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Electoral Management Bodies, Information and Communications Technology and Democratization Process in Nigeria

Tunde A. Abioro [α] & Olatunji Moshood Abiodun [σ]

Abstract- One of the basic features of democracy is the presence of periodic elections, and Electoral Management Bodies (EMBs) saddled with the responsibility are faced with dynamic and multi-faceted challenges. However, comparative analyses of experiences, processes, performance delivery across developing and developed nations have shown consistent engagement with modern technologies. Nigeria, the black nation's world biggest democracy currently in the fourth republic that has spanned a record time of almost twenty years, still records negative elections reports at the pre-election, election, and post-election stages ranging from disenfranchisement, apathy, violence, vote-rigging (ballot box snatching, stuffing, vote-buying), militarization among others. Of note, the total sum of the length of the previous republics barely was ten years. However, this study examines the operational environment in which the Electoral Commission operated since the beginning of the republic in 1999 and the role technology has and can play in aiding the democratization process in the country. The work relies on secondary source of data gathering and content analytical approach was adopted. The findings revealed that the preparation, conduct and performance of Electoral Management Bodies are major determinants of power legitimization in electoral governance that strengthens democracy. However, the work advocates for a conscious and deliberate drive towards full adoption of technology at all stages of the electoral process in the country.

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I. Introduction

> …the establishment of a viable democracy in a nation is no longer seen as the product of higher levels of modernization, illustrated by wealth, bourgeois class structure, tolerant cultural values, and economic independence from external actors. Instead, it is seen more as a product of strategic interactions and arrangements among political elites, conscious choices among various types of democratic constitutions, and electoral party systems (Colomer, 2000).

The basic assumption subsists that the Nigerian state is already erected on some of the fundamentals of democracy, namely: freedom, processes of periodic elections to guarantee peaceful leadership succession and constitutional stability which serves as a fulcrum of societal and governmental stability as well as opportunities for equality, justice and fair play. However, it must be pointed out that democracy is essentially based on fulfillment of conditions which are not similar in all cases but profoundly noticeable. As noted by Mohammed (2009), it is not an event but a development from various practices and not just concrete attribute especially to periodic elections.

Meanwhile, elections have become a major factor in the stabilization and democratization of emerging democracies. Universally in democratic states, it represents the lifeblood of modern democracy and the frequency, fairness and openness of such elections are crucial to the political stability of the polity. Thus, the extent to which election advances democratic order depends largely on the existing electoral system. Animasaun (2010) opines that consolidating democracy in Nigeria through credible elections has remained albatross. Due to the importance attached to elections in democracy, its conduct is accorded utmost attention and importance, especially in developing democracies (Dode, 2013). To this extent, the discourse on the establishment, conduct and performance of Electoral Management Bodies (EMBs) in Nigeria is necessary. Meanwhile as regards the conduct of credible election and naturally democratization, Hague and Harrop (2001) express it implies high respect for human rights and freedoms, including: freedom of speech; freedom of association; freedom to register as an elector; a party or a candidate; freedom from coercion; freedom of access to the polls; freedom to vote in secret; and freedom to complain.

However, the operational environment in which the Electoral Commissions have operated since the beginning of the republic in 1999 and the role technology has and can play in aiding the democratization process in the country are thus examined. The study undoubtedly recognizes the role of election in democratic process; it further aims to dissect the effects of ICT in ensuring and enhancing better capacity and output of the EMBs. It is thus limited to the EMB of the fourth republic, that is, the Independent National Electoral Commission (INEC) and the use of ICT in galvanizing the electioneering process. The study

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is structured to discuss elections; election managers; and technology especially in the fourth republic. Based on the research findings, recommendations are made and conclusion drawn.

II. Elections: Nigeria's Fourth Republic Experience

The Nigerian electoral system is replete with several experiments since 1922 on how best to make the votes count. From the traditional Direct Open Ballot System (DOBS), to the Modified Open Ballot System (MOBS), and the present Open Secret Ballot System (OSBS). Currently, the country runs a single-member constituency type with competitive multi-parties and the first past-post winner system (INEC, 2008). The present voting method requires the voter to have been formally registered, accredited, presented with a ballot paper, proceed to confidential thumb impression, and then cast a vote before manual sorting and counting of votes cast which will precede the announcement of winner.

In perspective, Obiyan and Olutola (2013) consider the 1999, 2003 and 2007 general elections as epoch-making events in the political history of Nigeria. As the 1999 elections provided opportunity towards democratization in Nigeria after the failed democratic process that followed the annulment of the June 12, 1993 presidential election, while the 2003 election provided the platform for an uninterrupted eight-year civil rule. The 2007 elections produced for the first time, a seemingly peaceful transition from one democratically elected civilian government to another for the first time since the political independence of the most populous black Africa nation in 1960. After the demise of Umaru Musa Yaradua as sitting President, on the 10th May 2010, the erstwhile deputy became the President, ran for an election and won in 2011 and significantly in 2015 after losing at the general elections to the candidate of the opposition party transited government to another civilian regime.

The conduct of elections through democratization is a continuous and repetitive process. Within this cycle, the electoral process consists of several phases, in all of which technology can play a key role. These include the design and drafting of legislation, the recruitment and training of electoral staff, electoral planning, voter registration, polling, counting, tabulation of results, declaration of results and the resolution of electoral disputes and reporting, auditing and archiving.

However, Aeneas Chuma, *the UNDP Resident Representative from Kenya, while addressing the ICT Thematic Workshop on 5 March 2012* states that supporters believe technology can solve most elections related problems while critics believe it can dilute the core essence of democracy. The drive of this study is to lay a basis for the consideration that appropriate technology can not only promote free, fair and credible elections, but also strengthen power legitimization and relation to enhance democracy.

This study adopts the framework ideology of Acemoglu and Robinson (2006), they contend that democracy is thought of as a situation of political equality and characterized by its relatively more pro-majority policies capable of strengthening participation, transparency and accountability. Often, pro-majority policies coincide with pro-poor policies, especially a greater tendency to redistribute income away from the rich towards the poor. Meanwhile democratic elections have proved to be a window to understanding how those in power treat citizens and respect citizens' right to participate in government and public affairs. As elections depend on the exercise of political rights by citizens and political competitors, they are an important test of the integrity of democratic institutions just as genuine and credible elections are a prerequisite for achieving democratic governance.

In a concise disposition, Obiyan and Olutola (2013) observed that elections serve at least two purposes: first, it serves as an instrument of legitimization for the state and those who manage the position of the state power; second, it is capable of ensuring political accountability and stewardship. Following Johnston (2001) that electoral system matter because of the outputs they deliver which are first and foremost a party system enshrined and out of that party system, a pattern of government formation subsist. Notably, the reason for political contestation is either the struggle to retain power by a group on the one hand or the struggle to take such from another, however, with the purpose of controlling the affairs of the state and delivering on responsibilities that will have impact in the lives of the citizenry.

Observably, the quality of any election is determined largely by the appropriateness of the overall electoral process: the quality and possibility of all players (electoral managers, political parties, other governmental and nongovernmental institutions and interest as well as the people) to follow the electoral law with total commitment and compliance; and the institutional preparedness by election managers in the areas of the voters' register as well as free, fair and credible voting system. In order to be effective and efficient in the discharge of the responsibilities, national electoral commission has introduced varying degrees of technology to enhance improved service delivery.

Globally, the past two decades have witnessed competitive elections that became the norm in many African countries. However, in nations such as Ghana, Mauritius, and South Africa, successful elections have helped consolidate nascent democratic institutions and enhanced prospects for greater economic and political development. In other countries, such as Liberia and Sierra Leone, credible elections have paved the way for national reconciliation and a return to democratic rule

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after decades of armed conflict and civil war. On the other hand, flawed elections in countries such as Kenya and Zimbabwe have led to violence, loss of lives, and destruction of property, and have further polarized political discourse (NDI, ACSS, IFES, OSIWA, and UNDP: 2009). Meanwhile, in developed nations like the United States of America, advanced use of technology have aided the voting method that evolved from Lever Machines to Punch Cards, Optical Scanning and now Direct Recording Electronic (DRE) machines (Cranor, 2001).

III. Understanding the Election Management Body in Nigeria

The responsibility of election managers and the importance of the choice of voting systems go a long way in determining the conduct and performance of any election (Ozoh, 2006). Mohammed and Bashir (2010) further express that election managers strive to uphold voter intent, thus, the manner of actual authentication of registered voter, balloting, vote tabulation, collation and transmission of results is of paramount concern to any election administrative body. On another hand, Tlakula (2007) observes that over the years, there has been growing consensus on what features constitute an acceptable legal framework for elections. However, much of these generally acceptable frameworks are based on international standards such as the 1948 Universal Declaration of Human Rights; the 1966 International Covenant on Civil and Political Rights; the 1981 African Charter on Human and People's Rights; the African Charter on Democracy, Elections and Governance; and New Partnership for Africa Development all of which Nigeria is a partner.

Meanwhile, IDEA (2006) lists the likely components of the term legal framework for elections to reflect all legislation and pertinent material or documents which have a bearing on elections. The legal framework for the conduct of elections will typically include; the Constitution, peace agreement, electoral law, other legislative acts dealing with other aspects of elections, rules and regulations, instructions and directives; and codes of conduct for political parties, for election officials and for election observers.

However, Nigeria's electoral managers of the fourth republic which is the Independent National Electoral Commission (INEC) has its spine strengthened in two major and encompassing national instruments: the 1999 Constitution and the Electoral Acts as amended by the nation's federal legislature. These two documents contain rules and regulations that drive electoral governance in Nigeria. INEC was established by Section 153 (1) (f) as elaborated by Part 1 of the Third Schedule, Section F of the 1999 Constitution of Nigeria (as amended). The Commission is composed of a Chairman, who is the Chief Electoral Commissioner and 12 other members, who are National Electoral Commissioners drawn representatively from the six geo-political zones of the country. Also, there are 37 Resident Electoral Commissioners (RECs) for each of the 36 States and the Federal Capital Territory (FCT) of Abuja. INEC maintains a national office in Abuja, 37 State offices and offices in the 774 Local Government Areas (LGAs) of the country. Each of these offices is operated by staff, which constitutes the bureaucracy of the Commission.

IV. INEC, Technology and the Challenges of Credible Elections

Dode (2013) maintains that a critical element in maintaining election integrity is sound management of elections by a credible election management body. Having previously organized four General Elections in 1999, 2003, 2007 and 2011, the nations' election managers admitted it has not met the minimum standards of organizing national elections (INEC, 2011).

> The general observation is that conducting elections that are free, fair, peaceful and credible in a country such as Nigeria given its size, large population, terrain, and ethnoreligious diversity is a difficult assignment even under normal circumstances. But under the far from normal circumstances in which the new INEC had to conduct the 2011 voter registration and the elections - it was a challenging experience. The encouragement, support and assistance received from stakeholders in Nigeria and friends of Nigeria abroad and in particular Nigeria's development partners motivated the commission to do its best despite the difficult circumstances. *We knew that it would be difficult to do a perfect job and there were many imperfections with the 2011 elections,* but there is a general acknowledgment of the progress that we made.

Though poised for improvement, the perception of Nigerians and the international partners placed a burden on the Commission and the erstwhile Chairman acknowledged this in a presentation at the Chatham house, where he expressed that:

> Our painstaking approach to the 2015 general elections is informed by our perception that the 2011 polls, though qualitatively better than many previous elections, was by no means perfect. We have repeatedly promised Nigerians that we shall continue to strengthen our systems and processes to ensure continuously improving management of elections in Nigeria. Our commitment to that promise remains unshaken and so is our commitment to ensure that the 2015 elections are free, fair and credible based on the best global standards (Jega: 2011).

After that, biometric registration that involved the deployment of laptop computers at the registration center which is the defining characteristic of high-tech voter-registration methodology was introduced. To allow for a technology direct data, voter registration officials were dedicated to ensuring proper voter registration detail in a database of the Commission, as the acceptability of the outcome of any election either local

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or national is quite dependent on the programme and execution of the electoral process. Notably, the previous exercises were conducted using Manual Data Entry method, and certain problems like underage registration, multiple registration, registration of fake persons, lack of or short supply of registration materials, hoarding/stealing and buying of registration materials; and violence in the registration centers had largely bedeviled the exercise thereby jeopardizing the authenticity and credibility of the register. (Mohammed and Bashir: 2006). Bearing in mind the globally acceptable practices such as independence, impartiality, integrity, transparency, efficiency and effectiveness, service-mindedness, professionalism and accountability, that serve as the guiding principles expected to be domiciled in any national electoral manager INEC certainly has its hands filled and the adoption of technology is a *sine qua non* in achieving credible, transparent and reliable electoral outcome that will not only guarantee peoples' trust but effective for power legitimization.

Universally, election managers have readily adopted two main types of technology in the electoral process which are: Database Systems (to support Voter Registration Systems) and Geographical Information Systems (GIS, for re-districting and logistics planning). The introduction of technology therefore extinguishes human elements in election management or at least reduces it to the barest minimum. Nigeria's experience with paper-based balloting has produced challenges to election that witnessed vices such as the snatching of ballot boxes and alteration of election results. This led to the introduction of technology-based election especially the use of Plastic Permanent Voters' Card (PVC) and Card Reader Machines (CRM).

Having established that the conduct of elections world over in the last two decades or thereabout has changed in many ways (KAIPTC: 2008) identifies three main aspects of elections affected by modern technology to be: i) boundary delimitation, mapping systems, and public outreach; ii) voters registration and iii) electronic voting and publication of results.

Generally, some recently introduced technologies include:

i. *Geographic Information System (GIS):* This is used by electoral institutions in modern elections globally with Global Positioning System (GPS) and other satellite-based information that allows for the combining and analyzing of geographically referenced information;

ii. *Data Recognition:* Usually through Optical Mark Recognition (OMR) that allows for detecting the marks of the voters during voter registration as well as ballot papers. And Optical Character Recognition (OCR) which enables the computer to read handwritten characters. Also, Punch Card Systems (PCS) that store data by using hole-codes punched on cards. After which computers and scanners can recognize the information automatically;

iii. *Data Recording:* This technology allows for data recording from paper records to provided printed records of the voters action to Direct Record Electronic (DRE) systems where voters use a keyboard, touch screen, or digital pen to record the voting action; and

iv. *Data Collection and Transfer:* The technology enhances the collection, entry and transfer of data in elections. Where computers are used to collect and compile data. In this, the internet serves dual purpose of voting and transferring of data, and websites are used to inform required units of adequate information from voters' lists to election results. Land lines, mobile phones, short messaging services (SMS) and Very Small Aperture Terminals (VSAT) are also used for the collection and quick transfer of data (KAIPTC: 2009).

It is expedient that through the various motives, stages and capabilities of technology abound, the submission of GAO (2005) that the Information Technology revolution has affected election management in a number of ways is instructive, as electoral authorities use computer systems to make their internal management and communications more effective, to systematize voter registration records, and to communicate with voters, among other tasks. Though, Nigeria is among the developing nations on the globe, thus, presents a high level of complexities among which are barriers of religion and low literacy level that can hinder the full adoption of technology in its electoral process, however, the adoption and introduction can come in phases that will go in line with the nation's growth plan.

According to Umonbong (2006) the Nigeria electoral system pre-fourth republic was a single-member constituency type with competitive multiparty and the first- past-the-post winner system. The method of voting used was the Open Ballot System (OSBS) in which the prospective voter goes through a process of accreditation, receives a ballot paper from the appropriate poll official and thereafter makes the confidential thumb impression. The 2011 election was not so different except for the biometric data capturing that was introduced. Meanwhile, the 2015 elections witnessed the introduction of Temporary Voters' Card (TVC) which was later replaced with Permanent Voters' Card (PVC). Simultaneously, Card Reader Machines (CRM) was introduced to verify the authenticity of cards presented by voters. The initiative of the introduction of the PVC and CRM was to curb the ever arising electoral challenge faced by electoral managers in ensuring credible and acceptable polls. The PVCs and the CRMs however address to an extent the challenge of voters'

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number inflation in polling units, voting by proxy, and fake and multiple registrations of voters. Although met with a great deal of skepticism, misconceptions and even mistrusts in the use of new technologies, during the 2015 election, hybrid form of voting technology combines the controlled environment of the polling station with digitalized authentication and manual vote cast was initiated.

V. Issues and Challenges with Technology in Nigeria's General Election of 2015

A critical element of any election technology be it low tech, medium-tech or high tech is the extent to which it is regarded as appropriate and relevant to the context in which it is applied. Also, the identification of election technology that meets the public acceptance is as important as the election itself (Burmester & Magkos, 2003). However, most ICT development projects and initiatives in developing countries are greeted with implementation lag owing to lack of critical evaluation of social and environmental processes within which the projects are framed (Avgerou & Walsham, 2001). Within the framework of the expression here, it is not difficult to ascertain that poor ICT infrastructure is an inherent characteristic of Nigeria, as in many developing nations which pose serious challenge to the use of modern or new technology in election administration. Coupled with difficult topographical terrain of some communities, the challenges of the existing traditional voting system in Nigeria is established in that effective distribution of electoral materials is not only difficult but also challenging (LeVan & Ukata, 2012). Literacy level and religion are among the variables that determine the success or otherwise of such intervention.

There were also the initial issues of the position of the law as regards the CRM as Section 52 of the Electoral Act, 2010 (as amended) proscribes electronic voting (e-voting). Also, there was identifiable ineffective means of national identification, inadequate voters' database, inadequate trial of the technology in non-public election, inadequate requisite ICT infrastructure including electric power supply among others. However, electorates showed apprehension over the motives behind the proposed initiative as low-level computer literacy and technology phobia exist among the electorates, there were also the fears of security and reliability of the technology as there was obvious lack of adequate information on the procedures involved in the e-voting system. Technically as well, the managerial capacity to handle sophisticated technology was in doubt (Ahmad, Bt Abdullah and Arshaf; 2015). The process witnessed slow process of accreditation (procedures to be reduced to save time) and Card Reader's inability to capture thumbprints of some eligible voters who had their PVCs. At the end of the process, doubts were high as to the credibility and acceptability of the newly introduced technology owing to the failure of the CRM in some areas. The use in some quarters experienced hitches in its functionality, thereby leading to manual accreditation of voters that later exposed the election managers to negative reactions from the people.

VI. Technology to the Rescue of Challenges of Credible Election in Nigeria

In this regard, Information and Communications Technology is the set of tools used to store information and also provide the right people with the right information at the right time while also addressing issues of eliminating ghost voters, underage voting and multiple voting. Tlakula (2007) further advanced that in the modern-day of advanced technology; Information and Communications Technology (ICT) can be used beyond providing support to business processes and can also provide environments and technologies that would enable an electoral manager to deliver services professionally, efficiently and effectively at all levels.

As Nigeria is a signatory to many regional and global instruments that promote democratic principles, including the AU Charter on Democracy, Elections and Governance; ECOWAS protocol on democracy and good governance, it is expected that the nation should create an accommodating environment for the election managers to ensure progress in the democratic electoral processes that will be inclusive, transparent, accountable and designed to promote public confidence in the outcome of the process.

Animasaun (2010) identifies two major elements that have dominated electoral politics in Nigeria since the post-colonial era; i) trenchant disputation of official elections results; and ii) which is a direct consequence of the first to be, electoral violence. In the light of this, Orji and Iwuamadi (2015) opine that the necessity for the introduction and advancement in the use of technology in the electoral process is necessary, urgent and crucial, especially, considering that the level of political distrust is very high.

Also, Kagara (2004) observes that several Election Management Bodies have had to discard manual data entry method and adopt some form of automation in order to make the voters roll more credible and the introduction of technology can in no small means bring about electoral credibility which is indispensable in any democracy. Computer application is expected not only to make the process more efficient, but also to avoid having a bloated register. Conversely but with the adequate and appropriate technology, abilities of the election administrator and the people which are the most important parts of any good electoral system can be advanced. Technology has the potential

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of an ever-increasing dynamism that keeps on improving because even our needs and demands for technology keep on changing. It however should contain features that can enhance election process, maintain utmost secrecy, vote integrity and results, equality of the vote, universality of the vote, transparency, accountability and utmost public confidence (OSCE: 2013).

VII. Prospects of Technology in Election

Elections in Nigeria have been marred by the ugly incidents of electoral malpractice (Ezeani, 2004:144). Essentially, the introduction of technologies by itself would not transform the electoral process in Nigeria though it will bring about effective election administration. Currently, the Nigerian electronic voting system as proposed is an image-based integrated programme which consists of electronic voter register; eligible voters' authentication, manual-paper balloting via voting machines; and electronic transmission of results.

The ability and capacity of the system to correctly determine the voter's intent is the superior technology inherent in the e-voting methodology. According to Iwu (2008), Electronic Voting System is one of several forms of automated voting methods that employ computer technology devices, to improve several aspects of the electoral process. In most cases, it allows the conduct of elections without using the traditional ballot paper and box for choosing at an election. It incorporates largely paperless voting methods prominent among which are Electronic Voting Machines (EVM), Internet Voting, Digital TV Voting, Electronic Kiosk Voting, etc. The system provides for increased efficiency, anonymity, scalability, speed, audit and accuracy, which are major attributes of a good electoral system.

The attractiveness of e-voting to the potential voter, his acceptance of this technology as a convenient method of casting his vote are all important factors in the effectiveness of the electoral process. These issues contribute to the fairness or otherwise of the electoral process. The numerous potential benefits of e-voting adoption and the technology is of less importance if voters are not willing to accept or use it. Thus, in planning for adopting of new technology in election administration in Nigeria, the robust nature of the technology is not as important as the risk of accepting it. However, the role of biometric voting technology in improving free, fair and credible elections has not attracted much attention in the literature. Still, it has been widely acknowledged by officials of EMBs and pro-democracy activists as it emboldens many disenchanted voters to exercise their franchise because of the assurance and confidence that the new system brought as recent innovations in Information and Communications Technology is attractive because many decision-makers as well as citizens believe that it can solve major problems associated with elections or assist election managers in overcoming public doubts and lack of confidence in the electoral process.

VIII. Recommendations

Major obstacles to the practice of democracy in Nigeria include the incidence of an intolerable political culture to the e-voting proposal (Idike: 2014). It is expedient that a country that follows democratic principle accepts elections as a backbone of democratic processes that should ideally be trusted by everyone through the instrument of modern technology. Bearing in mind that the performance of any electoral manager in the modern state is closely tied to the application of technology, thus, to achieve the desired electoral transparency and trust, the recruitment and training of the members of staff of INEC should cut across all Departments and not the Information and Communications Technology (ICT) Department alone.

Also, the introduction of new technology should be accompanied with adequate voter education. Resources and qualified personnel should be tested as a pilot before nation-wide replication. At the same time, governments should build and upgrade institutional and academic infrastructure to ensure and accommodate familiarity with technology among the people while human and financial resources should be provided for such. Lastly, the dynamic, quality, affordability, maintenance and sustainability of to-be-procured technology should be held high in the mind of government and election managers while international partners from advanced nations to support in supply of modern technologies should be encouraged, it must not jeopardize the economy and security of the needy state. Most importantly, any technology proposed must comply with political, social, legal and institutional establishment of the country.

IX. Concluding Remarks

This study contends that democratization in the fourth republic has been confronted by institutional challenges such that has made democratization processes a herculean task with distrust in the electoral process. Thus, the increasing urge and relevance of the need to introduce technology in electoral process is daily and widely gaining currency globally irrespective of the status of nations either developed or developing and this could partly be as a result of population growth and modernization as well as improved way of conducting the business of elections.

As technology is introduced in Nigeria's election, without doubt, it will be used even more broadly in future elections and the integrity of elections will increasingly depend on their proper functioning.

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Notably, systems are not perfect anywhere in the world as even the most advanced democracies have their issues to contend with, for instance, in the US state of Florida during the 2004 elections, there were voting machines that started counting backward once a specific number of votes had been cast. In North Carolina, election officials had over-estimated the storage capacity of voting machines which led to several election having to be re-run because the margins between the top candidates was less than the number of voter that may not have been recorded. However, it must be noted that in any environment that technology is to be introduced in future elections, adequate knowledge of the machine should be known by both the election manager and the voters so as to ensure public confidence in the electoral process which cannot be achieved automatically. In fact, one may be right to say a way of comprise and malpractice during the process of election can come through "technology gimmick" that can easily confuse the voters.

In all, election remains one of the most important pillars of democracy. Indeed, it is a necessary condition for democracy because it provides the medium for expressing the core principles and purposes of democracy such as the sovereignty of the citizens, freedom, choice and accountability of political leaders. To serve these purposes of democracy, elections must be seen to be free, fair and credible and as ACE and CLEEN (2014) opined, the notion of free and fair election expresses several conditions including absence of manipulation, violence and fraud as well as impartiality of election management authority which technology can further enhance.

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