

# Voting System and Electoral Malpractices in Nigeria: A Case Study of the Fourth Republic of Nigeria

Ukpong, Prince Jacob<sup>1\*</sup> (PhD) Mfon Andrew Udoh<sup>2</sup>

1. Directorate of Entrepreneurship Services, Topfaith University, Mkpatak-Nigeria

2. E-Librarian-Topfaith University, Mkpatak-Nigeria

\* Email of corresponding author : [pj.ukpong@topfaith.edu.ng](mailto:pj.ukpong@topfaith.edu.ng)

## Abstract

This paper examines the effect of voting system and electoral malpractices in Nigeria with the fourth republic as the case study (1999 - 2023). In carrying out this work, two theories will be used: game theory will be used as the first context in the area of study, to explain reasons for why electoral malpractices is inherent in Nigeria voting system while the theory of E-Democracy will be used as the way forward for electoral malpractices and violence in Nigerian voting system. Game theory is a theoretical framework used in the explanation of many phenomena in political science, politics, economics, psychology etc, and game theory is simply a systematic study of strategic interactions among rational individuals. A popular example of game theory in politics is the sum zero game, the sum zero has to do with which one player winning all and others losing all. In the context of election in Nigeria with reference to “to first win the post” as the dominant type of electoral system in Nigeria, two things are usually involved which is; the winner wins all and the loser loses all, as the result of this, political actors device all forms of strategy to win an election in the political actors often take advantage of the lapses inherent in the traditional paper voting system in Nigeria to advance their interest. This is through rigging, electoral violence, ballot box stuffing, falsification of electoral result multiple voting etc. the exercise of franchise is the fulcrum on which democracy revolves. Unfortunately, anti-democratic practices such as underage voting, snatching of ballot boxes, denial of voting rights to qualified physically challenges and deliberate falsification of vote figures to favour a particular candidate have greatly bastardized the democratic procedure. This scenario has simply placed a question on the Nigerian democracy.

**Keywords:** Elections, Electoral Process, Independent National Electoral Commission (INEC), E-voting (Electoral Voting), Electoral Malpractices, E-democracy theory.

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## 1.0 Introduction

Election is an essential ingredient of every democratic society. Nigeria, like every other democratic society uses election to elect their representatives. Election started in Nigeria in 1922 during the colonial era when the election for the Lagos and Calabar legislative council was conducted. After the colonial era that heralded Nigeria into the independent era, elections have been the medium of selecting representatives. Although the electoral and democratic Nigeria was halted by several military regimes starting from 1966, which ended the first democratic republic, in 1979 the military handed over power to the civilian and thus leading to the second republic. Shortly after the 1983 general elections, the military again toppled the civilian government which led to the end of second republic. In 1983 the military had plans to hand over power again to the civilians and this led to the 1993 elections which mark the beginning of the third republic in Nigeria, but since the military government of Ibrahim Babangida was not comfortable with the 1993 presidential elections result, this led to the demise of the third Republic when the military toppled the interim civilian Government that same 1993. In the quest to fully democratize Nigeria, the military handed over power to the civilian in 1999 which began the return to democracy.

With reference to the above analogy, Nigeria has had several elections but the emphasis of this study is on voting system and electoral malpractices in Nigeria. Since voting system revolved around an election, election is the process of aggregating people’s preference for a political party, candidate or policy. On the other hand voting system is the way, format and manners through which an election is being conducted and the electorates vote during an election.

Basically there are two types of voting system which are, paper ballot voting system and the electronic voting system. Elections can neither be free, fair, and credible nor vice versa (electoral malpractices). There are claims that the outcome of elections depend on the voting system.

Nigeria uses the paper ballot voting system, a situation where the electorate’s will go to the polling unit, after being successfully accredited will be given a paper ballot to thumb an ink on the party he is voting for, after which the votes are being counted manually and result announced.

In every election in Nigeria there are claims of electoral malpractices. Nwabueze 2003, sees electoral malpractices as “illegal act done with corrupt, fraudulent or sinister intention to influence the election in favour

of a candidate". Nigeria elections have fit into Schedlers (2002) phraseology the "menu of manipulation" which range from vote buying and selling, falsification of election results, ballot box snatching, violence etc. since 1999 the outcome of elections have scarcely reflected the will of the people. This nagging electoral phenomena has cast doubt on the evolution of a viable democracy in Nigeria (Aluaigba 2002).

In the quest to curb the electoral frauds, INEC procured ICT device such as the Smart Card Reader (SMR) and many other especially in Fourth Republic Elections, notably from 2003 (optical magnetic Recognition Form (OMR Form), for the purpose of voters recognition through the use of Automated Fingerprint Identification System (AFIS), in 2007 Elections device such as; Direct Data Captured Machine (DDCM) which displayed photograph of the voters and enhanced the use of fingerprints and Electronic Voters Register (EVR). The 2011 Elections made use of same technology used in 2009 Elections but the technologies were more effectively used than in 2007. In 2015, Direct Data Captured Machine (DDCM) was also used with improved Automated Fingerprint Identification System (AFIS), INEC Voters Authentication System (IVAS), Continuous Voters Registration (CVR) with an Electronic Voters Registers (EVR), Smart Card Readers (SCR), permanent voters card were issued out while in 2019 Direct Data Capturing Machine (DDCM) was also used with Continuous Voters Registration (CVR) through an Electronic Voters Registration (EVR) with Electronic-collation Support (E-Collation) for E-Transmission of election results.

With the highlight of the above, voting system in Nigeria has been traditionally paper voting system which overtime has been manipulated but the political gladiators through: rigging, falsification of result, multiple voting, underage voting, electoral violence etc. in a way of curbing but not completely ending the epidemic of electoral malpractices which is inherent in Nigeria's voting system, a combination of the traditional paper voting system with some element of E-voting system in recent times was introduced into the voting system in Nigeria.

The disturbing reality in Nigeria voting system is that it does not guarantee free and credible elections. Dode (2010) rightly argued that the democratic experiment for the Fourth Republic in Nigeria" has not scored high when placed in the same matrix with countries that are heading towards stable democracy" this is due to weakness inherent in the voting system which politicians often manipulate for a specific purpose. This has led to electoral malpractices manifesting in many fold in every election in Nigeria. Lack of credibility in elections in Nigeria has led to voter's apathy during elections period. The most disturbing reality is the post election cases that always flood the courts as a result of the losing an election party(ies) always challenge the outcome of elections if not in all, in most cases which expresses lack of confidence on the voting system. Another problem associated with voting system in Nigeria is that of violence. A reference could be drawn to the comment made by the president Muhammadu Buhari the then Presidential candidate of Congress for Progressive Change (CPC) that "his supporters were not allowed to vote in the Southern part of Nigeria during 2011 Presidential Election", this accusation and counter accusation spark off post-elections riots in Northern Nigeria and almost 1,000 people including National Youth Service Corps members were speculated to have died in the riot, this was reported by ([www.bbcnews.co.uk](http://www.bbcnews.co.uk)). This comment was as a result of disbelief he had in the voting system in Nigeria. So many voters in Nigeria today believe that their votes do not count.

The exercise of franchise is the fulcrum on which democracy revolves. Unfortunately anti-democratic practices such as falsification of voters register, underage voting, snatching of ballot boxes, denial of voting rights to qualified physically challenged and deliberate falsification of vote figures to favour a particular candidate have greatly bastardized the democratic procedure. This scenario has simply placed a question on the Nigerian democracy. Worst still, political office holders that assumed leadership positions through such flawed and faulted procedure operate like hirelings, not caring about the need to work for the interest of the electorates but will concentrate on self-enrichment and that of their godfathers and cronies. The end results of this situation are further impoverishment and subjugation of already poverty-stricken citizens and further depletion of already ailing economy. More often than not, the traditional paper type of voting has given rise to many intractable electoral irregularities which have marred the possibility of recording free, fair and credible elections in Nigeria. These challenges and irregularities have scuttled the real essence of democratic governance. This study seeks to examine the voting system and electoral malpractices in Nigeria.

## 2.0 Literature Review

### 2.1 Conceptual Analysis "Voting System"

According to Wikipedia.org, voting is a method for a group, such as a meeting or an electorate in order to make a collective decision or expression an opinion usually following discussions, debates or electoral campaign. It also sees voting as a formal expression of an individual choice or against some motions (for example a proposed resolution), for or against some ballot question, for a candidate or political party. Voting system is often mistaken to mean the same thing with Electoral System.

Before considering the lines between both concepts, election means the process of aggregating people preference for a policy, political party or candidate.

Voting and electoral system revolve around election. Electoral system are the various forms through which

an election take place while voting system are the formats, methods and processes through which election is conducted and the winners are determined. To further stress on differentiating the both, Electoral System can be categorized into; first-past-the post (winners take in all), majority Representation (base on majority percentage vote) and Proportional Representation (base on proportional percentage of vote) on the other hand, the type of voting system includes; ballot system (open and secret ballot system), E-voting System, (punch cards, optical scan, direct records and inter based electronic voting system) and mixed voting system which is a combination of electronic and ballot voting system. In Kuye et al “Design and Analysis of Electronic voting system in Nigeria” page 16; the Nigerian Electoral System is discussed to be single member constituency type with competitive multiparty and the first past the post winner system. The method of voting used in four out of five elections, that is, in 1979, 1983, 1999 and 2002 was secret ballot system, a method in which a prospective voter goes through a process of accreditation, receives a ballot paper from appropriate poll officials and thereafter makes the confidential thumb impression in favor of the political party or candidate of choice in a secret voting compartment before dropping the ballot in the box positioned in the open, in full glare of officials, security and party agents. In 1993 Elections, the open ballot system was adopted, a system in which voters filled behind the party symbol or photograph of the candidate of choice. Voters were physically counted at the close of polls and the result declared to officials, security and party agents. Although this method was simple and produced what many often described as the fairest and most peaceful elections in the country, Albeit maintained that 1993 Presidential Election was cancelled.

The Independent National Electoral Commission (INEC) is a non-partisan Nigerian government agency charged with the responsible of conducting and supervising elections. With advent of the fourth republic, INEC began modernizing its information technology infrastructure by adopting some Electronic voting device like Smart Card Reader, Electronic Register, Automated Fingerprint System etc. which is noted to have curb some areas of electoral malpractices with specific reference to multiple to over and underage voting.

With references to the April 26, 2011 General elections the current voting system in Nigeria has not given the desired result needed. Rigging has been the common problem that is facing the general electoral system, these and many others manifested through ballot paper hijack, incorrect thumb printing, delay arrival of electoral materials, resorting to large queue, hence discourage the voters interest in the voting process, inaccuracy in collecting and counting of vote. Although the current voting system as mitigated some issues relating to electoral malpractice as earlier mentioned to include curbing over voting and issue of multiple voting, voting due to the use of electronic voters register; that consist of all voters profile and Smart Card readers that reads the profile of each voters, verify the prospective voter and authenticate the voter before such vote can vote, but nevertheless the current voting system in Nigeria is yet to meet up with the International Standard for the provision of viable, successful and generally accepted elections in the 21st century democracy, Udu (2015) also discussed that there were still issues of underage voting and multiple voting in 2015 general election in Nigeria. The disturbing reality about this paper voting system is that it is very vulnerable and it is often manipulate to favour a particular candidate or party. For example, the ballot box that contains the vote casted in some election are snatch away from the polling units, voters in recent times have been induced financially to vote for a particular candidate or party; election result are also falsified by the electoral officials to favour a particular candidate. Another problem associated with paper voting system, votes are collated manually as such due to lack of collation skills on the part of the collation officers or error take place at the court of counting of vote due to human limitation to mistake. All this do not mean well for Nigerian democracy. It is against this that many lovers of democracy scholars in politics like Nnaeto Olusadum and Ndo Anulika (2018) have objectively deducted that the paper ballot voting system in Nigeria constitute electoral malpractices due to the political actors capitalizing on its vulnerability.

## 2.2 Electoral Malpractices

Scholars seeking to define and categories practices that undermine electoral process have generally used one of two basic approaches which have termed inclusive and restrictive (Vickery and Sein, 2012), they conceived inclusive (Fraud, malpractice and Manipulation) to be as broad as possible, no matter the imprecision. Some writers in this category situate their definitions on normative findings; that electoral wrongdoings, and it makes obvious sense for the election management body to use the countries domestic laws as benchmarks in its fraud or malpractices control activities.

Electoral malpractice has been categorized into three types, pre-election, election period and post-election period (Norris, 2012, Olawole, Adewinmi and Oluwole, 2013, Ugwuja, 2015). The manipulation of rules, the manipulation of voters and manipulation of voting (Birch, 2010) by manipulation of rules, electoral laws are distorted so as to favour one party or contestant in the elections, for examples when the rules administering candidacy “prevent certain political forces from contesting elections, or when large sectors of the adult population are excluded from voting”. The manipulation of voters is either to distort voter’s preferences or to sway preference expression. The first one involves “illicit forms of campaign tactics that are deceptive and that

violate campaign finance laws or severe bias media coverage of the election”. The second form, consist of “alteration of how preferences are expressed at the polling station through vote buying or intimidation with the aim of increasing the vote of a specific political force”. Voting manipulation consist of electoral maladministration, such as ballot – box stuffing, misreporting, “under-provision of voting facilities in opposition strongholds, lack of transparency in the organization of the election, bias in the way electoral dispute are adjudicated in the courts and so on, Right to vote is rather a public function conferred upon citizens for reason of social expediency (Olawole, Adewunmi and Oluwole, 2013:11). There is strong relationship in Africa’s electoral malpractices “with the type and forms of historical system practiced by each society, coupled with the class structure, social stratification, aestheticism and religious differences”. Thus conclude that “until elections become completely competitive and the electorates are free to make a choice between alternative and that a liberal political system is put in place, there will always be electoral malpractice”. In Africa, the scenario is “a curse to the electorate and a gimmick played by politicians who seek to legitimize the illegitimate practice of coercing citizens into voting for them on the backdrop of rampant electoral rigging” (Mapina 2013:88)

**2.3 INEC:** The acronym INEC means Independent National Electoral Commission. It is an electoral umpire saddle with the responsibility of conducting elections at the federal level viz Senate and House of Representatives in Nigeria. INEC has a National Headquarter in the Federal Capital Territory of Nigeria (Abuja) with 36 States and Local Government Headquarters across the 36 states in Nigeria and 774 Local Government Area of Nigeria. Nationally INEC is headed by a Chairman and headed in the states through a Resident Electoral Commissioner (REC) and headed in the Local Government by an Electoral Officer (EO). INEC was established in 1998 to conduct and Election in 1999 that heralded Nigeria to the Fourth Republic.

### **2.3 History of Electoral Malpractices in Nigeria (1922 – 2019)**

Ebirim (2013) sees electoral malpractice as a process by which rule and regulations that govern the conduct of election are manipulated to favour specific interest. To understand the challenges of electoral malpractices, there is need to examine the trend of events and issues of political violence and electoral malpractices that have taken place in Nigeria political history.

Odama (2010:1) noted that the history of elections via political violence can be examined in four phases, election during colonial period, election in the first years of Independence 1960 – 1965, elections during military rule and autocracy and today’s civilian fourth republic. He noted that the background of electoral violence and malpractices in Nigeria dates to before 1960. He stated that when the British colonial masters conducted the first election, the legislative council election in Lagos and Calabar from 1922 that culminated in the 1958/59, there was documented evidence that the British took decisive measures to rig each set of elections that they presided over.

Any serious description of the challenges of democratic government, electoral malpractices and violence in Nigeria should consequently mention albeit briefly the attendance effort of spilled over from colonialism to successive elections conducted after the colonial era in Nigeria. The problem intensified with the 1964 General Elections. Despite an all-party agreements reached to ensure a free and fair election at the meeting called by the then prime minister, all agreements reached were widely breached. Specifically the agreements to lift bans on rallies in the North were denied and mass arrest, detention, intimidation of its candidates, copious evidence of which was submitted to the President, United Progressive Grand Alliance (UPGA) demanded postponement of the elections, the Government refused and UPGA boycotted the elections. Despite the boycott, election purportedly went on in Northern and Western Nigeria and the Federal Territory (Lagos) where the Government was in control. The boycott was effective in the National Convention of Nigeria Citizens (NCNC) controlled areas – the East and Midwest. On account of boycott, the Nigeria National Democratic Party (NNDP) despite its unpopularity, as evidence by the absurdly low votes it received even without opposition, claim victory in the West. In the aftermath of this travesty, the Western region became engulfed in possibly bloodiest civil resistance to the government and its sympathizers that they country had ever seen which led to the military takeover in 1966. Ademoyega (1981:19) opined that “the elections in December 1964 turned out to be a farce. It was completely boycotted in the Eastern Region, where the NCNC Government used it powers o ensure that no election held. It was partly boycotted in the West, North, Midwest and Lagos, with the effect of the election lacked credit and was nationally unaccepted. However, while the UPGA rejected them, the Northern People’s Congress (NPC) and its allies of NNA, which single handedly carried out the elections accepted them, thereby culminating in a National stalemate cited in Osinbajo, 2008).

Three elections conducted during the period of military rule were the elections of 1979, under the first coming of General Obasanjo, the 1992 – 1993 elections under General Abdul Salami Abubakar. Each of these elections was equally controversial. The 1979 elections came up with so called twelve – two – thirds controversy that was resolved summarily by the military. The elections of 1992 – 1993 were frequently delayed, cancelled, postponed and adjusted to produce a result predetermined by the military. The result of June 12, 1993 elections were not only criminally and brazenly annulled with reasons that the military government were uncomfortable

with it. An association for Better Nigerians filed a case in the Law Court and obtained an injunction against the election result and went on to campaign for the continuation of the military regime. The cancellation of the result of the June 12, 1993 General Elections aggravated inter-ethnic tension and hostility which led to the end of the Nigerian dreamt third republic. The 1999 elections occurred with flawed electoral rules, without a legitimate and valid constitution, and with electoral ageing being under the control of the military, this led to speculations that the results were predetermined.

From 1983 onwards, six sets of elections conducted under the civilian dispensation are; the General Election of 1983, under the Shehu Shagari National Party of Nigeria (NPN) Government, the general Election of 2003 and 2007 under the Olusegun Obasanjo, the 2011 and 2015 general elections under Dr. Goodluck Jonathan administration, all by the People Democratic Party and lastly, the recently concluded General Elections in 2019 by Muhammadu Buhari of All Progressive Congress (APC). 1983 elections were known to be characterized by misuse of power of incumbency, money and politics of bitterness and intolerance inherited from the first republic (Ogbeidi: 2010:40). In the 1983 elections, the ruling party (NPN) government did all sort of election offences from voting registration, voting process and actual vote cast were grossly distorted. To produce the so called – landslide and bad wagon effect, the order of the election were reserved and voters register inflated that the presidential election be held last, the ruling government decided which election that came first. Onike (2009), assessed that the “2003 General Elections dismayed and scandalized the ruling party’s open the brazen resort to manipulation and forgery of election”. The election was characterized by rigging, ballot snatching at gun point, criminal manipulation of voters list and falsification of election result. The 2007 election on the other hand was a product of do or die affair, according to Williams (The Nation, Oct. 8 2009, page 41 and 42), the 2007 election was adjudged as the worst in the political history of Nigeria. The head of Election Observers Mission (EOM) and European Union (EU) remarked the 2007 election to be far from the basic standard for democratic election. It was marred by very poor organization, lack of essential transparency, widespread procedural irregularities, substantial evidence of fraud, widespread voters disenfranchisement and numerous incident of violence (cited in National Daily, June, 2010).

The survey of disputed elections in Nigeria should reflect the 1999, 2003 and 2007 election report that showed a consistent and continued pattern of political violence which included the killing of candidates, intimidation of voters and harassment of politician. Security officers and the police in particular, were widely criticized by national stakeholders and International observers, for their failure to protect voters, abuse of human rights, failure to uphold the Law and in some cases direct complicity in election disruption, violence, vote rigging, intimidation and ballot box theft. In the case of 2011, although commended to be the best in the history of Nigeria by EOM, cases of stuffing of ballot boxes, underage voting and outright falsification of election results were still reported in some state. In fact with regard to the “post-election violence” – “121 dead” in Kaduna 50, Kano 30, Bauchi 16, Kastina 8, Gombe 17 and Displaced “15,000”. The story continued on it page 2, post-Election Riots: 70 corps members escape death in Minna”. Those involved were all National Youth Service Corps (NYSC) members. Still on same page “Election Violence: 19 orders state commissioners on Red-Alert”. And a post-election crisis: FG sends reinforcement to Kaduna” (cited in Omotayo: 2011:1) as displayed in the front pages of the “leadership Newspaper” Wednesday April 20, 2011. In 2015 general election that Nigerians witnessed for the first time an incumbent losing to the opposition that is former President Goodluck Jonathan of the PDP losing to President Muhammadu Buhari. Even when Jonathan conceded defeat, they were still report of underage voting and over voting in the North, ballot theft, vote buying etc which also did tempered on the credibility of the election.

In the just concluded 2019 general election, they were report also regarding electoral malpractices which ranged from violence, intimidation of voters, vote buying and selling, ballot box snatching, militarizing the election etc. this led to so many post-election cases flooding the court to seek for redress after losing the election.

#### **Effect of Electoral Malpractice on Nigeria’s Democratization**

Electoral malpractices are undoubtedly an impediment to the democratization process. This is especially true in countries that have scaled the hurdle of transitioning from authoritarian to democratic regimes and are navigating the political contour of transitioning to a consolidated democracy. Having gone through the bitter experience of electoral corruption since 1999, there are a number of ways Nigeria has been affected or will be affected by the problems created by the conduct of elections devoid of transparency. First, electoral malpractices tend to accelerate the level of voter apathy in a population. People refrain from voting in subsequent elections if previous of current polls are ‘won’ through vile means like rigging, false declaration of losers as winners, and bribing of electoral officials. In the 2011 general elections in Nigeria, the 26 April 2011 Gubernatorial/State House of Assembly polls had a very low voter turnout because of the real or perceived duplicity that had taken place in the 9 and 16 April National Assembly and Presidential elections respectively. The general feeling among Nigerian voters was that their votes were not going to count. Whether they voted or failed to vote ‘winners’ must emerge through “politricks Nigeria style” (Lustig 2007, p.8). This trend is dangerous for the maturity of Nigeria’s democracy. Second, in a country like Nigeria that is democratizing, frequent recourse by

politicians to fraud to win elections defeats the *raison d'être* of elections as the basis for legitimizing the occupation of political office and the exercise of political power and authority that accompanies it. Elected political office holders who won elections through rigging will, for instance, be lethargic about accountability to the electorate or voters. This apathy results from the notion that they bought their way through money and were not voted into office. This tendency illustrates why 'the much anticipated "democracy dividend", whether construed as improvements in governance, stability, or economic welfare, has not materialized' since 1999 (Lewis 2003, p.131). no doubt, there has been concerted grumbling among Nigerians voicing their dissatisfaction with the performance of their elected public office holders, as evident in the 9 January, 2012 mass agitation to protest the hike in fuel prices by the administration led by Presented Jonathan. Third, the Nigerian experience has shown that when the contest for elective positions by politicians is perceived as an investment – the return of which must be recouped once they win elections and enter office (Ilo 2004, p.25), there is a tendency for heightened larceny from the public treasury. It follows that democracy dividends can never be delivered to the electorate, because money meant for public projects is diverted into private pockets as rents, pre-bends and rewards to 'godfathers' who sponsored the public office holders. This pattern indubitably will jeopardize Nigeria's quest for a consolidated democratic heritage. Table 1 below illustrates the rising level of corruption exemplified by looting of the public treasury in Nigeria since 1999. The rating of Nigeria by Transparency International (TI) between 1999 and 2012 shows that the country has declined in its position on the TI rating (Table 1). Nigeria was rated better in 1999 than in 2012; after 1999, the country took several steps backwards in Ti ranking because of the increased level of corruption in the public domain. However, since 2015, Nigeria's rating by TI has improved remarkably, ostensibly because of the anti-corruption crusade under the new administration ed by President Muhammadu Buhari.

**Table 2.3.1**  
**Years perception index and ranking of Nigeria by transparency International**

Year	Position Occupied by Nigeria	No. of Countries Surveyed	Score
1999	98	99	1.6
2003	132	133	1.4
2007	147	179	2.2
2011	143	183	2.4
2012	139	176	27

*Sources:* Compiled from the following Transparency International Website:  
<http://www.transparency.org/cpi2011/results>  
<http://www.transparency.org/research/>  
<http://www.transparency.org/cpi2011/results>

Fourth, continual reliance on corrupt practices such as rigging, intimidation and violence to obtain victory in elections can ignite political protests. Such protests can – either rapidly or slowly – degenerate and metamorphose into full-fledged anarchy. The heightened level of violence and terrorism that exacerbated insecurity in 2012 in Nigeria, especially through the activity of the Boko Haram Sect (Walker 2012), gathered momentum after the post-election violent protests in the North, following the election on 18 April 2011. The general view in the North was that the protest were the result of perceived cheating in the 2011 elections, which had produced former President Jonathan of PDP as the winner, while the favourite candidate in the North – retired General Muhammadu Buhari (Rtd). of the Congress for Progressive Change (CPC) – had lost. Similarly, in 1993 the annulment of the 12 June 1993 presidential election by the military junta of General Ibrahim Babangida, presumed to have been won by Chief MKO Abiola (a Yoruba man), was interpreted mostly by the Yoruba in Nigeria's South-West Zone to have been rigged out of the country's political process. This led to a momentous political crisis that threatened the unity of Nigeria. Studies have shown that violence, vote buying, negative use of money and so on are impediments to transitioning to a viable democracy, and are anathema in a country that is serious about consolidating its democracy (Aluaigba 2010; Bratton 2008; Obadare 1999).

Fifth, in a pseudo-democracy like the Nigeria variant, where elections are fraught with malpractices, the values of political parties as a vehicle for peaceful transfer of power is also defaced. This is always the case where there exists a strong ruling party whose control of power weakens other opposition parties because of its political might. At a point, members of these opposition parties cross the carpet to join the ruling party. This trend makes politicians evermore less principled in their political conduct because the obsession to acquire political power in order to amass illegal wealth outweighs all other considerations, including integrity and reputation. In the build-up to the 2007 elections, while many members of other opposition parties defected to the ruling PDP, key members of the PDP – including the Vice President under former President Obasanjo, Alhaji Atiku Abubakar – defected to the Action Congress (AC) party, now called All Progressive Congress. This paved the way for Atiku to run as the party's presidential bearer in the 2007 election. Surprisingly, in 2009 Atiku re-defected back to the PDP. This attitude among Nigerian politicians is demeaning to the country's effort at stabilizing its democracy. How do all the above factors affect Nigeria's quest for a consolidated democratic heritage? Aluaigba (2009c) has elaborated on the impediments to achieving democratic consolidation in Nigeria,

including the use of violence during elections, the influence of money on election outcomes, godfathers and so on. It suffices to reiterate that electoral malpractices are antithetical to democratic ethics; they emasculate the very foundation on which democracy is established and diminish the prospects of moulding the framework for its workability. Certainly, as Huntington (1991-92, p. 580) has averred, ‘in all democratic regimes the principal officers of government are participate’. Short of this quality of election, it will be virtually impossible for democracy to reside in the country. This is the case in Nigeria where eligible voters are denied the right to choose their leader, through intimidation and other numerous acts of electoral fraud.

#### 2.4. Theoretical Framework

Theories are windows which scholars explore to give explanation to life phenomena. Theoretical framework according to Obasi (1999) is a device for adopting or applying the assumption, postulation and principles for the research problem. It involves linking the problem under investigation to the assumptions, postulations and principle to the theory.

In the research, two theories will be used; Game theory will be used as the first context in the area of study to explain reasons for why electoral malpractices is inherent in Nigeria voting system while the theory of E-Democracy will be used as the way forward for electoral malpractices and violence in Nigerian voting system.

**Game Theory:** Game theory is a theoretical framework used in the explanation of so many phenomena in political science, politics, economics, and psychology etc. game theory is simply a systematic study of strategic interactions among rational individuals. A popular example of Game theory in politics is the sum zero game. The sum zero game has to do with a situation in which one player wins all and other losses all. In the context of Election in Nigeria with reference to “first win the post” as the dominant type of electoral system in Nigeria, two things are usually involves which is, the winner wins all and the loser losses all. As a result of this, political actors device all forms of strategy to win an election. The political actors often take advantage of the lapses inherent in the traditional paper voting system in Nigeria to advance their interest. These is through; rigging, electoral violence, ballot box stuffing, falsification of electoral result, multiple voting etc.

The first proponent of game theory was two (2) mathematicians; John Von Neumann and John Nash with an Economist Oskar Morgenstern. The political actors use the six (6) paradigm set by these renounced proponent of Game theory to bastardize the voting system in Nigeria which are;

- a. **Game:** Any set of circumstance that has result dependent on the actions of two or more decision makers (players). In this context election is the game played under organized system (voting system) which the outcome is usually decided by actions of the players through various forms of manipulation due to the fragility of the voting system in Nigeria, the political actors manipulate the system.
- b. **Players:** In any game there is at least two (2) players. The players in this context are basically electoral officials who conduct elections, the politician who contest during election, the electorates who vote during an elections. They interactions between the trio determines who the voting system is manipulated for how to win an election. Here, the politician takes the centre piece of this analogy. They lobby and bribe the electoral officials to rig an election for them at the same time uses intimidation or buys votes from the electorate to win during elections.
- c. **Strategy:** The political class devised tactics to advance their personal interest through which the voting system is manipulated.
- d. **Payoff:** This is the pay-out or benefits a player derives from winning a game. In the context of Elections in Nigeria, the players gains power for winning an election which decorate him the capacity to allocates scares resources, public office holder in Nigeria are the wealthiest when compare with their contemporaries from other part of the world for this reasons the political actors will do everything humanly possible to manipulate the voting system to win an election.
- e. **Information:** The set of information available at a given point of the game. In this context, these are the electoral guideline made known by INEC backed by the law; it is supposed to regulate the conduct of the electoral officials, political actors and the electorates but due to the weakness inherent in the traditional paper voting system in Nigeria these electoral guidelines are often violated.
- f. **Equilibrium:** this is a point in a game when both players have made their decision and an outcome is reached. In this context since the voting system is weak and prone to being heavily manipulated the political actors have reached a point that have decided that the only way to win election is to capitalized on the voting system to attain their specific outcome.

**E-Democracy Theory:** E-democracy is a combination of the words electronic and democracy. It is also known as digital democracy. E-democracy is use of information and communication technologies strategies in political and government process. E-democracy incorporates 21<sup>st</sup> century information and communication technology to promote democracy. E-democracy encompasses social economic and cultural conditions that enables the free and equal practice of self-determination. The basics for the theory of E-democracy in different state are; “information provision, deliberation and participation in decision making”.

E-Democracy and a mechanism of E-participation, Electronic voting system have been in use since in 1960's when punched card system debuted. It was used in 1964 presidential elections in America. The benefits of electronic voting system is that it tends to speed up the process of counting votes, reduce the cost of conducting elections manually, improves accessibility of disabled voters, save voters time and cost by being able to vote independently from their location, increased in voters turnout due to its flexibility to give citizens living outside a country the chance to vote. It also promotes the image of a country in the international community.

E-voting system overtime has proven to be effecting in curbing the menace of electoral malpractices than the manual or traditional paper voting system. In line with E-democracy theory, which emphasizes that every citizen has the opportunity to have voice in their local government, communicate and work together to improve their own local communities.

E-voting should be introduced to replace the traditional paper voting system as it will give Nigerian voters better chance of participating in Elections and polity of Nigeria and will also reduce or eradicate the problem of Electoral malpractices in Nigerian voting system. E-voting is a major pillar of E-democracy theory.

### **3.0 Research Method**

#### **3.1. Research Design**

A research design is a blue print for investigating a problem. It is a plan or structure that entails any aspect of research procedures could be carried out. Such a plan could be realized in the selection of appropriate concepts, hypotheses, analytical paradigms, specific sampling techniques instrumentation and tools of data collection, test of the hypotheses and also the most effective format to present research report. Due to the nature of this research, this study adopted the historical descriptive method; this method involves a critical and systematic analysis of secondary data extracted from textbook, Journals, official publications, seminar paper, academic materials, internet and other materials that will be found relevant to the study. However, some primary data was also used which was derived from observation and confirmation of such observed phenomena.

This research work will be based on qualitative technique due to the facts that it will be highly descriptive, narrative and explorative in nature. Again qualitative method of enquiry is adopted because it is suitable for understanding experience and event such as conduct of elections in Nigeria. According to (Atieno, 2009:3), qualitative method of inquiring explains "how people make sense of their lives, experiences and their structure of the world". It was at the course of describing the "voting system" in Nigeria, giving explanations to "electoral malpractices" in Nigeria and suggesting "the way forward" that it is pertinent adopting qualitative research method over every other method of inquiring for this work.

#### **3.2. Source of Data**

Based on the qualitative method of inquiry used in this work, data will be collected from the secondary sources which will be extracted from the works of writers on this subject matter or works related to this area of study. The sources of the secondary data will include: published and unpublished materials as textbooks, articles, newspapers, academic and seminar papers internet, journals, etc.

#### **3.3. Description of Area of Study**

The area of study for the purpose of this work is centered on Nigeria. Nigeria is one-third larger than Texas in area, the most populous nation in African and the most population black nation in the world. It is bordered by Niger and Chad to the North, Cameroon to the East Benin to the West. The lower course of the Niger River flows south through the western part of the country into the gulf of Guinea. Swamps and mangrove forest border the Southern Coast, while in land are hardwood forest. Nigeria has 923,768 square kilometer with 8,809 wards within 774 Local Government Area inside the 36 states and Federal Capital Territory located at (Abuja). Nigeria has over 250 ethnic groups with the 3 dominant ones being. Hausa, Yoruba and Igbo. Nigeria is also estimated to have 510 languages with over 180 million people. According to findings from Wikipedia.org concerning the 2019 General Elections in Nigeria, there were 119,973 polling unit created by INEC as voting point for the 2019 Elections. 84 million people were registered as eligible voters out of which 28 million people voted which represent 34.75% of the entire registered voters.

### **4.0 ANALYSIS AND DISCUSSION OF FINDINGS**

Paper ballot system is one of the dominant types of voting system in the world. It is simply a system where a prospective voter after successful accreditation and verification is being given a ballot paper to vote by thumb impressing using an ink on the name of the candidates or on symbol of party of his/her preference. In Nigeria, the ballot voting system used in elections, most especially in the fourth Republic. Elections in the fourth Election has been very problematic. In most cases like in the just concluded 2019 general elections, it is not the voters that ultimately determine who wins an election but the court. In the recently concluded 2019 general election in Nigeria, over 800 cases of post 2019 general election went to court who the decides who wins the election. This



is as a result of lack of confidence on paper ballot voting system. The court deciding who win the election, defect the essence of election which the electorates were duty bound to decide who governed them.

An assessment of electoral malpractices in Nigeria shows thus;

Electoral malpractices generally refer to an instance where acceptable norms and principles that confer credibility on elections are desecrated; and in their place duplicity, falsehood, manipulation and cheating by any means are deployed to sway the outcome of elections. Ezeani (2005) defines electoral malpractice as ‘illegalities committed by government, officials responsible for the conduct of elections, political parties, groups or individuals with sinister intention to influence an election in favour of a candidate (s)’ (Ezeani 2005, p. 415). Birch (2011) divides electoral malpractices which she calls ‘electoral corruption’ into three categories. They are malpractices that refers to the legal framework, malpractices related to preference formation, and malpractice centered on electoral administration. Electoral malpractice in any form is anathema to democracy because of its retrogressive effect on the quality of democracy in a country. As a corollary, electoral malpractices are not condoned anywhere in the world but rather censured. Abhorrence of electoral malpractice is necessary. If malpractices such as winning elections through rigging, massive use of money, use of violence against ‘political larceny’ to be inculcated by politicians. This ultimately dilutes the potency of elections as a means of peaceful transfer of political power and as a tool to legitimize political power.

#### **Legal framework for conduct of Elections in Nigeria**

Elections are an important aspect of liberal democracy. As stated above, the integrity and credibility of elections are strong measure of a deepened democracy in a country. In every country where democracy thrives, stringent laws exist to guide the conduct of polls. However, because it is through elections that people decide who occupies particular elective public offices, politicians and groups sometimes resort to the use of vile unscrupulous methods to win elections. Therefore, it behaves any political entity to put in place rules and regulations that all stakeholders in the electoral process must obey. These regulations also spell out the punishment to be meted out of any ailing individual and group that engages in electoral malpractice. In Nigeria, the legal framework that defines how elections in the country are conducted, what constitutes electoral offence, and how offenders are punished is found in the Constitution of the Federal Republic of Nigeria 1999 and the Electoral Act 2010, as amended. The 1999 Constitution deals mainly with the structures necessary for the conduct of elections for the various political offices in Nigeria and the constitution of the electoral body, the Independent National Electoral Commission (INEC) as well as Election Tribunals. By contrast, the Electoral Act 2010 contains detailed definitions of electoral malpractice and the punishment accrued to them. For example, the 1999 Constitution as amended in sections 76, 77 and 78 provides the modalities for electing members of the National Assembly and the qualifications of Nigeria who can vote during National Assembly elections. Similarly, sections 116, 117 and 118 of the Constitution contain information on how and when elections for State House of Assembly are to be conducted. Furthermore, as it affects the office of the President of the Federal Republic of Nigeria, sections 131, 132, 133 and of the 1999 Constitution specify the qualities of any Nigeria who wishes to contest in a presidential election, and how he or she will emerge as a president-elect in a national poll. Specification are also stipulated for candidates seeking elections to office as State Governor in sections 177, 178 and 179.

In order to resolve disputes arising from elections for the above offices, section 285 of the 1999 Constitution makes provision for the establishment of Election Tribunals at the state and federal levels to handle such disputes. In the Third Schedule, part 1, sections 14 and 15 of the Constitution provide for the establishment of INEC, the qualities of its chairman, and its functions and powers. With regard to electoral offences, the Electoral Act 2010 clearly states offences and punishment for buying or selling voters’ cards, as well as crimes committed during registration of voters. For instance, section 23 (c) of the Act states that anyone who ‘buys or offers to buy voters’ card on his own behalf or on behalf of any person, commits an offence and should be liable, on conviction, to a fine not exceeding ₦500,000.00 or imprisonment not exceeding two years or both’. As it affects registration of voters, section 24 (2b) provides that anyone who ‘in any way hinders another person from registering as a voter commits an offence and is liable on conviction, to a fine not exceeding ₦500,000.00 or imprisonment not exceeding 5 years’. Other electoral offences covered by the Electoral Act 2010 include impersonation and voting when not qualified to do so (section 122), bribery and conspiracy (section 124), non-secrecy in voting (section 125), voting by unregistered persons (sections 129), undue influence (section 130), threatening other voters (section 131) and so on. All these legal provisions are meant to forestall incidents of electoral malpractice in order to enhance the credibility and integrity of elections in Nigeria. However, as discussed next, such fraudulent acts are still prevalent in Nigeria’s electoral process.

#### **Highlight of Election Malpractices in Nigeria’s Fourth Republic (1999-2019)**

Since the re-emergence of democracy in Nigeria in the Fourth Republic, the country has conducted five nationwide elections (in 1999, 2003, 2007, 2011 and 2015). These elections have shared many common feature and few things differentiate them. For instance, the elections were all conducted periodically as expected, they were closely monitored by domestic and international observers, they arouse varied contestations from Nigeria

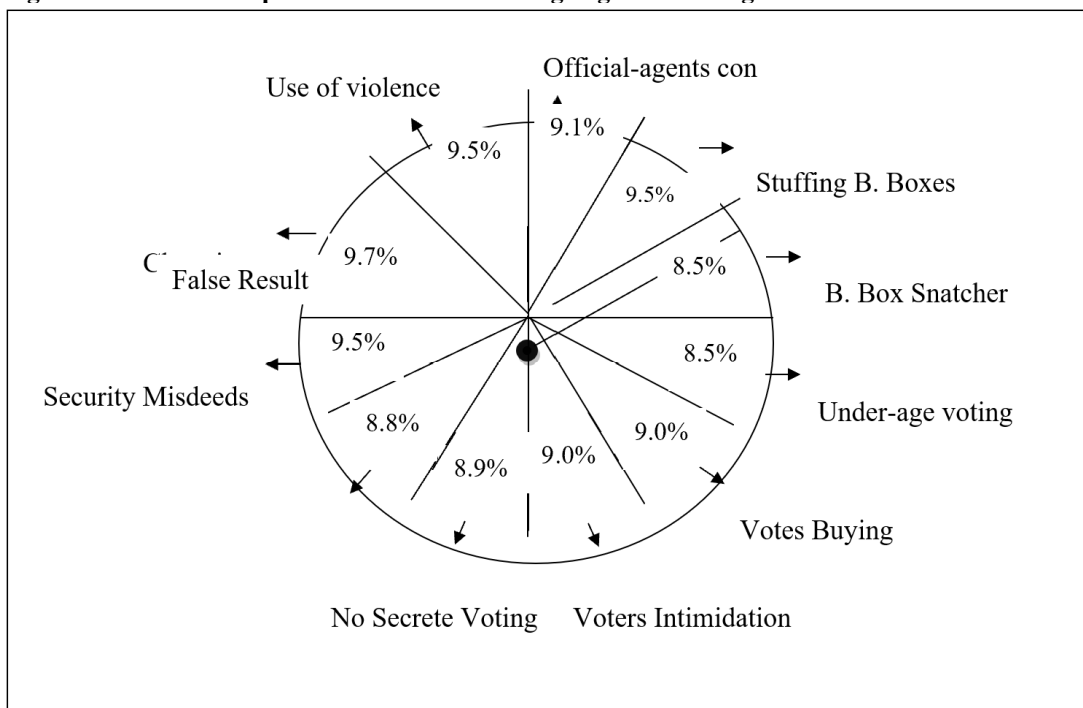
politicians and voters, and they were all marred by varying degrees and calibers of malpractice. Apart from the 2011 and 2015 polls, the credibility and acceptability of the elections waned further with each subsequent election. The inference from the conduct and outcome of these elections in that Nigeria is yet to demonstrate the attributes of a growing democracy (Yagboyaju 2011, p. 93). These section summaries the elections in Nigeria by highlighting their general characteristics, the nature of malpractices, and an assessment of how each election differed from the others in terms of acceptability and credibility. After a long period of over three decades of military rule, elections that ushered in Nigeria's Fourth Republic were organized in a staggered manner. The Governorship and state House of Assembly elections were held on 9 January 1999. The National Assembly elections followed on 20 February, and the presidential election was conducted on 27 February 1999. This marked the end of the transition programme of the military regime led by General Abdusalami Abubakar. The 1999 elections were won by Olusegun Obasanjo of the People's Democratic Party (PDP), and he was subsequently (on 29 May 1999) sworn in as Nigeria's elections' are usually relatively peaceful because a country is transitioning from an authoritarian to a civil regime. This was true of the 1999 elections, which 'took place without systematic rigging' (Omotosho 2008, p. 3).

Nigeria were generally fed up with military dictatorship and ready to embrace a democratic order, and the 1999 polls gave them the opportunity to attain this aspiration. This is not to say that the 1999 general elections were devoid of electoral corruption or malpractices or that malpractices was confined to known past electoral irregularities. Such fraudulent electoral practices include the late commencement of polling, late arrival of electoral materials, missing names of eligible voters on the register, early closure of voting at some polling stations and voting during legally unstipulated hours. The most noticeable were cases of bribing of voters and vote buying, as reported by election observers. For instance, in Oshimili North LGA in Delta State, a party gave out the money that facilitated the sharing of ballot papers among the parties and as a result, that party had 75% to thumb print, while the other two parties shared the remaining ballot papers. Cited in Sha 2008, p. 127 In another instance of vote buying, In Kano, malpractices were on all sides. While in Gaya Local Government Area (LGA) some voters were offering their votes for sale for as little as ₦10.00, in other, such as Madobi, the INEC officials and party agents connived in bribery and rigging. The fallout of bribery at Sabon Gari ward, Magami polling station in Zamfara State... Attempts at underage voting were also a feature in this state, for example, at Dambawa 5B polling station in Tsafe Ward, ten underage boys were brought for voting, but were detected. Cited in Sha 2008, p. 127 what set the 1999 elections apart from subsequent elections was the subtleness of the nature, magnitude and sophistication in the mode of electoral malpractices. For instance, deadly malpractice such as physical violence during and after an election (resulting in high casualty levels) was less noticeable. The next election in Nigeria after 1999 was held on 12 and 19 April and 3 May 2003 for the National Assembly, Presidency and governorship State Assemblies respectively. The 2003 elections were the litmus test for Nigeria's democracy. The 1999 elections had been conducted by the military, whereas the 2003 election was the first to be held by a civilian government. The 2003 polls led to the first successful inter-civilian transfer of power in Nigeria since a botched attempt at civilian-civilian power transition in 1983 amidst a military coup. However, 2003 election, like its predecessors, was bedeviled by similar electoral ills to those that had previously occurred Nigeria. The visible malpractices during the 2003 elections include massive use of money for vote buying, stuffing of ballot boxes, ballot-box snatching, falsifying election results to favour or disfavor particular candidates, and fraudulently announcing that candidates who had fact lost, had won (Ojo 2008, p. 116). European Union (EU) observers of the elections noted that through the ballot box was full by around midday, only 85 names on the list of 743 registered voters were ticked [on the register] in alphabetical order. Cited in Calingaert 2006, p. 144 The degree of electoral corruption displayed in the 2003 polls gave the impression that there was a deliberate attempt by the ruling PDP to retain power at all costs and by any means. Indeed, according to Elaigwu (2006), the 2003 elections were very fraudulent and were so acknowledged by both domestic as well as foreign observers and monitors. It is therefore not surprising that three years after, some petitions are just being sorted out by the electoral tribunals and Appeal Courts.... All political parties in power at the state level put their rigging machines on overdrive and ended up with overkill. The [elections] were disastrous they were demonstrable evidences of democratic deficit, which has the potential for endangering the democratic process. Elaigwu 2006, p. 10 the clamour by opposition parties for the cancellation of the elections had little effect, and President Olusegun Obasanjo was sworn in on 29 May 2003 for a second term. On 14 and 21 April 2007, Nigerians went to the poll to elect another set of leaders. However, the 2007 general elections turned out to be the most disparaged and discredited of the lot. They were dubbed the worst ever held in any part of the world and in Nigeria's electoral history, in terms of high level of fraudulent practices (Jega 2009, p. 20). This debasement has led scholars to describe the 2007 elections as a 'fitful path' to democracy was in 'retreat' (Rawlence & Albin-Lackey), 'failed elections' (International Crisis Group 2007) and as a 'troubled transition' from civilian-to-civilian regime (Africa Confidential 11 May 2007). The core reason for these negative portrayals is the elections were marred by all imaginable kinds of malfeasance. In the build-up to the 2007 elections, political pundits were of the opinion that the polls were programmed to fail. The numeracy of

politically motivated assassinations, inter and intra-party feuds, interpersonal wrangling among politicians, the rickety preparations by INEC, and the undemocratic primaries conducted by virtually all 50 political parties that contested the elections all culminated in the 2007 electoral debacle. The utterances of ex-president Obasanjo flared political tension when he pronounced the elections as a do-or-die affair for the ruling PDP. The immediate interpretation of Obasanjo’s statement by opposition political parties and observers of Nigeria’s political transition at the time was that the April 2007 elections were damned to be non-transparent. This was because the then president and his ruling PDP had on their side control of all the state apparatuses of coercion and manipulation, such as the police, armed forces, security services, the Economic. Financial Crimes Commission (EFCC) and INEC (Suberu 2007, p. 97). This apprehension was validated when the elections were indeed conducted in a most fraudulent manner. Prior to the 2007 elections, the huge sums of money raised by some political parties prepared the ground for a monetized electoral process. For instance, the ruling PDP raised a colossal amount of money from unverified sources, was unequalled by the money raised by all other parties combined. These funds were a cog in the wheels of the elections. For instance, a veteran politician in Abuja says political funding explains some of the fraud [committed in the 2007 elections]. He explained that PDP is effectively 37 different parties one for each state and one at the center, each party raise its money, usually through corrupt deals between contractors and the state government. Africa confidential 11 May 2007, p. 2. Even after the PDP’s ‘victory’ in the 2007 polls, the party raised whopping sums of money unparalleled by any other party in Nigeria.

On 15 2008, at a ceremony to raise funds for new PDP secretariat project in Abuja, business tycoons such as Femi Otedola and Aliko Dangote reportedly contributed ₦ 1 billion and ₦ 3 billion respectively, and strabag (a construction company in Nigeria) donated ₦ 100 million. An anonymous donor contributed ₦ 100 million (Okocha & Taiwo 2008). This manner aggressive fund-raising by political parties was the backbone of electoral malpractice in 2007 polls, because donors could be sure to recoup their money through the award of contracts if the party they supported won the elections (Aluaigba 2009b, p. 110). Moreover, electioneering in Nigeria since 1999, ‘money is used to influence everyone involve in the election process, from INEC officials to party agents, security agents and electorate’ (Bryan & Baer 2005, p. 101). Such practice where in vogue during the 2007 general elections. A study on the conduct of the 2007 general elections (Aluaigba 2009a) indicates that electoral malpractice prevent during election were, in order of frequency, as follows; deliberate changing of election results, stuffing of ballot boxes, use of violence, misdeeds by security agents, connivance by polling officials and party agents to win elections, intimidation of voters and vote buying. Other malpractices are shown in figure 1 below. These include lack of secrecy in voting, false declaration of election result, snatching of ballot boxes, underage voting and so on. The occupancy of this corrupt practice was confirmed by domestic and international observers who monitored the polls.

**Figure 1: electoral malpractices witnessed during Nigeria’s 2007 general election.**



areas, and the use of incumbency in the PDP-controlled states (Africa Research Bulletin 2007), to reduce the final number of votes for opposing political parties. As a corollary, there were agitations by opposing

political parties for a rerun of the elections after the PDP was declared the winner of the polls by INEC. The inference from these events was a general consensus by analysts and assessors of the conduct of the 2007 elections that democracy had been raped and the will of Nigerian voters subverted. This was done through the blatant obliteration of the trust Nigerians had bestowed on the security agents and the electoral umpire, INEC, despite the repeated assurances given to Nigerians by INEC chairman Professor Maurice Iwu that the electoral process would be free and fair to all.

The 2011 general elections were held on three different dates (9, 16 and 26) of April that year to elect members of the National Assembly, president and governors or State Assembly members respectively. The first round of elections scheduled to take place on 2 April was postponed to 9 April. The reasons for the delay were described by INEC Chairman, Professor Attahiru M. Jega, as logistical problems (Akaeze 2011, p. 18) and an inevitable measure to forestall a shortage of election materials on Election Day. Prior to the election, predictions were rife among Nigerians with regard to the credibility of the 2011 polls, owing to the orgy of electoral fraud in past elections. However, the Jega-led INEC assuaged the fears of Nigerians, and by the end of the 2011 elections the general assessment of polls, by both domestic and international observers, was that they had been relatively free and fair, and the result were more credible than those of 1999, 2003 and 2007 polls. The improvement in the credibility profile of the 2011 elections may be attributed to the new leadership of INEC, which was determined to reform the electoral body to enhance better administration of elections in Nigeria. Indeed, INEC was commended for the improvements recorded in logistics and the relatively smooth voting process during the polls, despite the initial disappointment occasioned by the postponement. The result of the elections ended the total dominance of the PDP, which had overwhelmingly held power since 1999. The party lost its two-thirds majority control of the senate and won the governorship election in only 23 states out of 36, compared with the 2007 elections in which it had captured 27 states. Unlike in the previous elections, in which members of the national assembly had substantially retained their seats, in the 2011 polls a good members lost their seats. For instance 72 of the 109 senators lost their seats, and 260 of the 360 members of the house of representatives also did not return to the house.

These trends were indications of the piecemeal but holistic progress made by Nigeria in its march towards democratic consolidation. Notwithstanding the successes achieved by INEC in the 2011 elections, on closer assessment the polls have been viewed as being far from free, fair and transparent according to international standards because of the preponderance of electoral malpractice. The malpractice that reared their ugly heads during the 2011 ballot in Nigeria included late arrival of voting materials in many polling units, and incidents of ballot-box snatching and stuffing. Others were intimidation, arrest and detention of election observers, underage voting in some parts of the country and vote buying (Ibrahim 2011, p. 2; Jimoh & Olaniyi 2011, p. 4; Yusuf 2011, p. 31). Another serious shortfall during the elections was the inability of INEC to control the collation process. Most of the rigging took place at this stage of polling; hence, despite INEC's innovative initiative that encouraged communities to monitor the collation of results, this could not materialize. This failure culminated in a declaration of false results in some places. For example, 'there were a number of places where no voting took place but where results appear to have been compiled, including large parts of Idoma land in Benue South and also Isoko land and Warri in Delta State' (Sahara Reporters 2011, p.1). There was insufficient security at some polling stations, which led to the tragic death of nine National Youth Service Corps members who were serving as the INEC's ad hoc staff in Bauchi State. The heavy security that was provided in some other violence-prone areas worked against the elections as voters were intimidated by the heavy presence of soldiers and stayed away from the polling stations. Similar to this problem of insecurity, and more detrimental to Nigeria's democratization process, was the post-elections violence in Northern Nigeria that claimed over 1000 lives.

This further marked the elections as the bloodiest in Nigeria's electoral history. On 18 April 2011, following the announcement of the Presidential election results in favour of the ruling PDP Candidate President Goodluck Jonathan, there were reported cases of rioting spread to 14 states in the region but was most severe in Adamawa, Bauchi, Kaduna, Kano, Nasarawa and some parts of Niger. The protesters attacked residences of PDP stalwarts as well as businesses, churches, and in some cases mosque in reprisal attacks. As observed by Aniekwe and Kushie (2011, p.6), electoral violence can be prompted by voters' frustration arising from the fear of unwarranted defeat because of a corrupt electioneering process or injustice in electoral dispute adjudication by the judiciary. These factors fuelled the post-2011 election violence in Northern Nigeria. The 2015 general election in Nigeria, conducted on 28 March and 11 April 2015, have been described as the best in Nigeria's electoral history (Gabriel 2015). This election was rated highly by both domestic and international observers because of the comprehensive preparations made and the relatively peaceful and proper conduct of the polls by INEC. Indeed, the characterization of the 2015 polls as credible was the result of innovations and the introduction of technology in the electoral process by INEC. For instance, prior to the election itself there was the use of biometric voters' registration. During the actual polls, INEC introduced the Smart Card Reader. Also, sensitive electoral materials such as the result sheets and ballot papers were customized and possessed high security features and codes. However, despite these great improvements in the electoral process, evidence

indicates that the 2015 elections were not totally flawless. Some of the shortcomings related to operational deficiencies on the part of INEC were 'late arrival of election materials, overcrowding, failure of the card reader, result manipulation and voting of under-aged in some units in the Northern part of the country' (Udu 2015, p. 102). Other electoral malpractices evident during the 2015 polls were snatching of electoral materials and ballot boxes by thugs, and inflation of election figures. For example, in Akwa Ibom State 'approximately 430,000 voters were accredited to the vote in the state for Governor and State House of Assembly. BUT THE GOVERNOR-ELECT WON WITH ALMOST 900,000 VOTES!!!' (Sobowale 2015).

The cancellation and order to conduct new gubernatorial elections in states such as Akwa Ibom and Rivers in December 2015, issued by the Appeal Court and Election Tribunal respectively, suggest that these electoral vices did occur during the March and April polls. However, Nigeria's Supreme Court eventually upheld the Akwa Ibom and Rivers governorship elections. This final decision corroborates the general assessment of the 2015 polls in Nigeria as one of the most credible in the country's electoral history. What is obvious from the above review of elections in Nigeria since 1999 is that none of them can be absolved from venality, falsehood and duplicity occasioned by flagrant usurpation of electoral laws and abuse of the will of Nigerian electorate. as discussed in the next section, these electoral malpractices have grave consequences for the nature of governance Nigerians have experienced since 1999. These negative effects in turn affect the quality of democracy being molded in the country since the military vacated power years ago. Apart from desecrating the values of democracy in 1999, Nigerians' optimism hinged on reaping the dividends of democracy that would manifest in improving the living conditions of the people.

From the analysis of electoral malpractices in Nigeria, it could be deduced that there is a significant relationship between paper ballot system and electoral malpractices in Nigeria. To further prove this, most political actors who are products of the manipulating inherent the paper ballot voting system are always against any move by INEC to change or sophisticate paper ballot system through the use of ICT device like smart card reader etc, in the electoral process. For example President Muhammadu Buhari during the build up to the 2019 election in Nigeria refused to sign the electoral Act that recognize the use of Smart Card Reader into law sent to him by the 8th Senate claiming that it was too close to sign the new Electoral Act into law, but after winning the election till now nothing has been heard about that Electoral Act.

#### **4.2 Analysis of Hypotheses 2:** E-Voting will likely not to be a panacea for electoral malpractices in Nigeria.

The quest to improve the voting system in Nigeria led INEC in acquiring some elections technological device to help reduce some of the electoral fraud associated with this paper based voting. Notably among this device are the Electronic Voters Register, Automated Finger Print Identification System (AFIS) and the Smart Card READER (verification authentication of voters) it reads all voters card produce by INEC with the voter's data on the card being in tandem with that of the INEC Voter Register the Automated Finger Print Identification System (AFIS) is used in Authenticating the verifies voter before the prospective voter is eligible to vote. The Smart Card reader in the 2019 General Elections recorded all voters card that was inserted on the device, which means that the total votes casted must correspond with the number of card reads by the smart card reader although this process was not strictly adhere to but it help in curbing multiple and over voting in the 2019 General elections.

The notable malpractices inherit in the paper voting system in Nigeria's Fourth Republic are over voting, ballot box snatching and violence, falsification of results, vote buying and selling etc. a critical analysis of the E-voting will likely not be a panacea for electoral malpractices is as follows.

**On over voting and multiple voting:** E-voting if implemented in Nigeria will complement and strengthen the role of smart card reader playing in curbing over voting and multiple voting in recent time in Nigerian elections. This is because E-voting facilitates a system that will allow only the registered voters on INEC Register to be eligible to vote after due process and verification and authentication. If implemented will help to maintain the principle of "one man one vote" in Nigeria.

**One ballot box snatching/electoral violence:** some e-voting machines such as the EVM3 voting machines in India is built with an electronic tracking software (ETS), were it is possible to track any of the electronic voting machines at anywhere in India. The Electronic Tracking Software is enough to scare away hoodlums from hijacking the devices from the polling site. Again when ballot boxes are stolen, the main rationale behind it is for the hijackers to conveniently thumb print on all the ballot for the party or candidate that paid them to carry out such act after which they return same materials to INEC to collate the votes. Through the use of E-voting, this will not be possible as a potential voter will either vote from their home and other convenience (in the case of I-voting) through which a secret password will be sent to the voter only to use in voting. In the case of other form of E-voting, a prospective voter must undergo some verification and authentication exercise before voting. Most ballot box snatchers perpetuate electoral violence during elections in Nigeria such as killing, molesting of voters and electoral officials etc, before finally snatching the ballot box. If E-voting is introduced, electoral violence will be greatly discouraged and will be completely eradicated.

### **Falsification of election result:**

If E-voting implemented in Nigeria's voting to replace the paper base voting system, it will no longer be possible for electoral officials such as the presiding officer, Ward collation officer, Local Government collation officer and the State collation officer to falsify elections result to favour a particular candidate or party as allegedly obtainable from paper base voting system, before sending such results to the INEC Chairman in the case of presidential elections for tabulation and announcement. The reasons why falsification of election results will not be possible is because votes collated, counted and result released will be done using an electronic machines.

### **On vote buying and selling:**

Vote buying and selling has seen in the conventional paper ballot system will be reduced if electronic voting system is fully implemented in Nigeria, due to the fact that, in the case of internet voting, it is impossible for party agent to visit all the homes of the voters to buy votes from them. And again, E-voting through the use of voting machines, voting is more secretly and privately done, as a result of this paying the perspective voters by party agents or candidate themselves will be an uncalculated risk and gamble because of the fact that the perspective voter will vote privately and secretly, the system will not guarantee the assurance of such party agent or candidate that certain voter voted for him or his party, as such will take a great risk if he pays for vote. For these reasons vote buying and selling will be reduced.

Additionally, E-voting will be of advantage to Nigeria voting system through the following ways;

### **Error ballot counting:**

The error associated with the counting of vote due to human being prone from mistake, will be eradicated. Paper ballot counting is inherent in the paper based ballot voting system and most vote counted using this system are often subject to mistake and error which is always on the human side which are either because of lack of vote collation skills or mistakes as the case maybe. Electronic voting system offers solutions to such problems as vote will be counted electronically which will be more faster, competent and reliable than the manual counting pattern. If E-voting system is fully implemented in Nigeria, it will salvage Nigeria from the problem of error in vote counting during election.

### **Voter turnout:**

Electronic voting system will increased the voters turn out because it discourages electoral violence, offer voters the option of voting at anywhere and will eliminate the fear and conception of some voters that their vote do not count in the paper based voting system. This will definitely leads to an increase in the political consciousness among Nigerians.

In the recently concluded INEC 2019 General elections in Nigeria, 84,044,084 voters registered for the elections out of which 28,614,190 voters voted which represent 34.75% of the entire registered voters. This is less than half of the entire voting population notably, reasons like fear of electoral violence and votes not being counted etc had caused the low turnout of voters in the 2019 General elections. As such, E-voting remains the only alternative to strengthen larger turnout of voters in Nigeria.

### **One cost effectives**

With reference to INEC budget for 2019 General Elections, it is cost INEC an estimated sum of 240 billion Naira to conduct the 2019 General Elections in Nigeria. From the budget of 31.49 billion naira was used for ballot paper printing and 1.6 billion naira was used for printing of result sheets. The cost of using an electronic voting will be far lesser than that of paper based voting system. With reference to the India's EVM 3 (Election Voting Machine), according to findings from the Election commission of India (ECI), a unit cost of the EVM3 is about 17,000 Indian Rupees which is about to 240 US dollars. At the current exchange rate in Nigeria, the unit cost of the EVM3 is at ₦86,455 (Eighty Six Thousand, Four Hundred and Fifty Five Naira) that is 17000 Indian Rupees to Nigerian Naira.

If Nigeria decides to buy 199,973 EVM3 machines for the 199,973 polling units in Nigeria it will cost ₦10,372,265,715 (Ten Billion, Three Hundred and Seventy Two Million, Two Hundred and Sixty Five Thousand, Seven Hundred and Fifteen Naira). The  $86,455 \times 199,973 = 10,372,265,715$ .

If Nigeria decides to procure additional 199,973 EVM3, so that each polling unit can have a reserved machine to be used as replacement in situation of breakdown. Then the total number of EVM3 to be bought will be at 223,946 which is;  $119,973 + 119,973 = 239,946$ .

Buying 239,946 EVM3 will cost Nigeria the sum of ₦20,744,531,430 (Twenty Billion, Seven Hundred and Forty Four Million, Five Hundred and Thirty One Thousand, Four Hundred and Thirty Naira). A sum that is less than the 31.49 billion Naira used only for ballot paper printing in the 2019 general elections, excluding the 1.6 billion Naira used for result sheet printing and money paid to electoral official for collation and counting of votes.

The EVM3 is not only used for voting only but it can be used for counting of votes and tabulation of elections results. The EVM3 has the capacity to function optimally for 15 years and even beyond, meaning that if the machines are used in elections in Nigeria it will save cost more especially at subsequent elections.

It is at this juncture that it could be deduced that E-voting is the panacea for electoral malpractices in Nigeria.

With the above findings; it could also be deduced that E-voting will be a panacea for electoral malpractices in Nigeria.

#### 4.3 The perfect E-voting System for Nigeria

Some many works and research have been carried out on how E-voting could remedy the ills associated with the traditional paper ballot voting system in Nigeria, but in most cases no recommendations, suggestions and proposal have been made on the kind of E-voting system that will best work for Nigeria in attaining free, fair and credible elections.

It is on this note that it pertinent in this study to make a bold step in making suggestions, proposal and recommendation on the kind of E-voting that ill best work for Nigeria in her quest to overcome the flaws inherent in paper ballot voting system in other to have free, fair and credible elections in Nigeria.

There are four kinds of E-voting, which are; punch card voting system, optical scan voting system, Direct Recoding Election (DRE) Voting Machines and Internet Voting System (I-voting).

- (a) In punch card voting, the voter votes by inserting a ballot card into a punching device, the voter will press a key on the punching device to punch out the ballot on the card be inserted into the punching device which becomes a vote for the candidate or party the voter voted for. The punch voting system is the first kind of E-voting that started in the 1960s in America. The vote could be counted manually.
- (b) Optical scan voting system: the voter uses a paper ballot to vote with an electronic pen or pencil connected to an optical scam machine or an ink that will be recognized by an optical scan machine to thick in the case of electronic pen or pencil and thumb print in the case of ink on the candidate or party is voting for, after voting, the voter will insert the ballot paper in an optical scan machine, the machine will read and then count the votes. The optical scan voting system is popular in Canada and remains in use.
- (c) Direct Recording Electronic (DRE) Voting Machine: the DRE voting machine is a standalone device that enables a voter to vote electronically using the machine by pressing a button on the machine to make a vote cast for the candidate or party he or she is voting for. The machine has a memory that enable it to record votes cast using the machine. After the elections, the machine count and tabulate election results. India is the largest user of DRE voting machine in the world with over 400 million voters using it in India's 2014 General Election. Netherland formerly uses DRE voting machine until 2017.
- (d) Internet voting (I-voting): This is the use of internet enabling/support device to vote such as phone and computer device during an election. The voter will cast their vote through an internet address (server that will be provided by the Electoral Umpire). Votes will be recorded and counted through the server used in voting. Estonia is the largest users of internet voting system in the world.

Having studied all this form of E-voting, the one that will work best for Nigeria is the Direct Recording Electronic (DRE) voting machine with specific reference to the Indian Electronic Voting Machine 3 (EVMs). With reasons that Nigerian does not have necessary facilities at the moment to facilitate internet voting which includes; steady electricity, internet gadget from the entire voting population, poor internet network in some location, high level of ICT illiteracy among the electorates, strong internet security to guide against voting server from being hack or manipulated to favour the incumbent or a specific etc.

On the other hand, the optical scan and punch card voting uses some form of paper ballot voting system. The ballot paper used for voting in the optical scam voting system is vulnerable to being stolen by political thugs, compromise by electoral officials by under releasing it in opposition area and might also be vulnerable to multiple voting by one person and over etc. this will play down on the credibility of the election results at the count of votes using the optical scanning machine.

The punch card voting system after voting by punching out a ballot out of a punch card, through a punching device, at the course of manually counting the votes an electoral violence might either disturbed the process or the electoral officials could compromised by not counting the vote sincerely or better still errors could be recorded which is inherent in human nature or due to poor collation skills on the part of the collation officer. The reason why the Indian Elections Voting Machine 3 (EVM3) will be a perfect E-voting for Nigeria amidst other Direct Recording Electronic (DRE) Voting Machine is because India as a nation has a lot of similarity with Nigeria such as population density, cultural and ethnic pluralism, Language diversity and disparity, religious diversity, colonial heritage etc. again when India were using the paper ballot voting before the adopted the E-voting system, they had similar experiences that Nigeria has today in the paper ballot voting which includes, electoral violence, error in vote count, high electoral malpractices ranging from ballot stuffing, falsification of electoral results, over voting, difficulties in vote count and delay in tabulation of election results. With the introduction of EVM, it help India to overcome these barriers that hitherto existed and in India when they use the paper ballot voting system.

If Nigeria adopts the EVM3 as the country's voting system, it will fit into the Nigerian political space

because of the following ways;

- (a) **Compatibility:** the way the EVM3 is design makes it compatible to Nigeria environment with regards to the electricity issue in Nigeria. The EVM3 can function and work perfectly without the usage of uninterrupted power supply. The machine has a battery that is rechargeable. After the device is charge it can work perfectly from the beginning of election to the end of election without shutting down. As such the device will be compatible to every area in Nigeria. The EVM3 support multi-party system, it is design to accommodate about 284 candidates or party which is also compatible to party system in Nigeria.
- (b) **Cost Effectiveness:** The EVM3 is not only used for voting, but also counting and tabulating of result. The EVM3 will serve Nigeria the cost of counting of votes and tabulation of election result. Again in Nigeria, most electoral problem occur during counting of vote which includes; error in vote counting, due to man being prone to mistake, or lack of vote collation skills on the part of election collation officers. Electoral fraud such as falsification of election result also occurs during vote counting. If the EVM3 is used, it will also help Nigeria serve cost of vote counting and overcome the problem of vote counting.
- (c) **Trust:** the EVM3 is design to build trust of the electorate on the system. The EVM3 is design with a voter verified paper Auditing Trail (VVPAT), that enable voters to cross check the vote they casted to be sure their votes are recorded. The VVPAT works exactly as an ATM machine that enable a user to get a paper of recorded transaction he did when he used the machine.
- (d) **User Friendly:** The EVM3 is very simple to use. A situation that will enable both illiterate and literate user to easily votes with it by just pressing a bottom that is signed to the candidate or party they wish to vote.
- (e) **Transparency:** The device is not connected to an internet server. As such, votes recorded in the EVM3 are not transmitted into a server. The fear by the electorate that at the course of transmitting votes from a device to a central server certain manipulation might take place that will temper on the credibility of such election and result is not inherent in using EVM3.
- (f) **Increased voters turnout:** The use of EVM3 will increase the turnout of voters during election by discouraging electoral violence and also by being enabled to reposed the confidence of the people that their vote will count.

In conclusion, compatibility to Nigerian environment, cost effectiveness, trust, user friendly, transparency, increased in voter turnout elimination of electoral fraudulent activities such as, ballot stuffing, over voting, error in vote counting etc are the reasons why this study proposed the Indian EVM3 as the perfect E-voting system for Nigeria.

#### 4.5 Discussion of Research Findings

Based on the investigation from the study, the following findings were made

- (a) Voting system determines the outcome of elections in Nigeria
- (b) The voting system in Nigeria (paper ballot system) is vulnerable to electoral malpractice.
- (c) There is a significant relationship between the paper ballot voting system and electoral malpractices in Nigeria.
- (d) Electronic voting system is the way forward in eradicating electoral malpractices in Nigeria.
- (e) The implementation of the Indian model E-voting through a Direct Recording Electronic (DRE) machine via the use of EVM3 will leads to credible, free and fair elections.

### 5.0 SUMMARY, CONCLUSION, RECOMMENDATION

#### 5.1 Summary

Base on the scope of this research work, voting system is method by which the electorates votes to elect their representatives in every democratic society. Election being the life wire of democracy needs to be credible, free and fair, if not the growth of such society will be stagnated. In the case of Nigeria, Electoral Malpractices brought stagnation to her democratic life. Nigeria is seen to be scoring poor when put in the same matrix of other democratic nations. To remedy Nigeria of the ills of electoral malpractices, it is pertinent to consider a possible change in the voting system because of the vulnerability of the paper voting system which is often manipulated to favour a specific interest against the general will of the people. Due to this fraudulent system of electing representatives, most leaders often perform poorly constituting other problems for Nigeria ranging from poor infrastructure, poor healthcare, poor educational system, economic backwardness, unemployment and financial and administrative corruption. It is against these ills that a new voting system that will guarantee security of the votes of the electorate to determines who governs them that a paradigm shift in Nigeria using system is needful. In such, E-voting should be employ to heal and cure Nigeria of the electoral maladies, which will serves as a springboard to better representation, development and stronger democratic values and practices in Nigeria.



## Conclusion

The primary aim of the study was to x-ray the voting system in Nigeria, which upon doing so; Nigeria is seen to be practicing the paper ballot voting system. On studying the paper ballot system of voting, discovery was made that it is vulnerable and is often manipulated to favour a particular candidate or party leading to various form of electoral malpractices. In the quest to look for the way forward to electoral malpractice that is inherent in the traditional paper ballot voting system in Nigeria, E-voting is recommended to be introduced in Nigeria as the new voting system because of the advantages it has over the paper ballot voting system. Among the numerous advantages of Information Communication Technology is Electronic democracy which, E-voting stand tall as a major pillar of e-democracy. Proper implementation of E-voting is capable of reducing or eliminating of electoral irregularities in the body of Nigerian polity such as manipulation of votes registration and record, manipulation during collation and counting, disenfranchisement of physically challenged voters and voters living and work abroad etc. which have proved intractable menace to the credibility of elections in Nigeria for decades. In view of the success of E-voting in countries like India, Estonia, South Korea, Philippines, Brazil, coupled with the strong positive response of voters in preference for E-voting, it is that the E-voting if fully implemented will lead to credible election Nigeria.

In line with the foregoing, the India model of E-voting through the use of EVM3 will be the best type of E-voting that will fit into the Nigerian political environment because of the similarity of the Indian socio-political architecture with that of Nigeria coupled with the success recorded in 2004, when Namibia became the first African to complement and utilize the E-voting using the Indian model via EVM3. At this juncture, it is pertinent for Nigeria to shift from an analogue voting system to a digital one using the EVM3.

## Recommendations

- i. Based on findings, it is recommended that the National Assembly should make a law abolishing the paper ballot voting system and adopting the Indian model of E-voting through the use of a Direct Recording Electronic (DRE), using the EVM3 in the next General Elections in Nigeria in 2023.
- ii. Government should supply funds to INEC to procure the EVM3 from India.
- iii. INEC should send staff on training of India to learn how to operate EVM3 through partnering with the election commission of India.
- iv. Furthermore, INEC must prior to elections through the use of EVM3, carryout a serious ward to ward campaign and enlightenment of voters on the approaches to effectively participate in the Nigerian polity through E-voting and also on how the voters can use the EVM3 to vote.
- v. INEC should also sensitize all personnel that will be assigned to conduct elections at different level on the need to maintain the professional ethnics of the commission which are neutrality, non-partnership, commitment to duty etc.
- vi. During elections, adequate security should be put in place to guarantee the safety of election personnel's voters and device.
- vii. INEC should abolish the use of manual voters register for accreditation exercise, INEC should instead use the Smart Card Reader to verify and authenticate proper voters. The biometric system in the Smart Card Reader should be upgraded for it to easily authenticate the finger printing of the voters. The total vote in the EVM3 must correspond with the total number of verification and authentication in order to suppress over voting.

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