

ADDRESSING THE CHALLENGE OF OVER-VOTING IN NIGERIA: A HINDRANCE TO TRUE DEMOCRACY IN A TECHNOLOGICAL AGE

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ABSTRACT

A strengthened electoral process and system generates more acceptance of the final outcome of elections which the masses believe to be a reflection of their mandate. Election rigging has become electoral culture in Nigeria despite the introduction of electronic card readers, and technological forms of global, as well as national electoral observance. Desperation to hold offices has caused politicians to perpetrate acts which continue to claim the lives and liberties of electorates and diminish voters' confidence and popular choice. Eradication of over-voting, the strengthening of manpower conservation and protection of the constitutional rights of electorates are amongst reasons for seeking modern ways to tackle the challenge of over-voting through the use of technology. This study identified that in proving over-voting, voter's register is the foundation of any competent election in any society. Therefore, the introduction and application of technology in planning, conducting and concluding elections cannot be over-emphasized. Despite negative arguments over some aspects of e-elections, a conglomeration of the use of technology in channelling complications from manual voting to e-elections in Nigeria have become a necessity. Nigeria cannot consciously stay behind in the global technological movement which can profit her democratic system.

Keywords: Election, Democracy, Over-voting, Technology.

INTRODUCTION

The people alone possess the supreme powers in elections. Election allows citizens to have reasonable and equitable opportunities to compete to be elected into government offices, and ensures that political competition truly reflects the will of the people.ⁱ Representative democratic form of government has election as one of its attributes. Elections are fundamental to the operation and survival of democracy because it determines the level of freedom exercised by the citizens in deciding who governs or represents them in government.ⁱⁱ

Political development connotes effective political institutions such as the executive, legislature, judiciary, political parties, civil service, electoral bodies, trade unions, pressure groups and civil society organizations, working in synergy to enhance participation and empowerment of the masses in the process of wealth distribution, decision making and democratic governance.ⁱⁱⁱ

A common feature of most African states at independence, was that they had an unsettled political culture. Not only had they political leadership that had no experience of operating a governmental system on a national scale, but the institutions, such as political parties; parliament; and civil service through which they had to work, were also relatively new and weak.

The electoral process is central to democratic governance. Where the processes are rebranded by making them more credible to the masses and other stakeholders, the negative perceptions of the masses about the methods or procedures adopted in conducting elections reduce. A strengthened electoral process generates more acceptance of the final outcome of elections which the masses believe to be a reflection of their mandate. This will result in improved participation in electoral processes, restoration and sustenance of citizens' confidence in the sanctity and credibility of elections and the room for positive political development.

At present, Nigeria is plagued with 'poverty' of leadership, weakened democracy, political instability, and other problems. These are indicative of a nation mired in crisis of political development.^{iv} Without the effective use of technology in implementation of a more developed electoral system, within her rules and processes, over-voting will remain a problem which Nigeria will have to deal with every four years. This paper succinctly discusses the relationship of election rigging to over-voting, and the need for the application of technology towards redefining her electoral processes and the preserving of true democracy in Nigeria.

ELUCIDATION OF TERMS

a. Election

The expression 'election' generally includes registration, nomination, voting, and the manner in which votes are to be counted, and the results made known.^v The court in *Anyanwu v PDP & 2 Ors*,^{vi} stated that 'an election, be it primary or general election, is primarily about winning votes, which is why it is described as a game of numbers.'^{vii} However, only 'eligible'^{viii} candidates at an election are entitled to have their votes counted and reckoned with. Imposters are not entitled to that indulgence. Votes cast for imposters are wasted votes or votes taken as thrown away.^{ix} Election means the entire process consisting of several stages and embracing several steps by which an elected person is returned; whether or not it is found necessary to take a poll.^x

The word election as a generic term refers to a process which embraces the entire gamut of activities ranging from accreditation, voting, collation of results, to recording of all relevant forms and declaration of results.^{xi} Election is an essential part of democracy as it is the means of choosing a candidate for public office. According to Diamond, election is free and fair when administered by a neutral authority; when the electoral administration is sufficiently competent and resourceful to take specific precautions against fraud; when the police, military and courts treat competing candidates and parties impartially; when contenders all have access to the public media; when electoral districts and rules do not grossly handicap the opposition, when the secret of the ballot is protected; when all eligible adults can vote; when procedures for organizing and counting the votes are widely known; and when there are transparent and impartial procedures for resolving election complaints and disputes.^{xii}

In a democracy, elections serve as an important mechanism and viable means that ensures orderliness in the process of leadership succession and change. It gives legitimacy and political authority to every administration. Elections play dominant roles in a democracy and these roles are hugely circumscribed in terms of portraying the popular will, inculcating political changes and actualization of regimes legitimacy.^{xiii}

b. Electoral Process

The electoral process is a fundamental and indispensable structure in any democratic setting. The smoothness and transparency of its operations define political maturity of key players and

stakeholders. Elections across the globe perform the key function of choosing representatives or leaders based on the choice of the electorates and is an important element of democratic governance. The electoral process is the method by which elections are conducted and persons are elected into public office. The pattern of groups of electoral activities in Nigeria is a reflection of development from obscurity to prominence, from a pristine system to an advanced mechanism of securing participation and confidence building in public policy formulation and implementation.^{xiv}

The electoral system must translate the votes cast in a general election into seats and positions won by parties and candidates. This underscores the centrality of the electoral process in democratic governance.^{xv} One of the fundamental pillars of the democratic process is the Electoral Commission; usually a body charged with the responsibility of organising, supervising, and installing in office, successful candidates after election. Electoral bodies are foundational structures upon which democratic institutions are built. Accordingly, free and fair elections depend on the populace and how voting is done, as well as rules formulated by the electoral commission to guide the candidates for the political contest. Its independence and impartiality generates the confidence of the populace which is indispensable in any given political environment.^{xvi}

Indeed, the electoral process relates to the entire cycle ranging from the provision of voter education to the dissolution of the office or tenure. It refers to all the pre and post-election activities without which an election is meaningless. The process includes the registration of political parties, review of voters' register, delineation of constituencies, resolution of electoral disputes, return of elected representatives, swearing-in of elected representatives etc. It also carries with it, electoral rules that guide conduct of elections, and important activities that make up the electoral process.^{xvii}

c. Over-Voting

Over-voting is a serious assault on the electoral process. The sacrifice of electorates to exercise the all-important right to vote underscores the importance of elections. The word electorate means 'the whole body of those who have the right to vote in a political election.'^{xviii} Voting requires eligibility and eligibility means 'the state of being qualified.'^{xix} Voting is a formal expression of preference for a candidate for office by those qualified to say so. Voting is the heart of democracy; as votes are voices, and collectively a country's vote is its voice.^{xx}

Where over-voting is proved, the election of its beneficiary can be nullified.^{xxi} The Court is competent and entitled to make the inference of over-voting, once the relevant documents from which over-voting can be inferred are in evidence and they have been spoken to by witnesses.^{xxii} In Nigeria, over-voting is only inferred from the number of accredited voter as contained in the voter's register vis-a-vis the total number of votes cast at the affected polling units.^{xxiii}

Even where the voter's register is relied upon to prove over-voting, the register or any documents cannot be dumped on the court to be acted upon. In order to prove over-voting, the petitioner must tender the voter's register; tender the statement of results in appropriate forms showing the over-voting; relate each document to the specific area of his case; and show that if the figure representing the over-voting is removed, it will result in victory for the petitioner.^{xxiv}

d. Election Rigging

A free and fair election is one in which all eligible voters who are willing to vote are given every opportunity to cast their votes, which must be counted and declared for the candidate of their choice. The essence of democratic elections is that they be free and fair and that in that atmosphere of freedom and impartiality, citizens will exercise their freedom of choice of who their representatives shall be by casting their votes in favour of those candidates, who in their judgements, they consider to possess the qualities which make and mark them out as preferable candidates to those others who are contesting with them.^{xxv} The above essential tenets of democratic elections are fundamentally negated by election rigging.^{xxvi}

Election rigging refers to electoral manipulations which are palpable illegalities committed with a corrupt, fraudulent or sinister motive to influence an election in favour of a candidate(s) by ways that involve illegal voting, bribery, threats and undue influence, intimidation and other form of force exerted on the electorates, falsification of results, fraudulent announcement of a losing candidate as the winner (without altering the recorded results) etc.^{xxvii} Election rigging undermines the cardinal principle of democracy which upholds the welfare of the people as the object of government. Fear of election fraud drives honest citizens out of the democratic process. Yet, it is only witnesses who actually saw what happened at the polling units that can give credible evidence of what they saw as 'election rigging'.^{xxviii}

The court stated in *Abubakar & Anor v INEC & 2 Ors*,^{xxix} that allegation of corrupt practices at polling units can only be proved by a witness who is present at the polling unit, and the monumental allegations of corrupt practices could not be proved by plaintiff witness 62 who said he was in the situation room, as he had no personal knowledge of the happenings in the field (polling units).^{xxx}

OVER-VOTING IN NIGERIA AS A NEGATION OF TRUE DEMOCRACY

Liberal democracy is more than the people's rule. It represents a meaningful and broad competition for government positions and authority through regular, free and fair elections. It also involves the guarantee of civil and political liberties, usually secured through political equality under a rule of law, sufficient enough to ensure that citizens could develop and advocate their views and interests and contest policies and offices in an enduring environment.^{xxxi} Where democracy has become broadly and profoundly legitimate, practiced and observed, it is very unlikely to break down.^{xxxii}

Elections allow electorates to choose between a numbers of options in leaders.^{xxxiii} The court expressed in *Ezenwo v Festus (No 2) & 3 Ors*,^{xxxiv} that elections are very important in the life of a nation and time is of the essence in dealing with election litigations. Eligible electorates of society are entitled to engage in the electoral process. According to Nwabueze, free and fair elections for the choice of rulers requires that:

- a. Adults shall be free to contest election and to campaign for votes, to register, to choose the candidates of choice, and to vote accordingly; uninhibited and unimpeded by official interference or discrimination.
- b. There is equality between the voters.^{xxxv}
- c. Political parties can sponsor candidates and canvass for votes in a truly competitive sense.
- d. The territorial units of representation are demarcated as to be nearly equal in population as possible so as not to favour some people against others.
- e. Those entrusted with the conduct of an election are not agents of, or are not subject to direction by any of the contestants.

- f. The contest is conducted according to laid down rules accepted by all as binding.
- g. The contest is conducted impartially; giving no advantage to one candidate against another.
- h. Results truly reflect the votes cast by voters.
- i. Winner is declared or determined by majority or the highest number of such lawful votes.^{xxxvi}

Elections and the struggle for power are essential because it gives the oppressed class the chance to put the question of alternative ideologies on the agenda and to change the narrative. However, for elections to thrive there should be the establishment of a well-defined, competent, relatively independent and non-partisan electoral body that will be responsible for the conduct of elections, as well as an impartial judiciary that will interpret electoral laws and processes and adjudicate on electoral matters.^{xxxvii} When the interest of the people are articulated in a free and fair election, the government in power tends to enjoy the sovereign legitimacy of the people, but election rigging can thwart the interest of the people and impose an unpopular candidate. The sad end is governments' lack of people's support.^{xxxviii}

General elections in Nigeria have always been accompanied by violence and rigging. Election rigging has taken many dimensions in Nigeria such as: illegal printing of voters' cards; illegal possession of ballot boxes; stuffing of ballot boxes; falsification of election results; illegal thumb-printing of ballot papers; infant voting; compilation of fictitious names on voters' lists; illegal compilation of separate voters' lists; illegal printing of forms used for collection and declaration of election results; deliberate refusal to supply election materials to certain areas; announcing results in places where no elections were held; unauthorized announcement of election results; harassment of candidates, agents, and voters; change of list of electoral officials; box-switching and inflation of figures etc.^{xxxix}

These practices and anomalies still occur in Nigeria as was witnessed in the 2019 general elections. The end point of all the identified rigging strategies is that there was over-voting. The court in *APC v PDP*,^{xl} equated over-voting to election rigging. This problem was witnessed despite the introduction of electronic card readers in the 2019 general elections, and technological forms of global, as well as nation electoral observance. Desperation to hold public offices in Nigeria has caused politicians to perpetrate acts which continue to claim the lives of electorates, while diminishing voters' confidence and popular choice.

Yet, proving electoral malpractices, over-voting and rigging remains challenging in Nigeria. In 2020, the court started in *Abubakar & Anor v INEC & 2 Ors*,^{xli} that

The very big obstacle that anyone who seeks to have the election of the president or governor overturned is the very large number of witnesses he must call due to the size of the respective constituency... By the time the court would have heard all of them with the way the present law is couched, the incumbent would have long finished and left his office and even if the petitioner finally wins, it will be an empty victory bereft of substance. It is more difficult now under the legal regime of the Electoral Act 2010 (as amended) where the election tribunal or Court has 180 days to hear and determine petitions. There is no time to call such number of witnesses. This demonstrates the frustration of a petition seeking to set aside an election on ground of non-compliance.^{xlii}

To run an effective democracy is an incentive to protect and guarantee the fundamental human rights of citizens to vote as enshrined in democratic constitutions. The hallmark of a good voter engagement is evidence of active participation and involvement in decision making by the citizenry.^{xliii} Eradication of rigging, fraud and over-voting, and the strengthening of manpower conservation, convenience, and the protection of the constitutional right of electorates are amongst reasons for seeking modern ways to tackle over-voting through the use of modern technology.

Furthermore, the Federal Republic of Nigeria is bound by the rule of law. Therefore, to uphold e-voting, conformity with the legal system is paramount, especially the Constitution. Inculcating e-voting supports the theory of inclusiveness, voter franchise and voter inclusiveness encapsulated in the Universal Declaration of Human Rights 1948 and the 1966 International Covenant on Civil and Political Rights.^{xliv} To see the Constitution of any land as an ideal, but at the same time as an evolving framework is very important. When the highest laws of the land spelt out in plain accessible and unequivocal language, the rights of citizens and when the traditions of a society generate respect for, and pride in the existence of those

rights, the government ignores violations of fundamental rights and due process expected of elections at its own peril.^{xlv}

THE NEED FOR TECHNOLOGY IN TACKLING OVER-VOTING IN NIGERIA'S ELECTORAL PROCESS

The issue of over-voting as an electoral menace can no longer be ignored. When a constitution cannot guarantee that individuals will not plan to, and pervert the established electoral process and rig an election, it must guarantee an independent and impartial machinery for the conduct of elections and an independent conflict management judiciary. Free and fair elections towards democratic victories ensure the genuineness of popular consent and participation necessary for the legitimacy of the power and authority exercise by government. Also it ensures that change in government is a truly genuine reflection of the people's wishes, and the one displaced, accepts defeat without disturbing the ordered continuity of the system.^{xlvi}

In proving over-voting, voter's register is the foundation of any competent election in any society. Without the voter's register, it will be difficult if not impossible to determine the actual number of voters in an election and if the number of registered voters is not known, the court cannot determine whether the number of votes cast at the election are more than the voters registered to vote. In *Abubakar & Anor v INEC & 2 Ors*,^{xlvii} the court stated that there was no ground of appeal faulting the decision of the presidential election tribunal that voter's registers were not tendered. Consequently, there was no way the tribunal could determine the issue of over-voting.^{xlviii}

This therefore means that the issues surrounding voter's register cannot be dispensed with where over-voting is concerned or claimed to have been committed. The major factors that influence the desire for introduction of electronic voting and other extensive technological means of conducting elections, up to the declaration of results in Nigeria, are the yearnings to regain the lost integrity of INEC, enhance the veracity of the election result, the quest for exoneration from the public accuse of colluding with the ruling party to manipulate election results, the urge by the citizens to elect credible and committed leaders for infrastructural and economic development and the need to curtail post-election violence that have claimed many lives in past elections.^{xlix}

These protective and reformation tasks are not placed only on the electoral commission, but also on the independent judiciary, the executive and executive bodies, as well as the legislature in Nigeria. In protecting citizens' democratic electoral rights, Fabiyi JCA in *Peter v Okoye*,¹ stated that as the custodian of the Constitution, judges are saddled with the responsibility of ensuring the functioning and enhancement of its provisions.^{li} There is need to strive to ensure that our fledgling democracy is not allowed to lie prostrate. Due restraint must be exercised in granting interlocutory orders for injunctions which seek to restrain the exercise of specific constitutional functions by authorities like INEC.^{lii}

For political institutions to perform effectively, they need to be autonomous and strengthened to respond to the rigours and complexities of democracy.^{liii} The Independent National Electoral Commission (INEC) in Nigeria as the body created by the 1999 Constitution, is principally governed by the Constitution and the Electoral Act 2010 (as amended) which applies to all elections that INEC is empowered to conduct. Critical functions of INEC are constitutionally spelt out and INEC is empowered by legislation to carry out other functions.^{liv}

With regards to strong institutions, Lannon Walker expressed in 1991 that there is need for patience with new institutions and to allow them to evolve over time. He stated that Nigerians need to move together down the path of attempting to improve the political participation in governance of all of the people and the protection of their rights.^{lv} He stressed that what gives added force to democracy in America is a sense of tradition. When Americans contemplate their heritage, they look back on a process of struggle; of difficult choices and of sacrifices; which led to a democracy that must be preserved for all generations, because only when the oxygen of democracy saturates that society will truly be democratic.^{lvi} But how long and how much patience should Nigerians give its electoral institution, process and system?

Election rigging has successively taken place in Nigeria in 1959, 1964, 1979, 1983, 1999, 2003, 2007, 2011, 2015 and 2019 general elections, which saw dumping of ballot boxes stuffed with pre thumb-printed ballot papers, falsification of results by increasing the candidates votes and decreasing those of his opponents, announcement of a losing candidate as winner etc.^{lvii} Just as the presiding officers and the poll clerks are the instruments for rigging at the voting stage of the electoral process, the returning officer and his deputy serve as effective instrument for falsifying the results from the polling centres. Professor Nwabueze stated that it is perpetrated in the private homes of individuals and in grave secrecy, which effectively shields it from the

prying eyes of the election observer; whether international or domestic, which therefore causes difficulty in proving it in a court of law.^{lviii}

From historical experience, there are a huge number of challenges in manual electoral processes. These include poorly prepared or fraudulent voters' registers, inadequacy of electoral materials, (particularly the ballot papers) leading to the disenfranchisement of voters, snatching of ballot boxes from INEC officials, disenfranchisement of diaspora voters,^{lix} and difficulty in transportation of electoral materials after voting has been concluded.^{lx} Other issues include electoral malpractices, insecurity and violence.^{lxi}

The introduction and application of technology in planning, conducting and concluding elections cannot be over-emphasized. Technology is applied in Nigeria's business sector, in her banks, companies and in several financial endeavours, in the oil industry, in academia, agriculture, communication, and many other sectors of her economy. Without the effective introduction and use of technology in communication and implementation of new electoral rules and processes, over-voting will remain a problem which Nigeria will have to deal with every 4 years.

Consequently, the necessity for effective electronic patterns of voting, the efficient use of electronic card readers, e-registration and biometric verification, e-compilation of biometrically taken votes, e-collation of result, e monitoring and observance of the entire electoral process in general elections, e-transparency and storing of results and election data etc., cannot be left to the future. By this, it can be stated that e-voting alone is not the ultimate solution to the problem of over-voting. A conglomeration of the use of technology in channelling complication from manual voting processes and systems to e-elections in Nigeria is required. E-voting adoption is only an alternative to the lack of transparency and loss of confidence in the manual ballot voting process.^{lxii}

The proponents of smart card readers believe that the card reader procedure has the capacity to prevent or minimize rigging in the sense that there would not be multiple voting, while its opponents believe that in the peculiar circumstances of the Nigerian situation, the card reader is designed to assist a certain political party to win elections; programmed to assist a pre-determined winner of the election by ensuring that so many persons would discriminately be disenfranchised.^{lxiii} But despite the negative arguments, technological political education and

the application of technology in elections have become more than a necessity in Nigeria. Indeed the nation is politically backward and requires electoral reformation. If the politicians are not willing to engage modern technology, the citizens must be willing to push for it. Nigeria cannot consciously desire to be left behind in the global technological world.^{lxiv}

The process of voting is so sacrosanct that the legislations governing it should not be vague or ambiguous.^{lxv} Apart from the Nigerian Constitution and the Electoral Act, other legislations which influence elections and affect the election and post-election process, are Criminal laws, Evidence laws, Contract laws, Administrative laws, Data Protection Laws, Cybercrime Prohibition Prevention laws etc. consequently, where the Electoral Act and the Constitution are amended to accommodate development, reflective provisions in these other laws should also be amended, and novel provisions included to deal with legitimate issues over e-elections.

Ogbe and Ojie in a 2020 study, identified possible obstacles to effective use of ICT in political education and communication in Nigeria, to include: inadequate ICT infrastructural facilities; epileptic power supply; lack of high low speed internet connectivity; lack of inadequate trained manpower with ICT skills; hacking of sites; lack of technical know-how for the maintenance of both hard and software components of ICT equipment; voter access to ICT technological facilities; Voter ICT ability to operate ICT facilities etc.^{lxvi} Indeed, it must be stated that these challenges are merely the result of an under-developed society, and bad leadership.

Furthermore, Kaseem and Osasona,^{lxvii} identified legal challenges over INEC's use of smart card readers under the Electoral Act 2010 (as amended) as well as the express prohibition of e-voting which is apposite to the practices of open secret ballot.^{lxviii} However, INEC has the right to conduct the registration of persons qualified to vote and be voted for and employ any means that will lead to credible election. That is its chief function. INEC has authority to propose measures that will assist it in the achievement of the task given to it by the constitution including, the use of the smart card reader, electronic voting, electronic verification, use of biometric in voting, e-monitoring of elections, e-coalition of results etc.^{lxix} Kaseem and Osasona identified that technical difficulties such as incomplete or non-verification of voters' fingerprints, slow accreditation procedure because of poor internet services in some areas, poor knowledge of the use of card readers by both INEC officials and voters, and poor functionality of the machines are setbacks to ICT use, but these problems can be tackled with advanced technological practices.^{lxx} Their study also expressed logistical challenges such as inadequate

power supply and extra batteries to power the smart card readers, inadequate medium of transportation for ad hoc staff and electoral materials etc.^{lxxi}

Despite these 3rd world issues which are still the result of bad and ineffective leadership, the electoral process must ensure that the people's choice emerges through a transparent process. The electoral processes in many developed and developing democracies have undergone changes which include the use of appropriate technologies to make voting an easy civic responsibility.^{lxxii} Globally, e-voting is becoming a well-accepted trend for exercising electoral franchise.^{lxxiii}

Countries such as Estonia, India, Namibia, Brazil, and Australia have adopted it. Its advantages include the reduction of workload associated with processing votes, ease of compilation of election results, timely announcing of election results, and eradication of human error.^{lxxiv} With e-elections and electoral processes, Nigeria can work towards overcoming voter fraud, impersonation, multiple voting and constitute a major step in restoring public faith in an electoral system bedevilled with challenges.^{lxxv} Offering effective electronic patterns of voting, efficient use of electronic card readers, e-registration and biometric verification, e-compilation of biometrically taken votes, e-collation of result, e-monitoring and observance of the electoral process etc., could potentially reduce the time and costs of voting through physical ballots.

With time and purpose, e-elections in Nigeria would enhance electoral participation, as this is a positive step in the spirit of impressing a national spirit on the electorates and to preventing the deception and exploitation of the youth for violence and sinister acts by politicians during election periods.^{lxxvi} Nigeria should be prepared to face the challenges that may emerge when she decides to transit from manual to electronic patterns and systems of voting. Where the necessary apparatus is established to accommodate e-elections in Nigeria, the technological leap can serve as a bulwark against the incessant occasions of electoral violence and all forms of rigging that promote the challenge of over-voting.^{lxxvii}

CONCLUSION

Nigeria's political development involves the reformation of several structures of state towards a direction that engenders core values of democracy, good governance and rule of law.^{lxxviii} Introducing technological means of electing leaders in Nigeria would be the means to an end

but not the end itself. Citizens still need to hold political office holders accountable to the nation. The conduct of election at any level of governance needs to be fair to all parties because the legitimacy of constituted authority is rooted in the process of the constituting the authority. This is because election constitutes an immutable feature of true democracy as it is the constitutional means through which political power is attained, regimes changed and citizens express their satisfaction or dissatisfaction through the instrumentality of the ballot.

The implementation of new technologies involves different risks and challenges that, while not accounted for, may lead to misuse. Risks can be avoided and challenges met by an extensive public discussion and participation which includes all stakeholders as well as framing the country's specific vulnerabilities and referring to international standards and best practice. Adopting robust IT policies and programmes has been termed the most effective solution to the problems of weak democratic practice in Nigeria. Conclusively, this study recommends based on findings, the following developmental strategies towards adopting technology to tackle over-voting in Nigeria's future elections:

- a) Nigerians should strive to elect into public offices, enlightened, credible, visionary, sensitive, transparent and accountable leadership which are critical to national recovery and the restructuring of patterns of participation in the global order.
- b) There is urgent need to strengthen democratic institutions and mobilize people across gender, regional, ethnic and religious lines for the tasks of reconstruction and growth.
- c) Adequate training by experts should be given to INEC itself, as well as ad-hoc staff employed by INEC on effective use of machines and ICT employed in the voting process.
- d) Technology cannot be efficient in a country without adequate power supply. So, the future of a developed electoral system is dependent on the improvement of many other sectors.
- e) There is need to strengthen the electoral laws and other concomitant legislations to be in conformity with trending technological application. First, the Constitution should be amended to accommodate e-election. This amendment of the Constitution will give e-elections the fundamental legitimacy it needs in the event of a challenge in courts of law. The Constitutional amendment ought to reflect the principles of equality, universal

adult suffrage, and confidentiality of votes cast. The 1999 Constitution has long been due for a complete overhaul. When will the time ever be right for all stakeholders?

The Electoral Act, 2010 (as amended) should be amended to include the appropriate technological medium of conducting elections. This is not a rushed process which INEC begins one-two years before the actual elections. Long term goals requires planning and people-investment. The Cyber Crime Security Act should incorporate the stringent penal deterrence for hackers and malware code writers; likewise, the privacy of voters should be protected. The Evidence Act and a Data Protection Law are required to cover all aspects of technological use protections.

- f) Technology concerns over risks must be evaluated, researched and tested. INEC must stop using actual general elections to test new electoral processes. Voters, parties and candidates must be assured that any new system, is a system that will function efficiently. Infrastructure and equipment should be open to inspection by authorized bodies and parties' representatives.
- g) It cannot be over-emphasized that the introduction of technology in the management of Nigeria's future elections is a step in the right direction. In order to achieve this, there must be resolute collaborative efforts between the National Assembly, the Executive/Presidency and other local and international stakeholders to amend the electoral legal framework. The executive, the legislature and the citizenry must be clear on the objective.
- h) Conscious voter education should be embarked upon by INEC in order to educate the masses on the need for and use of technology in Nigeria's voting system.
- i) Finally, the unfettered independence of INEC must be ensured.

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