

## ELECTRONIC VOTING AND THE ELECTORAL PROCESS: A STUDY OF THE 2019 PRESIDENTIAL ELECTIONS IN NIGERIA

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### **Abstract**

*The electoral process provides the electorate with the institutional framework for choosing leaders through a competitive free, fair, credible and acceptable election. Crucially, elections are the only acceptable institutionalized process enabling the recognised members of an independent society to choose their representatives. Relying on secondary data on some elections in Nigeria, the study established that Nigeria have had electoral flops, inconclusive elections emanating from electoral tensions, election infractions and irregularities. The study adopts public technology of procurement and innovation theory and used the descriptive method to unravel the relevance of e-Voting in Nigerian electoral process. The study discovered that the manual voting has done more harm than good to Nigerians and advocates the use of e-Voting system for the sole aim of having an accessible, transparent, free, and fair election with immediate feedback. The study found out that the 2019 Nigerian presidential election have been flawed by exploitation of the electoral process in form of the president's rejection to sign the Electoral Act (Amendment) Bill 2018, failure or non usage of the smart card reader machines, and logistic problems emanating from manual voting. The study therefore, recommends that the president should sign the amended electoral bill into law, that INEC and its Ad-hoc staff should use the card reader which Nigeria has plunged a whopping sum of N27.5billion to procure and which has been successful in developed nations. Finally, the study advocates for the use of E-voting in the Nigerian electoral process to reduce the problem of logistics during election.*

**Keywords:** Electronic Voting, Electoral Process, Elections, Voting

### **Introduction**

Electoral process is the stage that the electorates (the voters or those to vote) and candidates (those being voted for) pass through in an election. In a democracy, those whose responsibility is to exercise political authorities in a society perform

it with the explicit consent and genuine mandate expressed at periodic intervals by the electorate through an open, free and fair electoral process (Ojie, 2006). Unfortunately, Nigeria's elections have so far thwarted the foundation upon which democracy is built due to mal-elections. Nigeria is in the category where election management is less successful. The rules guiding elections are ambiguous, ever changing or easily manoeuvred; the electoral regulations and rules is institutionally less effective; the political bigwigs are the gladiators in their conduct; hence the electorates are often powerless as they live in the mercy of the political stalwarts and political outcomes. The political moguls, who have special interest, impose unpopular candidates and employ every form of political gimmick to influence the election in their favours against the general will of the people. International Crisis Group (2018), states that Nigeria's last two elections, (2011, 2015) have all been violent. More than 800 people lost their lives in the 2011 polls as post-election protests morphed into mob attacks on minorities in many northern states like, Plateau, Nasarawa, Kaduna, Zamfara, Adamawa, Borno, and Yobe. The 2011 election sparked riots in Northern Nigeria. Up to 1,000 people could have died in post-election violence. Even the more peaceful 2015 polls, more than 100 people passed on. (John, Ayoade, Adeoye, and Akinsanya, 2012).

The Independent National Electoral Commission (INEC), as a nonpartisan Nigerian government agency is charged with the conduct and supervision of elections. In the late 1990s, the agency began modernizing its information technology infrastructure by migrating from an outdated legacy voting system heavily dependent on inaccurate paper records and polling cards to the newer Electronic Systems. At the heart of this technology is the Electronic Voter Register (EVR), which, by capturing the names of all eligible voters, eliminates duplication and thereby minimizes discrepancies in the electoral process. As such, EVR is viewed as a means of ensuring free and fair elections in Nigeria (Piccolino, 2015). The smart card reader (SCR) machine was introduced in the 2015 election. The device was part of the registration and authentication of duly registered voters; those who had Permanent Voter Cards (PVCs) and who ultimately participated on Election Day. The card reader was promoted by INEC as an anti-electoral fraud device and was introduced to enhance the integrity of the voting process and dissuade multiple voting, as only duly accredited and verified PVC holders can vote. The card readers are also configured to work for specific polling units. This means that PVCs could not be used in multiple polling units. Despite the Independent National Electoral Commission (INEC) repeatedly assuring that the smart card reader will not pose a challenge at the 2019 presidential elections.

Reports from parts of the country designated that the malfunctioning of the SCR machine caused delays and frustration for voters, thereby encouraging voting droopiness among Nigerian electorates. According to Aljazeera, (2015), on 8 February 2015, the Independent National Electoral Commission (INEC) announced the postponement of the 2015 elections. The presidential and national assembly elections that were first scheduled to be held on 14<sup>th</sup> February 2015, was to hold on 28<sup>th</sup> March while the governorship and state assembly's election was scheduled for 11<sup>th</sup> April, mainly due to the poor distribution of Permanent Voter Cards, and also the security concerns related to the Boko Haram insurgency in certain north eastern states (Aljazeera, 2015). Aljazeera reiterated that, due to the assets and resources that would go into this offensive, the military would be unable to provide security and logistics support for elections. The postponement was called on the grounds of the INEC failing to deliver Permanent Voters' Cards to millions (around 34%) of voters reportedly only around 45.1mn of 68.8mn registered voters had received PVC's. As the PVC is a determinant to 'who casts the vote', it is then an actuality that millions of registered voters were denied the exercise of their franchise (Aljazeera, 2015). However, the government closed its land and sea borders from the midnight of 25<sup>th</sup> March 2015 until the end of the polling date. The presidential election of 28<sup>th</sup> March was extended to 29<sup>th</sup> of March due to delays and technical problems with the biometric card readers. Former President Goodluck Jonathan called it a "huge national embarrassment" when card reader technical problems caused a delay. Tukur, (2019) reported how the card readers also had technical hitches in many states in 2015. Of particular note was the failure of some card readers to recognise former president Goodluck Jonathan's card, which was quite embarrassing for him. The former President himself failed to be accredited by the card reader, which was shown live on national television (Tukur, 2019). This is one of the reasons why this study advocates the use of electronic voting which does not rivet the hassles of a card reader.

According to Idowu (2015), Nigeria spent the sum of N122.9bn to conduct the 2011 general elections. In 2015, though INEC proposed N93 billion, Nigeria spent a total of N108.8 billion to conduct the 2015 general elections, which produced President Muhammadu Buhari and others. From guardian news, (2019), N254bn was budgeted for the conduct of 2019 elections. There is the lack of election financing regulations which leaves the door open for patronage networks to fund campaigns using public funds. The 2011, 2015, and 2019 elections have been flecked by acts of violence and vote-rigging which influenced the results.

Electronic voting is one of the greatest inventions in the political electioneering process of a nation and also a defining feature of democratic/progressive government; but this is evidently not seen in Nigeria despite, the independence of the election management body (INEC) and the huge sum of money budgeted for elections, for instance, that of 2019 was N189.2bn and whopping sum of N27.9billion plunged into the data capturing and card reader machines. However, it is still evident that many electoral flops and disadvantages emanate from the use of manual counting. In fact, hand counting increases the number of votes counted and brings up more sentiments in the election system. It is obvious also that those who handle the ballots treat them inconsistently.

The unavailability of e-voting system also denies Nigerians especially those in diaspora the opportunity to elect their leaders. More disturbing is that security issues have been found in manual voting and this many times jeopardizes the lives of electoral personnel and keep many far from carrying out their civic duties in a far and tensed locality, while an ordinary remote e-voting via the internet can simply enable the voter vote at the comfort of the home or without going to the polling stations. In manual voting, there are inconclusive elections emanating from logistic problems, electoral tensions, election infractions and irregularities. In fact elections have been flawed by unprecedented abuse of the electoral process in form of the president's fourth rejection to sign the electoral (amendment) bill, 2018 which commenced under the 2015 Electoral Act (Umoru, 2018), non-issuance of the PVC by INEC to their owners, inadequate provision and late arrival of voting materials at polling centres, failure or non usage of the smart card reader machines, non citizen and under-age voting, pre and post election violence. Very long queues are found at the polling stations, one can stay in the polling station for hours without casting the vote. In many cases voters go hungry and because of this, violence emerges, for it is said that, 'a hungry man is an angry man', and many times, this violence might lead to the destruction of persons and properties. There is ballot box snatching, election rigging, time wasting in the counting of votes, collation and announcement of election results, connivance between the ruling party elites and INEC to manipulate and even declare false election results. The most current of these problems is vote-trading or vote-buying. It is evident that unless this e-voting system is implemented, the irregularities and electoral tensions may continue to grow in Nigeria.

### **Conceptual Clarification**

Electoral process is the stages that the electorates and candidates pass through in an election. It includes voter's registration, registration of political parties, screening of candidates, legal provisions establishing the electoral bodies, delineation of wards/constituencies, recruitment and training of ad-hoc staff, procurement of electoral material, logistic, provision of polling agents, monitoring of agents, accreditation of voters, actual voting, counting of votes and providing avenues for settlement of disputed results (Oddih,2007). The study states that the provision or availability of security personnel should be independently included in the electoral process. Many of all these electoral processes marshalled out are mal- provided like procurement of electoral materials. The commonest feature of Nigerian electoral process is irregularities, fraud and lack of credibility. According to Adeshina and Asinugo (2007), Voting is a method of a group to make a collective decision or express an opinion. Democracies elect holders of high office by voting. Voting often takes place at a polling station. Residents of a place represented by an elected official are called "constituents", and those constituents who cast a ballot for their chosen candidate are called "voters". The study states that 'Voting' is the act of exercising one's franchise. Election is embedded in the electoral process. According to American Heritage® Dictionary, Fifth Edition, election is the act or process of electing someone to fill an office or position. The study states that it is in election that we select our leaders, our representatives for different positions. Inokoba and Kumokor, (2011) posited, "Essentially, election is the formal procedure recognized by law as well as decision taken by the electorate to decide those who occupy public offices and also the policy direction of a polity." This study states that the lawful selection of our leaders is supposed to be free, fare and credible. E- Voting system allows voters to make their selections using an electronic input device. This system processes data with computer software and records voting data and ballot images in memory components. And after the election, it provides a tabulation of the voting data stored in a removable memory component and as printed copy. Above all, the system provides a means of transmitting individual ballots or vote totals to a central location for considering and reporting results from precincts at the central location. Electronic voting can also include punched cards, optical scan voting systems and specialized voting kiosks including self-contained direct-recording electronic voting systems. According to D. Zissis, e-voting also involves the transmission of ballots and votes via telephones, private computer networks, or the internet. Zissis further identifies two main types of e-voting, which include; e-voting physically supervised by the

representatives of government or independent electoral authorities, e.g. electronic voting machines located at polling stations. The study states that INEC in Nigeria has not started using e-voting system though they use card reader machines for PVC identification. There is e-voting termed 'remote e-voting'. Here, voting is performed within the voter's sole influence. By this is meant that the voter does the voting without the supervision of any representative of governmental authorities and gives the advantage of voting from one's personal computer, mobile phone, television via internet. According to (Zissis, D. and Lekkas, D., 2011), this is also known as i-voting, according to Bellis M. (2000) in 'The History of Voting Machines', observes that electronic voting systems for electorates have been in use since the 1960s with punched card systems. The study accepts that e-voting has been in use in developed countries far back. Another Scholar, Saltman R. (1972), notes that the first widespread use of these systems was in the U.S.A., where seven countries switched to this method for the 1964 presidential election. The study states that the use of e-voting machines started in the Western States, America to be precise. Nowadays, all states of the US use electronic voting because it provides less cost, improve accessibility for voters with disabilities, it gives faster results, greater accuracy and low risk of mechanical and human error. The recent times has witnessed the electronic voting systems in America, United Kingdom, Belgium, Brazil, Estonia, Switzerland, even Namibia, as well as France and the positive results are exceedingly great. The greatest impulse of this study is that Nigeria should go the full hug with e-voting so that the electorate can exercise their franchise online, with phones without any one interfering or even buying their vote and everyone will see the transparency in it. Statistics has shown that majority of eligible voters are youths and our youths are phone or internet engrossed. Like, if you take 'Big Brother Africa' as an instance, majority of the youths are into it, and even the 'Bet Nija'. Electronic voting as this study sees it is simply voting online. It is a seamless and stress free voting.

### **Theoretical Explanation**

This study adopts the public technology procurement and innovation theory articulated by Charles Edquist and Leif Hommen, (1998). Public technology procurement is a means of stimulating and supporting technological innovation. It occurs when a public agency advocates for a system that does not yet exist, requiring technological innovation for the order to be met. In line with this study, it occurs when a public agency like INEC, advocates for electronic voting system

that does not yet exist in Nigeria, requiring technological innovation for the order to be met. The practice of public technology procurement was developed substantially in the 20th century. Best & Forrant, 1996 considered the public technology procurement of the US Department of Defence as the basis of American industrial policy. It was prevalent where the public sector plays a significant role for substantial growths in international best practices. INEC, NASS and this study advocates for electronic voting as a new system in the Nigerian electoral process because of its many advantages. Public technology procurement is an instrument of innovation policy. According to Edquist (1998), Innovation policy includes all public activities which influence innovation. This study appeals for innovation policy as in the case of Mr. President to sign the electoral act (amendment) bill, 2018 which incorporates e-voting into law. The study focuses on public technology procurement as a means of building or enhancing capacities for innovation, thereby creating trust on INEC election result in an electioneering process.

### **E-Voting and the Electoral Process: A Study of the 2019 Presidential Elections in Nigeria**

A lot of importance could be ascribed to electronic voting system. Electronic voting systems can detect votes that paper-based machines would have missed (Kasuba, 2010). This system removes the need for much paper work, thus reducing cost significantly. It also combats the wastage of papers. Advocates of electronic voting systems hold the view that such systems provide accessibility for persons with disabilities. This is possible because electronic voting systems can use headphones, sip and puff, foot pedals, joy sticks and other adaptive technology to provide the necessary accessibility. For them, electronic voting is not like punched card and optical scan machines that are not fully accessible for the blind or virtually impaired (PFAW, 2004). Again, arguing from the point of view cryptography, the systems (e-voting) are transparent for it allows voters and election observers to verify that votes have been recorded, tailed and declared correctly, in a manner independent from the hardware and software running the election. It detects such possible problems as under-voting and over-voting, which may result in a spoiled ballot. E-voting being remote does not encourage vote-trading or vote-buying. These voting systems can provide immediate feedback to the voter. This immediate feedback can be helpful in successfully determining voter intent. Kasuba (2010). This study has revealed the need for e-voting system in Nigeria which is obvious in the existence of electronics like, card reader system, electronic

thumb print, and electronic data storage as introduced in Nigeria. The failure of these systems is evident in form of the outcome of the elections being jaundiced, not being free, fair, credible and acceptable. On March 2017, the senate passed another amendment to the Electoral Act No. 6 2010 (Amendment) Bill 2017 into law which was seen as a step towards reforms designed to guarantee free, fair and credible elections. The Act empowered INEC to adopt electronic voting in subsequent elections in Nigeria. Almost two years after, the country is yet to fully adopt the electronic voting system despite its many advantages. The study states that the merits of e-voting cannot be over emphasised, especially it's trust-building but the repulsion of President Buhari to this electoral bill poses a problem (Umoru, 2018). According to Umoru (2018), president Muhammadu Buhari, on Friday, 7<sup>th</sup> December 2018 for the fourth time, rejected assent to the Electoral Bill which was passed to him to sign into law by both the Senate and the House of Representatives. The First time the Electoral Act (Amendment) bill, 2018 was sent to Mr. President was on 3<sup>rd</sup> March 2018 and President Buhari withheld assent to the bill with reasons that the proposed law would usurp the constitutional powers of INEC to decide on election matters, including fixing dates and election order. The bill was resent the second time in less than 6 months, on August 3<sup>rd</sup> 2018. On August 30<sup>th</sup>, 2018 the president again withheld assent to the bill and returned it to the legislature. Mr. President is declining assent to the Electoral Amendment Bill due to some drafting issues that remain unaddressed following the prior revisions to the Bill. On November 8<sup>th</sup> 2018, National Assembly sent the bill to Mr. Buhari for the third time at presidential villa but Mr. President declined presidential assent to the bill. The third time the National Assembly passed the Bill for the President's signature; they had conspicuously and suspiciously removed the use of the card readers during elections. The President sent it back and insisted that it be included. Finally, on December 7<sup>th</sup> 2018, for the fourth time president Muhammadu Buhari declines assent to the Electoral Act Amended bill 2018. Mr. President wrote to the lower and Upper chamber, in the letter dated 6<sup>th</sup> December, 2018 and addressed to both, the Senate President, Dr. Bukola Saraki and Speaker, House of Representatives, Honourable Yakubu Dogara. The study states that the president actually refused signing the Electoral Act into law for his political gain. It is undemocratic for the president not to assent to the signing of the Electoral Act amendment bill, 2018 when it is most needed for Nigeria to join in the international electoral best practices. According to Yakubu, (2018), the Independent National Electoral Commission (INEC) will use card readers during the 2019 general elections but ruled out the electronic transmission of results. Yakubu, who spoke

during the public hearing on the menace of vote buying and improving the country's electoral processes, said the commission had finished all preparations towards the use of the card reader. This study sees the notion of 'the commission had finished all preparations' as they are set for flaws.

The 2019 presidential elections in Nigeria is the country's sixth election since 1999, when it shifted to democratic rule after a long period of military rule. Before the 2019 polls, there were security threats; many lives were lost through the arming of rival political supporters, the insurgency of the Boko Haram sects and clashes between farmers and herdsman in Nigeria. A range of factors conspire to heighten bloodshed nationwide in the just concluded 2019 presidential election. These include the "win or die" attitude of many politicians, acrimony between the two major parties as they engaged into what appeared as a closely fought contest, widespread popular distrust of security agencies, opposition parties' misgivings about the electoral commission's neutrality, and the prevalence of conflict among parties and violence in some parts of the country even after the presidential polls. Many have lost their lives, turmoil, could take more lives and jeopardise the country's stability. There were numerous issues of failure of the smart card reader (Adebowale, Adedigba, 2019). According to Adebowale and Adedigba (2019), in some of the states, INEC officials and ad-hoc staff had issues with the usage of the card readers across the country. The Kogi State Governor, Yahaya Bello, expressed dissatisfaction with INEC over the malfunctioning of the card reader at Agasa Polling Unit 11 where the governor and his wife were registered to vote. Also, the presidential candidate of the Young People's Party (YPP), Kingsley Moghalu, decried the non-performance of card readers in his ward at Nnewi North Ward 2 in Anambra. Mr Moghalu told journalists on Channels Television shortly after voting by 11.55 a.m that faulty card readers delayed voting in the area. He stated, "I came out by 8 a.m to vote but the card readers were not functioning, so I went back to my house and came out by almost noon to vote." At PU 006a in Ovoko (Umuolo Ward) Igbo Eze South Local Government Area of Enugu State, the assistant APO II complained that the card reader could not identify some voters whose names are on the register (Adebowale, Adedigba, 2019).

INEC spent almost N200 billion in the procurement and reconfiguration of the smart card reader machines. On the 19<sup>th</sup> day of February 2019, the Independent National Electoral Commission INEC said it has achieved 98 percent reconfiguration of its smart card readers, expressing readiness for the rescheduled

general elections (Yakubu, 2019). All this logistics is for INEC to gain grounds for the manipulation of the 2019 presidential election results, the study states. They did not ensure credible election but rigged election. Even the much awaited reconfigured smart card reader did not give credence in the election. It was ignored in some polling units, mal-functioned in some and was not brought to some polling units at all to enable multiple voting and other mal-practices.

The INEC Chairman, Prof. Mahmood Yakubu disclosed this Tuesday in Abuja while briefing stakeholders on the level of preparedness of the commission as he said,

Last Saturday, the Commission, after extensive review of our preparedness for the 2019 general elections, decided that it was necessary to reschedule the elections by one week. As I explained to stakeholders, we were constrained to shift the polls due to severe challenges and lapses we experienced with arrival and distribution of sensitive materials, as well as the fires that gutted some of our offices in quick succession, destroying several election materials (Yakubu, 2019)

This study states that even after the shifting of the polls, the lapses and more severe and dangerous challenges still persisted as sensitive materials and people's lives were lost. There was stories political juggernauts connivance with tugs to set INEC offices ablaze to destroy or do away with some sensitive materials. Even after the announcement of results there is still news of loss of sensitive materials used in the 2019 presidential elections. According to Adepetun, Gbonegun, and Olatunji, (2019), the gubernatorial candidate of People's Democratic Party (PDP) in Lagos, Jimi Agbaje, doubted the credibility of the ongoing presidential and National Assembly elections due to card reader's failures which his wife and he experienced during accreditation to voting. Agbaje, who arrived with his wife at their polling unit, Ward A, unit 004 Apapa at 11:10 am could not exercise their voting rights through the card reader machine after several attempts. They were thereafter accredited through the manual processes. Speaking with journalists, Agbaje, (2019) said,

The card reader didn't work for me and my wife and some other people. As far as I am concerned that card reader is not working and that opens rooms to all kind of insinuation and mischief. For me, where you still have a situation where you have to by-pass the card reader, it means we have not yet gotten it right. The process is

therefore opened to all kind of manipulations. If a card reader doesn't work, it means somebody could collude with some officials and with wrong PVC. Such a person would by-pass the system and games can be played. (Agbaje, 2019).

### **Conclusion and Recommendations**

If the Nigerian electoral process is improved through e-voting, people will understand the purpose of governance as geared towards helping the economy grow, improving the life of the people, transforming the society at large, and especially, projecting the image of Nigeria in the committee of nations/the international arena. According to Galadima (2018), Muhammadu Buhari's refusal to sign the bill has given fuel to accusations that he and the APC are planning to rig the 2019 general elections in their favour. While speaking on Channels Television's Sunday Politics, Galadima reinforced the accusation and said Buhari is not interested in strengthening Nigeria's electoral laws, he is only interested in protecting himself and his party because he is afraid he won't get enough votes to win re-election at the polls. He said, "What the president said was just self-protectionism. He's just protecting himself from being flogged at the polls. He's running away from free, fair, transparent and credible election. Galadima, (2018) stated that,

There are two issues they're afraid of; One, the transmission of the result directly from the polling booth to the collection centre. Two, the use of the card reader for accreditation because once accreditation is completed, all those that are accredited will be transmitted and the world will know, even before voting, that such number of people are being accredited and the result of the voting cannot be more than the number of people accredited. Therefore, there'll be no mago mago or dabaru along the way. This is what the president and his party is afraid of. The Attorney-General of the Federation is the chief legal adviser to the president. If he accepts anything, it should be duty-bound on Mr President to honour and respect the views of his Attorney-General (Galadima, 2018).

The study states that the ruling party has prepared tricky tactics in the 2019 presidential elections, just to make the election result be in their favour. The following recommendations are put forward to government and civil society and

the ruling elites from the various observations made above. The president should sign the amended electoral act into law, so that INEC will go the full hug with E-voting. INEC and the national assembly has approved that the electoral act (amendment) bill, 2018 which means that its ratification and implementation will enhance Nigeria electoral process and assure transparency in elections in line with the world best practices. The government should look into the reason why the card reader machine failed and rectify it. They should set up a Special Electoral Malpractice Court in order to punish electoral law offenders. Proves have been marshaled above of countries that have been successfully using electronic machines in their electoral process. Nigerian government should practice true democracy because if they take the interest of the masses at heart, there will be less or no manipulations in their service to the nation. E-voting should be used in the Nigerian electoral process to reduce the problem of logistics during election. Electronic Voting ensures efficiency and trust in the electoral process and if e-voting is properly implemented, it has the capacity to increase the security of the ballot and integrity of our elections and speed up the casting and counting of votes in Nigeria. The results of the elections will be determined by our votes.

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