had begun with the military's assassination of Boko Haram's leader in 2009, escalated thereafter with the federal declaration of a state of emergency in three northeastern states in 2013, and currently spilled over into neighboring states requiring an intra-regional intervention.

<sup>10</sup> The 2009 amnesty for certain Delta Niger militants represented one means of reducing oil bunkering and other attacks on southern oil infrastructure in the Niger Delta region as well as reducing violence in the geo-political including targeted bombings and kidnapping. Oil concerns dominate this region, with four states of the Niger Delta producing approximately 80% of Nigerian oil (Bayelsa, Delta, Ibom, and Rivers states). Militants who surrendered their arms in exchange for amnesty received various government services, such as job training, as well as approximately US\$400 per month in compensation transfers supporting their "re-integration" into peaceful civilian life. Certain members of these militias went on to provide private security for the national oil infrastructure. They maintained improved relations with the government due in part to Jonathan's geo-political regional affiliation to Bayelsa and his Ijaw ethnicity. The Niger Delta had never achieved full peace, with splinter groups of militias such as the Movement for the Emancipation of the Niger Delta (MEND) breaking from the amnesty soon after its implementation. Certain commentators feared that a Buhari presidency, unlikely to maintain such a relationship with this particular interest group, would unintentionally touch-off increased militancy in the Niger Delta that would then re-invigorate the long-standing Niger Delta violence predating the Biafra War. This violence would re-open south-south violence at the same time the government faces Boko Haram in the northeast.

<sup>11</sup> Prior to the 2009 amnesty, militia attacks on oil infrastructure such as wells and pipelines cut Nigerian oil output by one-third.

**The Dominant  
Post-1999 Political  
Personality**  
Olusegun Obasanjo

Former military and civilian president Obasanjo, representing the second essential 2015 election personality, has been a constant in post-1999 elections and the PDP-based governments. Obasanjo's own political rhetoric had fundamentally undermined even the idea of rationalized democratic administrative transition and consolidation in the 2007 national elections. During those elections, he identified the election's outcome as a "do or die" for both the PDP and the Nigerian state and suggested he would take any means possible to ensure a PDP electoral victory. Given his implicit and explicit political power, such language signaled the majority party's general attitude towards election procedures and, subsequently, stood in contrast to any explanations based on good governance for his PDP party defection during the 2015 election season.

Before the 2015 elections, Obasanjo not only withdrew support from Jonathan's PDP presidential candidacy given his refusal to step aside for a southern candidate, but subsequently withdrew from the PDP that he established. Obasanjo's PDP withdrawal was a highly public, symbolic act that indicated the opportunity for a first post-1999 opposition party victory. This withdrawal significantly weakened the PDP given his role as the party's creator, explicit or implicit leader in various capacities since 1999, removal of his tacit party approval and his 2015 membership to the APC. Obasanjo's new party membership gave the party access to notable symbolic leverage but did not suggest that the APC was a marked departure from "politics as usual" given Obasanjo's civilian government's reputation for corruption.

Obasanjo was not the only high-profile PDP member to defect from the party in favor of the APC. Obasanjo's withdrawal was followed by a mass defection of party members to the new party. These defections reflected the decreasing success of the PDP in non-presidential elections since the APC's establishment. This defection decreased potential variation between the PDP and APC given the role of personalities in Nigerian party politics and government institutions. This defection also challenged INEC's subset of party and candidate-based regulations.

**The Experienced  
Presidential  
Challenger**  
Muhammadu  
Buhari

The third essential 2015 election personality, APC's presidential candidate, is 72 year old Muhammadu Buhari. 2015 was his fourth candidacy with a fourth party despite his claim that 2011 would be his third and final attempt at the presidency. Obasanjo's eventual support of Buhari represented a marked shift of personal alliances for the former president: the latter led a coup in the 1980s that seized control from the civilian regime established in 1979 by Obasanjo's military regime. Buhari's subsequent military regime, premised on rebuilding the state following the corruption and mismanagement of the civilian regime, fell within two years.

Despite the 1979 Buhari regime's brevity as well as its own manifestations of mismanagement and dictatorial characteristics beyond practices to "wage war against indiscipline," Buhari traded on an anti-corruption persona during the 2015 election represented by the symbol of a broom. This persona, coupled with his past military success, signaled his capacity for political messaging and his potential action against both institutionalized corruption and security threats. However, his past as well as the corruption of certain senior advisors required trust on the part of the electorate regarding his ability to fit his executive credentials into the good governance paradigm. According to the election results, a majority of the electorate in Nigeria's six geo-political regions were willing to trust him, or were at least less distrustful of his ability than that of Jonathan. The geo-political distribution of Buhari voters also defied representation assumptions of regional and religious voting trends with Buhari taking states in the middle belt as well as the southwest.<sup>12</sup> These election outcomes increased the public perception of a reliable, or at least less vulnerable, election management system.

<sup>12</sup> Importantly, Buhari took Lagos, the financial capital of Nigeria and the 13<sup>th</sup> largest African economy, as well as Kano, Nigeria's promising northern economy currently pursuing notable infrastructure expansion. These particular results suggested that business and capital believe he can address the government's dependence on decreasing oil rents, counter the crippling economic effects of endemic corruption, and pursue other strategies necessary to increase Nigeria's World Bank State of Doing Business rankings.

**The Election  
Management  
System Chairman**  
Attahiru Jega

The fourth and final political personality is that of the INEC Chairman, Professor Attahiru Jega. INEC, as a primary actor in post-1999 Nigerian elections, is driven in part by personalities. Professor Jega has served as the Commission's Chair since his 2010 appointment by President Jonathan and approval by the National Council of State. His five years as INEC Chairman contributed to the Commission's institutionalization based on the foundation he created following its 2010 reform in response to the election management system's total loss of public trust following the 2007 elections.

The selection and appointment of Jega was itself a meaningful act of political personalities interacting with the institutionalization of a rationalized national election management system. INEC Chairmanship is a highly politicized position due to the high stakes of Nigerian elections and the increasing need to ensure the legitimacy – or at least symbols of legitimacy – for those elections. Selection of the Chairman, and the ability of the Chairman to operate a rationalized Commission, are both at issue given extensive Nigerian political corruption among all members of the government, including those who selected Jega as well as those members of INEC in place before Jega's appointment. Also making Jega's selection and chairmanship more difficult was the carry-over of Nigerian federal and geo-regional political divisions into INEC, with state Regional Electoral Commissioners (RECs) resisting his nomination and subsequent decisions. Jega's appointment reflected general consensus of his political objectivity. That said, it was only his reputation that overcame valid concerns regarding President Jonathan's personalized selection process.

Although Jega's appointment came with great public expectations given his persona as a reformer, its proximity to the 2011 elections limited his initial implementation of necessary institutional and procedural reforms. That said, INEC did achieve certain reforms highlighted in those elections, including:

- Increased attention to transparent reporting of election results
- Attempted identification and punishment of individuals violating election law
- Initiated voter registration processes, including biometric registration, completed soon before the 2015 elections

The 2015 elections, facing even greater complicated political contexts and tensions than that of 2011,<sup>13</sup> offer a more appropriate barometer of Jega's implemented reforms as well as his ability to use INEC to contribute to Nigerian democratic transition by means of an effective, reliable, legitimate elections management system. A part of this barometer and contribution to democratic transition is Jega's introduction of new voter technologies to assist the administration of the 2015 elections. As described in the following section, these technologies introduced their own complexity and set of controversies before and during the presidential elections.

#### IV. INEC IN TRANSITION

**Election Legitimacy**  
The Role of INEC

Incumbent president Jonathan's willingness to publically concede the 28 March presidential election represented a surprising and necessary step in Nigeria's continued democratic transition. Although approximately 40 individuals died in Boko Haram attacks in the northeast during the election process, the general level of post-election violence was notably less than that of 2011 and was driven by factors not directly associated with reactions to election results. Factors playing a central role in this election outcome and the public's perception of its legitimacy was:

1. The state of the election management system and its component administrative processes falling under INEC

<sup>13</sup> Human Rights Watch, 17 May 2011, "Nigeria: Post-Election Violence Killed 800," HRW institutional website at: <http://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800>.

2. INEC's perceived transparency and competency as the institution possessing delegated power over that management system
3. The Commission's Chairman serving as the system's primary political personality

The 2015 national elections clearly demonstrated importance of INECs' capacity to manage election administrative processes, and the populations' perception of that capacity as well as its fundamental nature, for election outcomes. This section therefore introduces INEC's: origins, primary responsibilities and resources, progress following the 2010 initiation of its institutional reform, and sources of foreign support.

### The Nigerian EMB INEC's Origins

Although Nigeria's post-colonial government trajectory is dominated by military regimes, rationalized institutional election management is not new to post-1999 elections. The SSA region has a varied history of election management boards (EMBs) differentiated in part by colonial histories. In the case of Anglophone African states, British colonial policies included the development of EMBs as a component of the decolonization process. Nigeria's colonial-based EMB dedicated tenured civil servants to election management processes.<sup>14</sup> This colonial approach to election management changed during Nigeria's coup-led political transitions. However, after the 3<sup>rd</sup> Wave of Democratization's Nigerian onset with the 1999 constitution and election, Nigeria established an independent single track EMB with specific appropriations<sup>15</sup> similar in structure to those of South Africa and Ghana. Although many states maintain generally desirable EMBs on paper, their actual operations leave much to be desired in terms of executive independence, secure funding, Commissioner independence and protected tenure, rationalized norms, appropriate human resource capacity, and transparency.

In terms of INEC's legislative premise, the 1999 Nigerian constitution established the Commission as a corporate body in Section 153(f) and the 2010 Electoral Act. The 2010 Act and its subsequent amendments was a component of high-level election reform that included INEC in response to the extensive failures of the 2007 election. This working paper defines 2010 as INEC's second Third Wave reform, although both were incomplete given the 2010 reform's failure to include the 400+ pages of recommendations offered by the 2009 report of the Uwais Electoral Reform Committee. The 2010 Act established the regulations serving as INEC's legal framework for the management of three election categories (federal, state, and area council) with emphasis on the content and structure of INEC. The specific administrative processes applied by INEC during the 2015 elections are contained in its *INEC 2015 Election Guidelines and Procedures Plan* and *INEC Approved Guidelines and Regulations for the Conduct of 2015 General Elections*.

INEC's primary responsibility is to manage executive and legislative elections for the federal government, the 36 Nigerian state governments, and the Federal Capital Territory (FCT) of Abuja. The states' independent electoral commissions manage LGA elections.<sup>16</sup> Other administrative processes falling under INEC's purview are:

- Managing pre-election planning and election implementation, ranging from polling station operations, voter technology adoption and application, and ballot-related logistics
- Training individuals related to election planning and implementation
- Collating and counting votes as well as announcing election outcomes<sup>17</sup>
- Releasing election-related data

<sup>14</sup> United Nations Economic Commission for Africa, 2013, *African Governance Report III: 2013* (Oxford: Oxford University Press), Chapter Four.

<sup>15</sup> Ibid., Chapter Four Pg 116-117.

<sup>16</sup> For an overview of INEC's specific responsibilities, visit "About INEC" of the INEC institutional website at: [http://www.inecnigeria.org/?page\\_id=14](http://www.inecnigeria.org/?page_id=14).

<sup>17</sup> The location of vote counting is important given issues of ballot access and fraud; in 2011, INEC attempted to transition from the use of LGA secretariats to public schools for vote collation and counting to reduce certain vulnerabilities related to local political incumbents and their offices.

- Regulating and auditing Nigerian political parties
- Coordinating with the appropriate security authorities for the provision of polling security in conformity to the regulations for polling station management
- Establishing methods to address post-election petitions in association with the courts designed to hear specific challenges
- Contributing to Nigeria's democratic institutionalization by means of voter outreach and education as well as high-level democratic messaging<sup>18</sup>

INEC requires an independent budget to fulfill these and other responsibilities. Budget independence is an essential characteristic of an independent EMB. INEC currently operates on a dedicated government budget of N120 billion (approximately US\$600 million). The federal government's actual allocation of this dedicated budget by means of the Budget Office remains a primary constraint for INEC, which was still N75 billion short of its estimated threshold funding in January 2015 despite the financial burden of new voter technology rollout, new voter registry development, and IDP voter mechanism development. The budget is a central INEC concern. Aside from capital costs related to the primary system, the Commission experiences recurrent costs such as that of human resources to man polling stations worth several billion Naira per day of voting. The 2015 dedicated budget is appropriate given INEC's total cost of N122.9 billion to manage the 2011 elections.<sup>19</sup> That said, transparency regarding the extent to which donor assistance supplements the INEC budget, as discussed in the subsequent section, and post-election INEC auditing by the National Assembly are also wanting. To manage political party finance, a contentious issue in the 2015 elections, INEC established the Election and Party Monitoring Department. The Commission also instituted increased regulatory measures such as required reporting of all party expenditures within seven days after the completion of elections.

#### Managing the Political Party INEC and Nigerian Political Party Regulation

One of the most difficult and relatively undeveloped INEC responsibilities is the regulation and auditing of Nigerian political parties. These regulatory and oversight responsibilities include registration, operational monitoring, financial management, candidate selection, and campaigning. On paper, INEC took political party registration in-hand as a component of its institutional reform in the lead-up to the 2011 elections, having signed over 50 parties to the Nigerian election code of conduct in that year.<sup>20</sup> By 2015, Nigerian parties were more streamlined, with INEC registering 28 parties for the national elections.<sup>21</sup> INEC also made progress in terms of eliciting discursive agreements from the parties addressing improved conduct during the election seasons. In 2015, INEC signed those 28 parties to the code of conduct and subsequently signed the dominant parties to the January 2015 Abuja Peace Accord, the latter of which was a commitment to observe electoral laws and reject the use of campaign-based hate speech.

Party registration is the most fundamental and simplest of the Commission's party-related responsibilities. More difficult due to issues of corruption and elite manipulation are party financial management and campaigning. Although 2008 research on vote buying and similar strategies in Nigerian elections by Bratton found that "vote buying and violence affect relatively few people and rarely work well," the parties still pursue various forms of election-related corruption and fraud in a relatively blatant manner, such as the distribution of rice labeled with party and candidate names. Such issues must feature prominently in INEC election management because such actions negatively impact "the quality of democracy."<sup>22</sup> INEC did

<sup>18</sup> For an example of voter outreach related to registration, visit "Nigeria Voter Registry" of the INEC institutional website at: <http://www.nigeriaelectoralregister.org/>.

<sup>19</sup> K. Idowu, Chief Press Secretary to INEC Chairman, 2013, "Rejoinder The Economics and Logistics of INECs Programs," Response to the Guardian Article "INEC and Voters' Card," INEC institutional website, <http://www.inecnigeria.org/?inecnews=rejoinder-the-economics-and-logics-of-inecs-programmes>.

<sup>20</sup> International Crisis Group, 15 September 2011, "Lessons from Nigeria's 2011 Elections," *ICG Africa Briefing* 81, Pg 2.

<sup>21</sup> For a list of registered Nigerian parties by name, emblem, and acronym, visit "Political Parties" of the INEC institutional website at: [http://www.inecnigeria.org/?page\\_id=18](http://www.inecnigeria.org/?page_id=18).

<sup>22</sup> M. Bratton, June 2008, "Vote Buying and Violence in Nigerian Election Campaigns," Afrobarometer Working Paper 99, Pg 15. Available from the Afrobarometer institutional website at: [www.afrobarometer.org](http://www.afrobarometer.org).

establish the Election and party Monitoring Department with a set of relevant measures to manage campaign finance for that purpose. That said, INEC lacks sufficient leverage to fully regulate the broad and deep interests associated with Nigerian campaign fundraising and spending. The CSO Center for Social Justice (CSJ) already coordinates with USAID and the International Foundation for Electoral Support (IFES), both INEC donors, to produce reports on Nigerian campaign funding. Such reporting is a first step. INEC needs to work with both domestic and foreign organizations, as well as apply other laws including the new Nigerian Freedom of Information Act, to excerpt greater regulatory control over party financing.

**INEC Cadre**  
Human Resources

INEC's cadre implementing the above responsibilities is as important as the Commission's legal foundation and budget. The election management system's senior managerial cadre includes one Chairman, or chief executive officer, and twelve National Electoral Commissioners. As already suggested, INEC's cadre is still linked to political interests as exemplified by Jega's own appointment process. The lower-level cadre is organized in a decentralized structure, with the appointment of an additional 37 RECs to each of the 36 states and the FCT joined by an INEC Electoral Officer at each LGA (the location of polling stations). This structure parallels the state's complex federal system. As described below, INEC staff are insufficient to meet all of the human resource needs of the Nigerian election management system; as a result, the Commission must rely upon a large pool of youth volunteers to conduct election exercises. Fortunately, monitors generally judge the quality of these volunteers to be sufficient if not high.

**INEC Expansion**  
Adaptation to New  
Needs

INEC's structure has expanded to keep pace of its increasing realization of its assigned responsibilities. One of the more important expansions was the 2005 addition of the Electoral Institute. The Institute is tasked with INEC cadre professionalization, essential for establishing human resources with capacity to manage traditional election administration as well as apply new voting technologies. Its other tasks include national voter education, necessary to fulfill INEC's responsibility of expanded electoral participation, as well as INEC-related research and formal documentation processes. The Institute receives support from several international organizations that is differentiated from other funding streams to the Commission. This support, usually categorized as that supporting democratic transitions under the good governance umbrella, originates from institutions including the International Foundation for Electoral Support (IFES), the United Nations Electoral Assistance Division (UNEAD), and the International Institute for Democracy and Electoral Assistance (IDEA).

## V. OTHER INSTITUTIONS OF THE ELECTION MANAGEMENT SYSTEM

**Complementary  
Institutions**  
Institutional  
Checks on INEC

Nigeria maintains several inter-agency cooperative entities or election-specific bodies associated with election management monitoring and security. These institutions are separate from, but complement as well as regulate, INEC. These institutions, essential to guide INEC's evolution as well as ensure the election management system's legitimacy, are themselves evolving.

**EPTs**  
Incorporation of  
the Courts

One of the primary complementary institutions is the post-Election Petition Tribunals (EPTs). These tribunals are to hear all cases charging violations of electoral law in each of the Nigerian states. The Nigerian Court of Appeals creates temporary EPTs to hear such cases after each election and, with support of organizations such as the IFES, train judges prior to the opening of the tribunals.<sup>23</sup> The courts did pursue prosecutions related to election fraud and related acts following the 2011 elections, although the total number of prosecutions were insufficient given the extent of confirmed or suspected acts of election fraud and other forms of competition. In 2015, IFES trained 250 of such justices to serve in the 36 states and the FCT. The courts also addressed several pre-election challenges in the lead-up to the 2015 elections, some of which regarded INEC's application of the PVCs and PVC readers on the grounds that the 2010 Election Act

<sup>23</sup> For more on the EPTs supported by IFES, see: IFES, 18 January 2015, "Training Election Petition Tribunals Judges," IFES institutional website: <http://www.ifes.org/Content/Publications/Articles/Training-Election-Petition-Tribunals-Judges.aspx>.

prohibited electric based forms of voting. Other cases regarding fundamental election processes or even candidate legitimacy were scheduled for after the election.

**ICCES**  
Secure Elections

Another important organization in Nigeria is the Inter-Agency Consultative Committee on Election Security (ICCES), a body established in 2010 by INEC to coordinate the deployment of Nigeria's security personnel during the elections. Its task is to:

1. Protect the polling stations
2. Minimize pre-election violence
3. Secure operational contexts for election management
4. Respond to any post-election violence

Those institutions party to the ICCES include the military, police, Department of Security Services (DSS), and para-military bodies. The highest ICCES body operates at the federal level. This body is co-chaired by the INEC Chairman (Jega) and Nigeria's National Security Advisor (Retr. Col. Sombo Dasuki). States then have their individual ICCES bodies.

Although ICCES represents an important improvement in security-based election management vis-à-vis the 2007 elections, the division of responsibilities for election-related security between ICCES and INEC as well as between ICCES member forces remains unclear. In terms of the INEC-ICCES relationship during the 2015 elections, Dasuki recommended the constitutional delay of elections on security grounds. He made this recommendation by mid-January, although INEC holds the election process authority and so resisted the delay until closer to the scheduled 14 February elections. In terms of the interaction of the member forces, two state courts ruled that military forces could not be deployed for the purposes of securing individual polling station, instead defining this responsibility as falling under the authority of the police. These rulings represented suspicion regarding the presidential deployment of the military in terms of election-related manipulation as well as popular perception of the misallocation of the military for election security as opposed to defense against Boko Haram insurgency.

**NYSC**  
Youth Volunteers  
and Polling  
Stations

The National Youth Service Corps (NYSC) provided support to INEC in the form of recruiting and training Corps members for polling station staff. Their staff positions included Presiding Officers, clerks, and other assistants. The NYSC, established in 1973, is an organization to which the state mandates recent university graduates provide a year of service. The nature of NYSC is important given the essential human resource support they provide to INEC essential for successful election administration. Their service as ad hoc INEC members at the level of the polling stations may or may not include financial compensation given going problems regarding timely payment of Corps members. The Corps' election role has also placed several of its members at risk in past outbreaks of election-related violence. Despite these payment issues and the death of several Corps members in the 2011 post-election violence, domestic and foreign election monitors have commended their management of polling station on behalf of the Commission.

## VI. DONOR SUPPORT OF ELECTION MANAGEMENT INSTITUTIONS

**External Election  
Management  
Support**  
International  
Intervention in the  
Management  
System

International donors have taken an active role in Nigeria's post-1999 democratic transition. One interface for donors is election management support. At this time, primary donor recipients are INEC and those domestic NGOs that provide election monitoring or other activities related to transparency. Donor involvement includes project funding and implementation premised on the promotion of good governance as well as technical election management support. The extent of donor mobilization for the Nigerian election management system reflects in part Nigeria's low ranking on internationally accepted polls, such as the UN

Economic Commission for Africa's *Africa Governance Report III* poll assessing process transparency and legitimacy.<sup>24</sup>

Donors support does provide INEC with a degree of independence from the government. Although arguably necessary from an immediate budgetary perspective, the role of these donors must be identified, qualified, and quantified given the access their support provides them to election outcomes. Specifically, each donor premises its assistance content, M&E, and analyses on their specific conception of good governance. Traditional western donors have an invested interest in Nigerian stability given issues of regional security and stability.

American support began before the 2007 elections that European Union (EU) observers defined as one of the worst elections in terms of management in the world.<sup>25</sup> The United States Agency for International Development (USAID) was among the primary donors, dedicating approximately US\$8million under its Political Competition and Consensus-Building portfolio.<sup>26</sup> USAID increased this portfolio in Nigeria following the 2011 elections given its contradictory outcomes of increased transparency and extensive post-election violence. USAID support ranges from INEC institutional development to support of domestic NGO election monitoring.

## VII. ADOPTED VOTER TECHNOLOGIES

### Value of New Technologies Costs and Benefits of New Voter Technologies

The application of voter technologies – new or traditional – that minimize vote rigging and other forms of election-related fraud or corruption are necessary to institutionalize a legitimate election management system. Of equal importance is the popular perception of the voter technologies as contributing to a legitimate election management system. Adoption of new technologies must offer some degree of improvement on the pre-existing technologies. However, every voter technology brings its own weakness in terms of complications as well as vulnerabilities to manipulation and corruption. Complications and vulnerabilities include:

- Unsuitability for the particular electoral contexts or needs
- Insufficient funds to acquire, distribute, use, and/or maintain the selected technology
- Inappropriately managed technology procurement
- Insufficient technology piloting
- Insufficient time to fully distribute the selected technology within the election structure and train all users to ensure appropriate application
- Insufficient technology integration within the election management system
- Insufficient review of possible forms of voter frauds related to the new technology

Implementation of new voter technologies must take into account these and other complications. However, weaknesses in the election management system and its governing institution make limit the ability of that institution to address these complications.

### INEC's Voter Registration

INEC's adoption of new voter technologies is a component of the Commission's larger portfolio for the Continuous Voter Registration (CVR) process. INEC initiated the CVR process in advance of the 2011 elections established by Article 10 of the 2010 Electoral Act. The CVR process' ambitious goal was

<sup>24</sup> United Nations Economic Commission for Africa, 2013, *African Governance Report III: 2013* (Oxford: Oxford University Press), Chapter Four, 130.

<sup>25</sup> Human Rights Watch, 17 May 2011, "Nigeria: Post-Election Violence Killed 800," HRW institutional website at: <http://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800>.

<sup>26</sup> For these figures, visit: "Political Competition and Consensus-Building in Nigeria" of the USAID website at: <https://results.usaid.gov/nigeria/democracy-and-governance/political-competition-and-consensus-building#fy2013>.

### A Focus on New Technology Adoption

Nigeria's completed transition to a biometric voter registration database including all qualifying Nigerians over 18.

INEC's CVR rollout includes biometric technology in the form of a biometric voter registration (BVR) system and a linked Permanent Voter Card (PVC). The PVC includes an embedded microchip containing voters' specific biometric information, including photographs and fingerprints. INEC applies advanced fingerprint identification systems (AFIS) as unique voter identification in order to:

- Authenticate voters at their assigned polling stations
- Purge duplicate registrations from its biometric voter registration database

To limit alternative means of circumventing registration checks to achieve duplicate registration, INEC closed its 2011 Addendum List that included Nigerians 18 years of age or older not yet captured by the biometric database. INEC's adoption of this card follows a growing trend towards biotechnology-based forms of ID among Nigerian as well as other SSA service providers. Nigeria's most prominent of such technologies is its first national ID smartcard, the rollout of which began in 2014 and is scheduled to conclude in 2019. Other Nigerian examples include the application of BIO-key International's AFIS software to the Nigerian SIM Card Registration Program of the Nigerian Communications Commission (NCC). This latter Program, designed to limit fraud and identify all SIM holders for streamlining public and private mobile services, is among the world's largest biometric management systems. The very existence of this program suggests Nigeria's ability to roll-out biometric voter technology.

INEC's PVC and BVR enable Nigeria's electoral process to address what Gelb and Clark define as the "identity gap," or the notable difference between formal citizen identification and registration in OECD versus developing countries.<sup>27</sup> The Nigerian PVC and ID smartcard, as is the case for many examples of SSA biometric identification cards and registrations, skipped the traditional or paper-based stage. Other regional countries with broad national biometric programs include South Africa and Ghana, with most cases structured on electoral purposes.

Nigeria is somewhat differentiated from regional trends in terms of its use of these new technologies. Specifically, few SSA countries currently use biometric information at the polling station for voter identification as well as authentication. This differentiated use is due in part to their costs as well as regional logistical challenges, the latter of which range from sufficient user training to equipment battery life. Regardless, many countries are quickly adopting the Nigerian example exemplified by their application in the large batch of 2015-2016 regional elections.<sup>28</sup>

### The PVC's Future Merging the National Voting Card with the ID Smartcard

INEC began its PVC process in 2011 with the distribution of temporary voter cards (TVCs). The Commission introduced the TVCs after the Nigerian government began the national ID smartcard project (2008) yet before the smartcard's initial distribution. The timing of these related rollouts makes it difficult to identify what, if any, inter-institutional knowledge sharing or other exchanges occurred between INEC and the National Identity Management Commission (NIMC). The PVC may be integrated into the national ID smartcards, named as the General Multi-Purpose Card (GMPC), to be fully rolled-out by 2019. Resources dedicated to PVC procurement and distribution may realize insufficient returns is integrated into the GMPC for the next national election cycle. As a component of this integration, INEC may also need to integrate the BVR database into the biometric ID register. This integration will introduce issues of inter-institutional coordination.

<sup>27</sup> A. Gelb and J. Clark, January 2013, "Identification for Development: The Biometrics Revolution," *Center for Global Development Working Paper 315*, CGD institutional website at: [www.cgdev.org](http://www.cgdev.org).

<sup>28</sup> These countries include Kenya, which recently approved the use of Suprema Scanners for registration and identification processes associated with its 2016 elections.

**PVC Implementation**  
Need for an Experienced Partner

MasterCard was among the original partners of the Nigerian ID smartcard; its branding is now a part of that card. MasterCard explains its inclusion not as a strategic corporate decision but instead as a means of realizing the Central Bank of Nigeria's goal of achieving a "cashless policy"<sup>29</sup> to minimize the society's dependence on cash transactions that cost the country at least 1.5% of its GDP.<sup>30</sup> The ID includes at least 12 to 14 additional applications to the MasterCard function, making it a central asset for Nigerians over the age of 16. The MasterCard application is separate from all other card applications and can be terminated at any time.<sup>31</sup> However, it gives MasterCard direct access to the region's largest pool of users. In return, NIMC benefits from the firm's institutional capacity. Nigeria also selected the Vienna experienced digital security firm Austria Card as the ID smartcard producer. Past Nigeria attempts to introduce a national identification card failed possibly due to the lack of such partners. Unlike NIMC, INEC did not benefit from the assistance of an experienced private partner as was the case for the national identity smartcard.

**PVC Procurement Tender Controversies**

The PVC cards represented a notable capital cost to Nigeria that will include follow-on costs for additional cards as Nigerians age-into the electorate. Although biometric based PVCs are generally expensive,<sup>32</sup> INEC did not place any cost burden on the electorate for the cards given concerns of disenfranchisement; they were to be distributed free of charge to all individuals captured by the biometric voter registry. INEC did not pursue any alternative funding structures, such as Kenya's application of a public-private partnership (PPP) for the 2015 rollout of its national eID. INEC distributed 40 million PVCs in advance of the 2011 elections. Prior to the 2015 elections, the Federal Executive Committee (FEC) approved NGN2.117 billion for the procurement of an additional 33.5 million cards.

Although a large tender, the FEC left INEC to manage the process. INEC's PVC tender created several problems for INEC. The Nigerian electorate was unlikely to perceive the tender as legitimate given longstanding public procurement concerns in the country.<sup>33</sup> The tender process was not managed or publically disclosed in a manner that would ease these concerns. First, the tender did not include an experienced international partner, such as MasterCard. In so doing, INEC increased its own managerial burden by choosing not to select a partner from which it could secure knowledge transfers. INEC also introduced additional controversy to the overall 2015 election management system given the centrality of the PVC to election management processes.

The Nigerian newspaper *THISDAY* and other local media sources, such as *Daily Times*, tracked the INEC PVC tender process. Although INEC's specific management process is unclear, these sources found that INEC awarded the tender to Act Technologies Ltd, a Nigerian firm with a capitalization of only Nira 10 million to back a multi-billion dollar project.<sup>34</sup> It also found that ACT sub-contracted the PVC procurement, which included sharing of Nigerian citizens' biometric data, to an unnamed Chinese firm

<sup>29</sup> For MasterCard's summary of its relationship to the national identification smartcard and the CBN's cashless policy, visit: MasterCard, 8 May 2013, "MasterCard to Power Nigerian Identity Card Program," *MasterCard Press Releases* <http://newsroom.mastercard.com/press-releases/mastercard-to-power-nigerian-identity-card-program/>.

<sup>30</sup> According to MasterCard's public explanation of its membership in the ID smartcard partnership, the GMPC's rollout represents the "largest rollout of a formal electronic payment solution" in Nigeria as well as "the broadest financial inclusion initiative of its kind on the African continent." Ibid.

<sup>31</sup> For more on the national identity smartcard, visit the NIMC's website at: NIMC, "Facts about the National e-ID Card," *NIMC Website* <https://www.nimc.gov.ng/?q=facts-about-national-e-id-card>.

<sup>32</sup> For example, Ivory Coasts' procurement running in the hundreds of millions for a voting population of under 7million.

<sup>33</sup> In Nigeria, two of the primary tender problems include the length of time necessary for the final investment decision (FID) and the insufficient technical requirements for bidding institutions, although the general level of political corruption also affects the Nigerian tender process. The Obasanjo government did undertake tender reform immediately after the 1999 election, requesting support from the World Bank as reflected by the Country Procurement Assessment Report (CPAR).

<sup>34</sup> P. Sijuade, 17 March 2015, "Disclosures on Jega's PVC Contract," *Daily Times* <http://dailytimes.com.ng/disclosures-on-jegas-pvc/contract>.

that required conversion of the Nira payment to dollars.<sup>35</sup> ACT, with its Chinese subcontractor, also provided INEC with the necessary PVC card readers. INEC completed payment to ACT between 2013 and 2015, with the final installment completed prior to the Chinese delivery of all PVCs.<sup>36</sup> Although the primary purpose for the six-week election delay was insecurity created by Boko Haram attacks, the additional time enabled INEC to complete its PVC distribution.

**The PVC Provider**  
Further  
Controversies and  
Political  
Manipulation

The politicized nature of this already controversial tender increased with the arrest of ACT owner Alhaji Sani Musa by the Department of State Services (DSS) in late March 2015. In terms of DSS scrutiny, this arrest suggests INEC's PVC has not fared as well as NIMC's national identity smartcard, the latter of which has met domestic and global security threshold measures represented by certifications including the Global Vendors Certification Program. DSS based Musa's arrest on the grounds of attempted use of the PVCs for vote rigging. Debate regarding this arrest became embedded in the 2015 presidential campaigns that generated multiple legal challenges, some of which were not heard by the court until after the 28 March election's conclusion. Both parties joined in these legal debates, turning the PVC tender into partisan debate:

- Joined by the PDP, the DSS claimed Musa was a vocal APC supporter
- The APC instead described Musa as a registered PDP supporter who had run under the party for a governorship as well as a senatorial position in 2003 and 2011, respectively<sup>37</sup>

The validity of these politicized claims cannot be established here. However, the very vocalization of these claims, their use in the election, and the likelihood of some form of tender-related corruption undermine public trust in INEC and in its new voter technologies.

In addition to these partisan-related concerns were accounts related the theft and sale of PVCs. These accounts included party supporters' theft of PVCs in bulk from the pre-election collection stations as well as allegations of individuals selling their individual cards for thousands of Nira. More advanced schemes included APC allegations that PDP supporters offered micro-loans based on PVCs as collateral.<sup>38</sup> Although concerning in terms of corruption and gross violation of campaign spending, these cases did not necessarily undermine election results due to the use of PVC readers for on-site voter identification and accreditation.

**PVC Benefits**  
Preventing  
Double  
Enrollment and  
Voter Fraud

While the PVC procurement issues ensued, INEC actively promoted the biometric-based voter registration process. Its goal was to ensure comprehensive voter enfranchisement by capturing Nigerians who aged into the eligible voter population since 2011 or were included in the 2011 non-PVC Addendum List. INEC's resulting 2015 biometric voter register contained approximately 68.8 million names by 28 March,<sup>39</sup> a decline in registered voters from the 2011 register containing 73.5 million. This decline represents INEC's successful de-duplication of its voter registration. Specifically, the Commission purged nearly four million names from its register by means of biometric identification of duplicate registrations. This purging addressed the notable problem of duplicated registration in past elections; however, it raised public controversy given confusion regarding the reason for the decline with some citizens confusing de-duplication with disenfranchisement. INEC proved unable to address this confusion with sufficient voter education.

<sup>35</sup> Ibid.

<sup>36</sup> ThisDay, 13 March 2015, "Jega Exposed over PVCs Contract," *Daily Times* <http://dailytimes.com.ng/jega-exposed-over-pvcs-contract/>.

<sup>37</sup> T. Hassan et al., 27 March 2015, "Nigeria: DSS Detains INEC's PVC Supplier," Daily Trust reprinted in AllAfrica <http://allafrica.com/stories/201503271281.html>.

<sup>38</sup> For more on these PVC schemes, see: CSJ, IFES, and USAID, 2015, "Second Campaign Finance and Use of State Administrative Resources Report," CSJ institutional website at: <http://csj-ng.org/publications/political-finance-reforms/federal-activities/>.

<sup>39</sup> The current Nigerian population is 183.5 million with a 2% growth rate, suggesting that the number of registered voters should increase from 2011. However, the median age of 17.5 falls under the mandatory voting age of 18.

As noted by a joint IRI and NDI exploratory report, INEC's application of new voter technologies must be accompanied by increased voter education programs, including improved public communication, given voters' general distrust in public institutions as well as the election management systems.<sup>40</sup> The cases of misunderstood voter disenfranchisement, as well as accounts of voter fraud based on PVC theft, exemplify INEC's failed public discourse. Although the presidential election outcomes contributes to INEC's increasing legitimization, the Commission must engage in two communication strategies. First is the creation of a specific public messaging plan for every new process or technology it introduces to the election process. Second is the improvement of its general communication strategy in the lead-up to the 2019 elections.

#### PVC Distribution Political Interests and Logistical Failures

The PVC tendering process raised notable public controversy; however, INEC's primary challenge regarding the card was its physical distribution. Although the PVC tenders included a seven-month deliverable timetable, the contracted firms extended delivery into the originally scheduled 2015 election season. National distribution in Nigeria was challenging given the sheer population size,<sup>41</sup> geographic spread in 36 highly differentiated Nigerian federal states (and one FCT), the diversity of the 774 local government authorities (LGAs), and the various pockets of violence impeding access to specific LGAs. As a result of late delivery and slowed distribution, INEC changed its final card distribution date several times and ultimately delayed the national election dates to prevent extensive voter disenfranchisement in several Nigerian states. INEC also decentralized PVC distribution to the ward level in January 2015 given its closer proximity to the polling stations. INEC's mandatory PVC requirement for voters, and its refusal to extent the use of 2011 TVCs to another election, provided it with little alternative maneuverability. That said, INEC did offer accessible information regarding pick-up locations exemplified on its donor-supported GoVote site.<sup>42</sup>

INEC experienced distribution limitations for materials other than PVCs, suggesting that INEC needs to dedicate increased attention to logistical and supply chain planning. The logistic chains associated with distribution of traditional paper documents, card readers, and even INEC poll workers responsible for opening and managing polling stations on election day.<sup>43</sup> In 2015, this specific logistic failure delayed polling station opening by at least two hours in the eight states of:<sup>44</sup>

- Edo
- FCT
- Kano
- Nasarawa
- Enugu
- Kaduna
- Lagos
- Rivers

The reason given by INEC for the 2015 logistical delay was conflict with the National Union of Road Transportation Workers (NURTW). These delays carried the actual voting process of accredited voters into the night, contributed to the election's extension into 29 March, and added additional costs to INEC's election management.

<sup>40</sup> For more on this particular delay, see: NDI, 30 March 2015, "Statement of the National Democratic Institute's International Observer Mission to Nigeria's March 28 Presidential and Legislative Elections."

<sup>41</sup> Nigeria had 73.5million registered voters in 2011, with approximately 8million qualifying voters left unregistered. However, in 2015, INEC announced a total of 68.8million registered voters, representing a decrease from the 2011 registration. Some of this difference may be explained by the purging of nearly four million registered voters from the formal register for reasons of double registration. For Nigerian voter registration trends over time, visit: Institute for Democracy and Electoral Assistance (IDEA), 5 November 2011, "Voter Turnout Data for Nigeria," <http://www.idea.int/vt/countryview.cfm?CountryCode=NG>.

<sup>42</sup> For GoVote ward locator website, see: GoVote, 2014, <http://govote.ng/pickup/>.

<sup>43</sup> Institute for Democracy and Electoral Assistance (IDEA), 5 November 2011, "Voter Turnout Data for Nigeria," <http://www.idea.int/vt/countryview.cfm?CountryCode=NG>.

<sup>44</sup> For more on this particular delay, see: NDI, 30 March 2015, "Statement of the National Democratic Institute's International Observer Mission to Nigeria's March 28 Presidential and Legislative Elections," Pg 3.

### PVC and IDPs Ensuring Enfranchisement of the Displaced

A more publicized election management issue was INEC's handling of the ongoing rise of internally displaced persons (IDPs) from LGAs of the three northeast states most affected by Boko Haram (Borno, Yobe, and Adamawa).<sup>45</sup> The case of Boko Haram-related IDPs raised geo-political concerns associated with deeply rooted regional, ethnic, religious, and structural divisions. Specifically, Boko Haram's headquarters in some of the poorest northern states already experiencing tensions with the southern President raised concerns regarding the will to overcome the notable barriers related these IDPs' enfranchisement. Not only did these IDPs complicate distribution, but INEC also had to shift voter PVC collection locations and polling stations to the capitals.<sup>46</sup>

INEC reports regarding PVC distribution to IDPs raised notable controversy, with observers claiming the Commission grossly inflated its card distribution rates to those citizens. INEC's IDP strategy facilitated the enfranchisement of some displaced persons who moved within their specific Nigerian state borders; it did not, however, allow for the enfranchisement of those who moved between Nigerian states or who fled from Nigeria into neighboring countries. INEC did not directly release its distribution numbers to the Nigerian Council of State until 2015, at which time it delivered its report *Preparations for the 2015 General Elections: Progress Report*. Important in this report was suspicious variation between PVC distribution in northern and the southern geo-political regions, with higher distribution reports for northern states with Boko Haram activity and high IDP figures.

### INEC Voting Management Getting the Basic SOPs Right

Regardless of the tendering and distribution problems, INEC's SOPs for PVC-based voting processes are straightforward. The process is as follows:

No.	Action	Responsible Agents
1	INEC distributes PVCs for those voters in the biometric voter registry	INEC with Contractors
2	Voters collect PVCs from INEC-appointed representatives in LGAs (later wards), at which time those with TVCs surrender temporary cards	INEC Distribution Points in LGAs (later wards)
3	Voters appear at assigned polling station on election day before mid-afternoon for voter accreditation	Voters and Polling Station Officers
4	Polling stations close the voter accreditation line to new entrants at mid-day; voting then begins at 1:30 or after accreditation ends (whichever is later), after which the polling station remains open until all registered accredited voters with PVCs in the line have voted	Polling Station Officers
5	Upon reaching the front of the line, voters present their PVCs to the INEC-appointed polling station officer	Polling Station Officers
6	Polling station officers scan voters' PVCs and collect on-site fingerprints	Polling Station Officers
7	Voters receive a ballot if the PVC reader matches the card and fingerprints	Polling Station Officers
8	Voters cast their ballot using the Re-Modified Open-Secret Ballot System (REMOBS) in which the voter selects their candidate by means of an inked fingerprint made in secret, after which they place their ballot in the ballot box in public	Voter (Selecting Candidates) and Polling Station Officers in View of All Voters (Casting Ballot)

<sup>45</sup> Nigeria is a signatory to the Kampala Declaration on Refugees, Returnees, and Internally Displaced persons in Africa; this agreement, however, does not contain immediate technical requirements on voter enfranchisement but instead emphasizes the reduction and quick re-integration of displaced persons.

<sup>46</sup> INEC shifted 16 LGAs' polling stations to the capital in Borno state, the worst affected state.

9	PVC readers store all scanned PVC VINs as well as the summary of PVC-fingerprint matches (success or failure)	Polling Station Officers
10	Polling station officers transmit the total number of accredited voters stored on their PVC readers for storage on a central INEC server	Polling Station Officers
11	INEC monitors the central server throughout the election as well as a Citizen Call-In Center for the duration of the election season	INEC HQ
12	INEC collates and reports votes for the presidential elections at the registration area (RA/Ward), LGA, and the National Collation Center	INEC HQ, Collation Officers of All Referenced Levels, and Police
13	Announcement of Winner	Procedure Outlined in Section 133 of the 1999 Constitution

Although the process itself is relatively direct, INEC experienced several technical problems successfully implementing the process due to PVC reader use. INEC piloted the readers on 7 March 2015, relatively late for such an essential component of the election management system. The pilot, implemented in 12 states representative of Nigeria's six geo-political regions, included participation of the INEC RECs of INEC in each state.<sup>47</sup> INEC claimed the pilot achieved an accuracy rate of 41%. The pilot sites experienced several user issues, such as the failure to remove the plastic cover of the reader's scanner. More serious problems included short-lived batteries, inaccurate matching results, and the inability to read on-site fingerprints. The readers did, however, catch potentially cloned cards as well as unmatched PVCs and on-site fingerprints. Problems identified during the pilot remained during the 28 March elections. Embarrassingly, multiple readers failed to correctly authenticate President Jonathan's on-site fingerprints at his assigned polling station. This high-profile failure represented not only a PR failure for INEC but a strong piece of evidence that could be used to challenge the results.

#### Remaining Issue Vote Collation and Counting

The election administration process stage perceived to be among the most unreliable in the electoral cycle is that of vote collation and counting. This process represented a significant weakness of the post-1999 election management system and usually included forms of rigging and other acts of fraud ranging from the stuffing of ballot boxes to ballot box hijacking. Collectively, the new voter technologies and traditional election tools did not necessarily address the blind-spot represented by this process, excepting the use of readers' tally of on-site scans to cross-check for inflated votes by individual voting stations. Both the United States and the United Kingdom registered public concern regarding this process to leverage high-level political intervention. Integrity Africa (iA) provided informal tracking of voter collation and counting processes by means of the PowerVote application to apply grassroots responses.<sup>48</sup>

Ironically, foreign observer missions assessed the voter accreditation process as the most problematic stage of the 28 March elections and referenced the vote completion, collation, and counting processes as the most efficient in the 2015 presidential elections. The primary domestic NGO providing election monitoring stationed representatives in all 774 LGAs. These representatives found the operation of the polling stations generally sufficient and results likely accurate, excepting a few concerns. These concerns included late polling station opening, the failure of polling station officers to apply PVC-PVC reader accreditation process to all voters, and the occasional failure of PVC readers.

<sup>47</sup> Nigeria's 36 federal states and one FCT are divided into the six following geo-political regions: North-Central, North-East, North-West, South-South, South-West, and South-East.

<sup>48</sup> For the results of PowerVote, visit: Integrity Africa (iA), 2015, "National Real-Time Result Monitoring and Collation System," iA <http://www.integrity.com.ng/>.

## VIII. ELECTION MONITORS AND CITIZEN OBSERVERS

### Election Observers

#### Value of Contributions

Election monitors actively observed INEC's election and post-election administrative processes as well as certain pre-election processes. Accredited monitors included traditional external or foreign domestic election observers and advocacy-related NGOs. An important addition in 2015 was the apparent routinization of voters' adoption of roles as effective real-time ad-hoc election monitors reporting on their experiences and observations. The way in which INEC interacts with these categories of monitors contribute different forms of legitimacy to its election management system.

Election monitors must themselves be observed in order to qualify the representativeness of their reports. Observation of these monitors should include: **1.** their originating institutions, **2.** their purpose for entering that particular electoral context, **3.** their ability to sufficiently observe all relevant processes without becoming a part of those processes, **4.** their ability to track the specific institutions or individuals managing those processes; and **5.** their ability to determine the nature of those individuals' or institutions' interaction with different segments of the electorate. Also important is what these monitors provide to the election contexts. In addition to reports that may include support from notable international personalities, these monitors may also introduce new election management strategies or tools to either EMBs or to CSOs, especially those relevant to election monitoring. In terms of the 2015 elections, Nigeria accredited 88 observer groups of which 72 were domestic organizations and 16 foreign.

### 2015 Foreign Observers

#### Primary Players

The presence of external or foreign election monitors in a sovereign state suggests the international community's general concern regarding the legitimacy of the given country's election processes or its entire election management system. These foreign monitors – including those from the region – and their neutral or positive reports legitimize the elections for the international community and, occasionally, the domestic electorate.

Foreign observers based out of diplomatic missions included the United States, Japan, Britain, France, Germany, Canada, Switzerland, and Ireland. The EU's observers were member to the European Union Election Monitoring Mission. As permanent diplomatic missions, their monitoring may include pre- as well as post-election processes and may be contextualized within the mission's national priorities. Importantly, these missions may attempt to affect election administrative processes by using high-level statements exemplified by the joint statement of the US Secretary of State and the UK Foreign Secretary both before and after the 28 March elections regarding election violence. The accredited non-state monitoring organizations were the International Foundation for Electoral Systems (IFES), the United Nations Democratic Governance for Development Project (UNDP-DGD), and the International Republican Institute (IRI). These INGOs, specialized organizations in the election monitoring subfield of international development, are active in the region's elections so do have contextualized experience. Although specialized or technical organizations, these institutions come with their particular expectations. For example,

Interesting, lists of accredited voter sometimes categorize certain regional observer missions or organizations as local. These "local" regional observers included African Union's Election Observer's Mission (AU EOM) as well as the New Economic Partnership for Africa's Development (NEPAD) and ECOWAS. These regional institutions have a stake in Nigeria's elections given the latter's: **1.** role in these institutions, **2.** status as the region's largest democracy, and **3.** potential spillover effects of election methods and outcomes. The AU EOM dispatched an 84-man short-term mission to establish the election's conformity to AU-related democratic charters and other agreements. The AU also provided direct technical support to INEC, crossing the institutional line between monitor to implementer, with the Electoral Risk Management Tool (ERM) software in partnership with the non-accredited American INGO of the International Institute for Democratic

and Electoral Assistance (IDEA).<sup>49</sup> This software facilitates risk assessment and mapping necessary to deploy the appropriate resources in advance of election-related violence. .

### Domestic Observers

The Role of Domestic Civil Society and Its Support

Of the 72 domestic organizations with observer accreditation, Transition Monitoring Group (TMG) was the most prominent. A coalition of approximately 400 Nigerian civil society organizations (CSOs), TMG maintains close alliance with the INGO of the National Democratic Institute (NDI). NDI is an organization specialized in election monitoring with an extensive network of international activities and partners as well as links to US government funding. NDI supports two additional domestic organizations: **1.** the Youngstars Development Initiative and **2.** the 2face Foundation established by the Nigerian performer 2face. NDI, not a registered monitor in 2015, has maintained a relatively active presence in Nigeria since the 1999 election and has cooperative relationships with the Carter Center, another American institutions specialized in election monitoring. Although NDI began its operations with the Fourth Republic, it its support for domestic NGOs in 2011, at which time it supported TMG rollout and management of the parallel voting tabulation (PVT) service for the national election and subsequently local government authority (LGA) elections. PVT, managed by the TMG, played an important role in terms of real-time tracking, monitoring, and public information in the 2015 elections. Included information included pre-election and election polling data as well as electoral experiences such as voter harassment and late poll openings. Importantly, NDI provided this support with funding from DFID, USAID, and the US Department of State's Bureau of Democracy, Human Rights, and Labor. As such, NDI must report on the project indicators of these institutions associated with the given funding lines. In addition to monitoring INEC and its management of the polls, NDI with TMG also maintain relationships with INEC and supports certain administrative processes of the Commission.<sup>50</sup>

### Citizen Monitors

Real-Time Reports and a Social Safety Valve

Of increasing importance is the role played by the Nigerian public as real-time ad-hoc monitors. The electorate's mobilization as such monitors facilitates exit polling as well as grass-roots observations. Of equal importance, their mobilization serves as a type of safety-valve for election-based social frustration and a means for empowerment to respond to extensive public distrust of government institutions. The need for such a safety-valve and empowerment is best portrayed by opinion surveys. Nigerian citizens closely watched, albeit with notable pessimism, the 2015 election management preparations. As reported by a pre-election survey by Afrobarometer, approximately 50% of respondents were concerned regarding the election environment due to acts of political intimidation and other forms of violence, up from 34% in the previous survey, while only 23% believed that election results are always or frequently determined by a fair count of casted votes.<sup>51</sup> Important in terms of specific election management, only 32% placed significant trust in the national independent electoral commission as a political institution yet 64% believed the commission was prepared to administer free and fair elections.<sup>52</sup> A January 2015 Gallup poll provided even more pessimistic results, with only 13% of 1000 interviewees confident in election "honesty" and 8% in election "fairness."<sup>53</sup> These and related public opinions prime citizens for activities in ad-hoc election monitoring. Grassroots election monitoring arose from the now-common application of social media tools by individuals either stationed at or using specific polling stations. With a mobile phone penetration rate of 75%, of which 25% is represented by smartphones, social media is a powerful form of citizen-driven election monitoring system able to cover if not outstrip INEC's own voter technology rollout. Grassroots or "citizen monitoring" therefore reached a majority of polling stations in Nigeria's 774 LGAs.

<sup>49</sup> INEC ERM training took place between 2013 and 2014, in time for 2015 election season rollout.

<sup>50</sup> For example, NDI-backed Nigerian CSOs supported the Commission's October 2014 release of permanent voter card (PVC) readers by means including voter education and launch promotion.

<sup>51</sup> N. Daniel et al., 27 January 2015, "Nigeria Heads for Closest Election on Record," *Afrobarometer Dispatch No.11*, CLEEN institutional website at: <http://cleen.org/Findings%20of%20Afrobarometer%20Round%206%20Surveys%20in%20Nigeria.pdf>.

<sup>52</sup> Ibid.

<sup>53</sup> J. Loschky, 13 January 2015, Gallup World institutional website at: <http://www.gallup.com/poll/180914/ahead-poll-few-nigerians-trust-elections.aspx>.

## IX. NIGERIAN AND REGIONAL STOCK-TAKING

### 28 March Results A Potential Critical Juncture

It has yet to be determined if the APC's successful 2015 presidential election victory represents an important post-1999 critical juncture or just a changing of the guard with the introduction of a new yet relatively indistinguishable gatekeeper maintaining a slightly differentiated patronage network from his predecessor. In terms of political personalities, Buhari is not a new political player. He is a former Nigerian "Big Man" who took control of the state by means of yet another Nigerian military coup. He is also a familiar face in the post-1999 Nigerian civilian election platform having run for president in four elections under four different opposition parties. This working paper recognizes these fundamental issues regarding the relationship between Buhari's APC win and Nigeria's continued democratic transition and consolidation. However, its primary concern is with the relationship between the management of the 2015 presidential election and the continued transition and institutionalization of the Nigerian election management system. This paper suggests that the relatively successful rollout of new voter technology, Buhari's APC presidential victory, Jonathan's PDP concession, and the public's general acceptance of election results all speak to INEC's continued positive post-2010 election management reform.

This working paper offers that three caveats to its generally positive assessment of INEC's 2015 election management system:

1. As noted by IDEA, the institutionalization and perceived legitimization of the election management system usually requires three successive successful election cycles.<sup>54</sup> This working paper suggests that the 2011 election qualifies as a limited or partial success, and 2015 as a moderate success; as such, INEC must continue to improve its election management system in the 2019 and the 2023 elections.
2. INEC still lacks true independence in several respects. Some of the most concerning issuers are its lack of: **a.** access to and control over an independent budget; **b.** appointment control over management and mid-level cadre; and **c.** freedom from donor funding and other forms of technical assistance.
3. Despite the promise of INEC's election management development, its ability to regulate Nigerian parties remains limited, especially in terms of managing the political personalities representing those parties and their personalized patronage networks.

These caveats are relevant for INEC as well as observers of Nigerian democracy and those other regional states that may adopt certain INEC strategies.

### Improving Management Post-Election Assessments

This working paper recommends the need of extensive post-election management and institutional assessment. This assessment, which should possibly include or be accompanied by a formal investigation, must dedicate primary attention to the following election processes that fell under INEC's responsibility:

1. The PVC and PVC reader tender, piloting, and election day application
2. INEC PVC distribution
3. PVC and PVC readers' use in terms of piloting and election-day application
4. General PVC reader IDP access to PVCs and polling stations

In addition to the above, this assessment should take into consideration the total management costs for the 28 March 2015 national election, including those related to new voter technology as well as donor-supported projects and CSO election monitoring activities. Establishing these costs is important to: **1.** establish INEC's total independent budgetary needs, **2.** identify the primary "investors" in the Nigerian election management system, and **3.** target priorities for increased efficiencies. Of secondary importance to

<sup>54</sup> IDEA, August 2012, *Election Management during Transition: Challenges and Opportunities* (International Idea: Sweden).

the management system but primary importance to the ongoing Nigerian national ID projects is consideration of the contributions of PVCs to addressing the Nigerian “identity gap.”

The resources for the above assessment may require INEC seek financial or event technical support from external institutions, such as experienced INGOs or even bilateral donor agencies. Regardless of such support, this working paper also recommends that INEC assess the role of donors as well as monitors in its internal institutional processes and the election management system as a whole. Such assessment will help Nigeria identify the nature and impact of foreign democratization and good governance agendas on the evolution of its election management system. This assessment will complement those institutions’ own impact monitoring. Of equal importance is INEC assessment of its relationship with the regional as well as domestic organizations accredited as 2015 election monitors. These two groups are already invested in, and are increasing their monitoring activities of, Nigerian elections. INEC should therefore leverage their participation to support its fundamental weaknesses, especially in terms of new technology rollout and piloting as well as political party monitoring.

**Comparative  
Assessments**  
Regional Cases

Analysis of the Nigerian election management system as a case study is relevant to regional election management development. Specifically, such analysis should include a comparative component that may contribute to ECOWAS, of which Nigeria is a dominant member, and the AU, which participated along with other international observers in the 2015 elections. INEC should therefore add a regional component to the domestically-oriented assessment referenced above. One comparative analysis that will prove valuable to the large regional batch of 2015-2016 elections is that focusing on SSA regional applications of election-related biometric voter technology tendering, rollout, and election-day application. The region offers extensive comparative opportunity and needs with approximately 25 countries applying similar voter-related technologies and very busy 2015-2016 election season.

In terms of specific cases for comparative analysis, this working paper suggests INEC focus on the Ghana’s 2012 and Kenya’s 2013 application of these new voter technologies as well as specific tender processes and contracted firms. Ghana is a potential success case because it sets a realistic threshold for other regional applications, including reading failures that, like Nigeria, required an extended second day of elections. Also important for this comparison is the general characteristics of Ghana’s election commission as a relatively professional, non-partisan organization having achieved a degree of institutionalization. Ghana has also pursued the use of the same firms that supplied specific technical goods during the 2015 election process, including that which provided the kits necessary for PVC use. Kenya, on the other hand, offers a case of more problematic new voter technology roll-out.