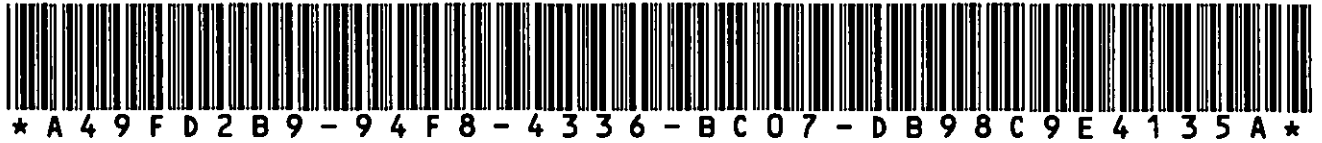


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**Local Government Elections in Nigeria:
December 5, 1998**

**The Report of the AAEA/IFES Joint International
Observer Mission**

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January 1, 1999

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information from this report if it is attributed.*

TABLE OF CONTENTS

| | |
|---|----|
| Chapter 1: Executive Summary | 1 |
| Chapter 2: Introduction to the AAEA/IFES Observer Mission | 3 |
| Chapter 3: Background to the Elections..... | 9 |
| Chapter 4: Election Framework..... | 15 |
| Chapter 5: Pre-Election Environment..... | 23 |
| Chapter 6: Election Day..... | 28 |
| Chapter 7: Post-Election Environment..... | 40 |
| Chapter 8: Findings and Recommendations..... | 46 |

APPENDICES:

- I. AAEA/IFES Observer Mission: Delegation List
International Observer Badge
- II. AAEA/IFES Pre-Election Report (November 30, 1998)
- III. AAEA/IFES Post-Election Report (December 8, 1998)
- IV. Registration Figures (INEC)
- V. Sample of Ballots (INEC)
- VI. Voters' Turn-Out (INEC)
State Results (INEC)

Chapter 1

Executive Summary

The Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) undertook a joint mission to observe the December 5, 1998 local government elections in Nigeria. This mission was informed by an AAEA/IFES pre-election assessment mission conducted in November as well as by the presence of long-term IFES monitors who arrived in Nigeria earlier that month and who will remain in the country until the conclusion of the elections that are enabling Nigeria's transition to an elected, civilian government. The AAEA/IFES missions produced a *Pre-Election Report* (November 30, 1998) and a *Post-Election Statement* (December 8, 1998) which summarizing the mission's observations of the December 5 elections.

This final report on the December 5 elections, and of the monitoring of the immediate post-election period, presents the observations of the AAEA/IFES missions in the hope that our findings will contribute to the preparations for the upcoming Governorship and State House of Assembly elections scheduled for January 1999 and the parliamentary and presidential elections planned for February. We also hope that these observations may support the strengthening of Nigeria's electoral system, enabling the transition to a credibly elected civilian government by May 29, 1999.

Being composed of election officials, election experts and experienced election observers, the joint AAEA/IFES missions focused their assessment of the electoral process on the technical aspects of the administration of the vote. Areas of particular concern to the AAEA/IFES missions were:

- the legal framework for the electoral process;
- the organizational capacity of the Independent National Electoral Commission (INEC); and
- election procedures.

While this report suggests several means of promoting the credibility of the electoral process within each of these three areas, we hope that the INEC will focus on two issues in the immediate short-term as it works to prepare for the conduct of the January and February votes: 1) additional clarification of election day procedures and 2) the use of indelible ink to further guard against multiple voting.

On December 5, election day, the AAEA/IFES observer mission noted the lack of a uniform application of election procedures from polling station to polling station, resulting from inadequate specificity concerning the procedures in the electoral guidelines, lack of thorough and timely training of poll officials and the lack of clear direction on the election day process in the *Training Manual for Poll Officials*. We also noted the lack of uniform application of the electoral guidelines through the tabulation process. The INEC has now revised the poll official manual, and its distribution before the January 9 elections should contribute

significantly to the poll officials' understanding of their responsibilities and of the process. However, we also urge the INEC to include in the electoral guidelines specific direction on such election day procedures as ensuring the secrecy of the ballot, the confinement of voters from the time of accreditation to voting and the use of indelible ink. We also recommend that the INEC address other aspects of the accreditation, voting, counting and tabulation processes that were not clear in previous guidelines. We recommend the re-training of election officials (including *ad hoc*/temporary staff as well as permanent staff of the INEC). The training should focus on the provisions of the electoral guidelines to prevent their uneven and often discriminatory application as well as enhance the professional nature of election administration.

Not unreasonable concern has been expressed by many election officials, leaders of political parties, Nigerian citizens and observers of the electoral process, including the AAEA/IFES mission, about the shortcomings of the voter registration process, including the reports of the disenfranchisement of eligible Nigerian citizens resulting from the shortages of voter's cards, reported multiple registration and the apparent lack of controls in the distribution of the cards. While the AAEA/IFES missions were unable to observe the registration process and comment fully on its effectiveness, we are encouraged that the INEC has placed an order to procure further supplies of indelible ink which will be used in the future to mark voters who have cast ballots. The use of indelible ink will help safeguard against multiple voting which might have been facilitated by the weaknesses in the voter registration process. We urge that the poll officials receive clear instructions on the correct application of the ink. We further urge that all polling stations be supplied with sufficient quantities of indelible ink for the January 9 elections. In the long-term, the AAEA/IFES mission urges the examination of all phases of the voter registration process, with efforts made to consider the computerization of the registration list to facilitate the enfranchisement of eligible voters, and the adoption of other measures to enhance the accuracy of the list.

The AAEA/IFES delegation recognizes the great challenge faced by Nigeria's Independent National Electoral Commission in administering the December 5 local government elections given the size of the country, the stated time frame for the transition process and the attendant logistical constraints. We note the tremendous desire of all Nigerians to make the transition to an elected, civilian leadership and to build a sustainable democratic system.

The local government elections of December 5, 1998 demonstrated the commitment of the INEC, the political parties and the Nigerian people to the transition to democracy, as we witnessed people from all walks of life and all political persuasions cast their ballots for local government Councillors and council Chairmen. We are encouraged that this first vote passed with the support of most Nigerians, and we hope that the following months will be marked by a further commitment to a credible, transparent, and representative process on the part of all major stakeholders and the citizens of Nigeria.

Chapter 2

Introduction to the AAEA/IFES Observer Mission

The Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) conducted a pre-election assessment and deployed an observer mission to the December 5, 1998 local government elections in Nigeria. These missions were supported by an IFES team of long-term monitors who arrived in Nigeria in mid-November. The objectives of the AAEA/IFES project were:

- to contribute to the knowledge of the Nigerian people and the international community about the elections so that they are better able to judge the freedom and fairness of the elections, and to evaluate the strengths and weaknesses of the electoral process; and
- to exhibit by the presence of the AAEA and IFES the interest and support of the international community in the electoral and democratic processes in Nigeria.

Given the expertise of the AAEA and IFES, the focus of their assessment and observation efforts was on the technical administration of the electoral process, with the groups addressing the legal guidelines governing the elections as well as the organizational capacity of the Nigerian officials to conduct the elections.

The AAEA/IFES project to observe the local government elections in Nigeria had three components:

| | |
|----------------------------------|--|
| <i>November 15-Dec. 20, 1998</i> | Presence of long-term IFES monitors in Nigeria |
| <i>November 16-21</i> | AAEA/IFES pre-election assessment mission |
| <i>November 30-December 8</i> | AAEA/IFES election observer mission |

The AAEA/IFES missions were independent, non-governmental and non-partisan. IFES received funding for the project from the U.S. Agency for International Development (USAID), but neither IFES nor the AAEA, which was funded by USAID through IFES, represented the U.S. government nor do any of the findings of the AAEA/IFES missions necessarily represent the views of the U.S. government. The mandate of the missions, the selection of its members, the organization of its deployment and all statements and reports were the sole responsibility of the AAEA and IFES.

The AAEA was conceived in an effort to promote and institutionalize the professional nature of African election authorities through regional exchanges and networking. The Association was formally established in August 1998 at the inaugural meeting of its General Assembly in Ghana. At this meeting, election authorities from fifteen countries signed on to the Association's Charter to become full members, and six NGOs became associate members¹.

¹ Full members of the AAEA are Benin, Burkina Faso, Central African Republic, Gabon, The Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Mali, Senegal, Togo, Uganda, and Zimbabwe. The following NGOs are

At the August meeting, Dr. K. Afari-Gyan, Chairman of the Electoral Commission of Ghana, was elected Executive Secretary of the Association. The AAEA's involvement in observing the Nigerian electoral process was the first activity undertaken by the Association.

IFES was founded in 1987 as a private, non-profit and non-partisan organization to provide consultative assistance and technical support to electoral and democratic institutions in emerging, evolving and established democracies. IFES has carried out pre-election assessments, technical election assistance, civic and voter education and election observation activities in more than 90 countries in Africa, the Americas, Europe, the Near East and the former Soviet Union. Based in Washington, DC, IFES currently has field offices in Albania, Armenia, Azerbaijan, Benin, Bolivia, Bosnia-Herzegovina, Democratic Republic of the Congo, Georgia, Ghana, Guinea, Haiti, Indonesia, Kazakhstan, Kyrgyzstan, Liberia, Malawi, Moldova, Paraguay, Philippines, Russia, Slovakia, South Africa, Tajikistan, Ukraine and Uzbekistan.

Assessment of Election Preparations

In his speech of July 20, 1998, Head of State General Abdulsalami Abubakar invited the international community to observe the election process which would lead to the transition to an elected civilian government in May 1999. The AAEA and IFES agreed to respond to this invitation and jointly undertake to observe the December local government elections—the first in the series of transitional elections. IFES established a field presence in Abuja, Nigeria in mid-November to assist in monitoring election preparations and to support the AAEA/IFES election-week observer delegation. The monitoring team was composed of John Acree, who has observed elections in Guatemala and Liberia; Simon Clarke, an election advisor who served as an election administrator in the United Kingdom and on various international missions; Trefor Owen, an election administrator from Australia who has served with the United Nations in Cambodia; and Susan Palmer, IFES Program Officer for Nigeria.

The IFES team monitored the conduct of election preparations and held extensive meetings with officials of the Independent National Electoral Commission (INEC), representatives of political parties, members of Nigerian NGOs and other important actors in Nigeria. Soon after the monitor's arrival, Dr. K. Afari-Gyan, AAEA Executive Secretary, joined the team to assess the pre-election environment. Focusing on the technical aspects of the administration of the elections, the team examined:

- the organizational capacity of the national and State election authorities;
- the voter registration process;
- anticipated election-day problems, according to election authorities, political party and NGO leaders, other Nigerians and the diplomatic community; and
- the general interest and awareness of the public regarding the elections and the

candidates.

Members of the team held meetings in Abuja, Jos, Kaduna and Lagos, and they were able to meet with a broad range of Nigerian stakeholders in most of these capitals. However, it should be noted that full access to INEC officials and documents was granted to the team on November 27, 1998. The team was able to meet with representatives of the nine political parties at the national and local levels to learn their views of the electoral process and issues for election day, with members of civic organizations to discuss their perspective on and participation in the electoral process and with others involved in the political life of the country. The monitors also met with officials and diplomats from the international community and with representatives of three other organizations fielding observer missions: the Commonwealth Secretariat, the International Republican Institute (IRI) and the National Democratic Institute for International Affairs (NDI)/Carter Center.

On November 30, the AAEA/IFES assessment mission issued a *Pre-Election Report* (Appendix II) that commented on the framework for these elections, the registration process, anticipated election day procedures, voter education campaigns and the INEC's role in administering the process. The report was not intended to be an exhaustive commentary of the electoral process but rather identified several key areas for the further attention of the INEC prior to the December 5 elections. The *Pre-Election Report* was distributed to the Chairman and other Commissioners of the INEC as well as to its senior staff, the nine provisionally registered political parties, Nigerian civic organizations, other international observer delegations (Commonwealth, IRI and NDI/Carter Center), United Nations, the U.S. government and other members of the diplomatic community in Nigeria, USAID and the State Department in Washington, the NGO community in Washington, others interested in the electoral process in Nigeria and Nigerian stakeholders.

Observation of the December 5 Local Government Elections

The AAEA/IFES election observer delegation arrived in Nigeria on November 30, joining the IFES monitoring team already on the ground. The 15-member AAEA/IFES delegation was composed of election administrators, representatives of election-focused NGOs and election experts. AAEA Executive Secretary Dr. K. Afari-Gyan led the joint AAEA/IFES observer mission whose members included the four IFES monitors in addition to the following delegates:

Abuya Abuya, *Member, Electoral Commission of Kenya;*
Marren Akatsa-Bukachi, *Program Officer, Institute for Education in Democracy, Kenya;*
Albert Geoffrey M. Dzvikamanja, *Member, Electoral Supervisory Commission, Zimbabwe;*
John Ernest Ekuban, *Coordinator, Institute of Economic Affairs, Ghana;*
Paul Guah, *Chairman, Elections Commission of Liberia;*
Keith Klein, *Director, Africa and Near East, IFES;*
Ramanou Kouferidji, *Communications Secretary, GERDDES-Benin;*

Gilbert Ngouongue, *Permanent Secretary, CERCUDE, Cameroon;*
Flora Nkurukenda, *Deputy Chairperson, Electoral Commission of Uganda;*
and
Kwadwo Sarfo-Kantanka, *Deputy Chairman (Finance and Administration),
Electoral Commission of Ghana.*

The delegation received accreditation as international observers from the INEC on December 1 (see Appendix I for sample of observer badge).

Upon arriving in Abuja, the delegation participated in a two-day briefing session during which they discussed Nigeria's political framework and the electoral system. The briefing included an analysis of the electoral regulations and of the electoral environment; meetings with officials from the INEC, political parties and civic organizations; and an overview of the political environment. The IFES monitoring team also presented a thorough review of election day procedures, from the opening of the poll to the count and collation of results. The briefing prepared the delegation to assess the electoral process, including, among other issues:

- the adherence of Nigerian election officials to internationally-recognized standards of democratic elections and to the requirements of the Nigerian electoral code and guidelines;
- constraints on the ability of individual voters to cast their vote without undue hardship or intimidation, in secrecy, in an informed manner and to have that vote counted and reported accurately; and
- the extent to which the participants in the electoral process are fully informed of their rights and responsibilities with regard to the elections.

The AAEA/IFES delegation also set forth the methodology it would employ to observe these elections. Delegation members would:

- maintain absolute neutrality and impartiality throughout the observer mission;
- never disrupt or interfere with the accreditation, voting, counting, collation or any other phase of the electoral process;
 - a. ask questions and express concerns but would not instruct, give orders or otherwise attempt to countermand decisions of election officials; and
 - b. be vigilant and take detailed notes regarding positive aspects of the process as well as any questionable or irregular voting or counting practices.

In addition to being asked to fill out observation forms for the three stages of the election process (accreditation, voting and counting), the members of the delegation were requested to submit summary reports, which also included recommendations for the conduct of future elections. The observations of the AAEA/IFES delegation, as contained in these reports and forms, in addition to the findings of the long-term IFES monitors, form the basis of this report.

The AAEA/IFES observer mission also followed the *Code of Conduct for Election Observers* as issued by the INEC immediately before the elections and as contained in its *Manual for*

Election Observers. That Code of Conduct is included below:

CODE OF CONDUCT FOR ELECTION OBSERVERS

The thrust of the Code of Conduct as prescribed by the Commission is to ensure that:

- (a) election observation is done with integrity and transparency;
- (b) election officials are left alone to do their work.

An Observer shall not offer advice or give direction to or in any way interfere with the work of an election official.

An Observer shall not touch any election material or equipment without the express consent of the Presiding Officer at a Polling Station or the Returning Officer at the Collation Centre.

An Observer shall maintain strict impartiality in the course of observing the election and shall at no time indicate or express any bias or preference for any political party or Candidate contesting the election.

An Observer shall not carry, wear or display on his or her person any electioneering materials or any article of clothing or any insignia denoting support or opposition to any party or Candidate contesting the election.

An Observer shall not carry or display arms or any offensive weapon during the conduct of his or her duties as an election observer.

An Observer shall take reasonable steps to substantiate every statement or information provided in connection with the conduct of the elections. If any statement cannot be substantiated, the Observer's report shall state he or she was unable to verify the truth of the Statement or information.

An Observer shall comply with any lawful directive issued by or under the authority of the Commission, including an order to leave a Polling Station or Collation Centre given by the Officer in charge of the place.

Note: It should be noted that failure to adhere to a lawful directive is a violation of Nigerian Law.

(From Manual for Election Observers, issued by the INEC, November 1998)

From December 3-7, the AAEA/IFES delegation deployed seven teams of two and one team of one delegate to the following States: Kaduna, Kano, Lagos, Oyo (capital: Ibadan), Plateau (capital: Jos), Rivers (capital: Port Harcourt), and to the Federal Capital Territory (capital: Abuja). The AAEA/IFES observer mission coordinated its deployment with the delegations of the Commonwealth, IRI and NDI/Carter Center, selecting Local Government Areas that would not be observed by the other international teams.

The AAEA/IFES teams returned to Abuja on December 7, after having observed election day and reviewing the collation of results on December 6. The teams shared their observations in the AAEA/IFES de-briefing on December 7. The information gained from that de-briefing allowed for the compilation of the AAEA/IFES *Post-Election Report* (Appendix III), which was distributed to the INEC, political parties, domestic organizations, the media and others on December 8. The AAEA/IFES mission stressed that the *Report* was preliminary in nature, focusing on the mission's observations concerning election day but not fully addressing the announcement of results or the collation process, as that process was still underway.

Post-Election Environment

The IFES monitoring team remained in Nigeria throughout the month of December to monitor the announcement of results, the final registration of the three political parties and the preparations for the January 9, 1999 State House of Assembly and Governorship elections. Further, the team also observed the by-elections and run-off elections in four Local Government Areas on December 12, 1998.

Also in the month of December, IFES, in conjunction with the Electoral Commission of Ghana, collaborated with the INEC in the production of a *Poll Official Manual* for the Governorship and State House of Assembly elections. Election observers, including the AAEA/IFES delegation, had noted the lack of uniformity in the administration of the elections from polling station to polling station on December 5. In response to the reports by international and domestic observers, and following its own assessment, the INEC requested support from the international community to develop step-by-step guidelines for polling station staff to facilitate the conduct of the January 9 Governorship and State House of Assembly elections. With funding from the Department for International Development of the United Kingdom, the IFES/Electoral Commission of Ghana team worked with INEC staff in late December to produce a *Manual* for the more than 112,000 Presiding Officers and other election staff. The Canadian International Development Agency funded the printing of a total of 130,000 manuals which were distributed by the INEC in advance of the January 9 vote.

Chapter 3

Background to the Elections

Many in Nigeria characterize the system of governance in post-independence Nigeria as one of "permanent transition." Over the past decades, Nigeria has been subject to the frequent pendulum swing from elected civilian government to un-elected military regime and back again. The transition program of General Sani Abacha, who came to power in 1993 after the annulment of that year's election, was the fourth such transition program promulgated by a military regime. In a speech on October 1, 1995, Abacha set out his transition program, which was to culminate in the handover of power to an elected civilian government on October 1, 1998. Human Rights Watch/Africa, in its October 1997 report (*Nigeria: Transition or Tragedy?*), noted that the Abacha transition plan recalled that of previous programs: "As before, the process includes the drafting of a new constitution, the lifting of a pre-existing ban on political activities, the establishment of transitional institutions, the election of local government officials on a non-party basis, the re-drawing of State and Local Government Area boundaries, the formation of political parties and, finally, the holding of elections on a party basis."²

Under General Abacha, the transition program met with numerous delays. A new constitution was to have been approved by the military Provisional Ruling Council (PRC) by the end of 1995. While the government convened a National Constitutional Conference, which presented a draft constitution to Abacha in June 1995, the constitution was not promulgated.³ Local government elections were originally scheduled for 1996 but did not take place until March 1997, while State Assembly elections, which were to have been held in September 1997, were shifted to December of that year. Gubernatorial elections were not held in 1997 as scheduled, being postponed until 1998.

The pace of change in Nigeria, since the death of General Sani Abacha in early June 1998 and the subsequent naming of General Abdulsalami Abubakar as Head of State, has been stunning. Under General Abacha, the Nigerian military regime had abolished all legal forms of political opposition, jailed and executed political dissidents, purged the military of moderate elements, banned legal challenges to military rule, intimidated the press and subverted the independence of the judiciary. A little more than a month after Abubakar assumed his post, he confirmed the regime's intention to organize a transition to an elected government, giving confidence to many for the first time by setting out commitments that are being used to gauge the depth, timeliness and credibility of the transition to civilian rule. Those benchmarks include the following points from Abubakar's speech of July 20, 1998:

- Dissolution of the five existing political parties, new parties to be established;

² *Nigeria: Transition or Travesty?*, Human Rights Watch/Africa, October 1997, p.8.

³ *Ibid.*, p. 10

- Dissolution of existing election commission, new commission to be established;
- Release of political prisoners;
- International observation of the process;
- Elections to be held in the first quarter of 1999; and
- Civilian federal and State legislatures and local councils to be inaugurated by May 29, 1999.

Confidence among Nigerians and the international community concerning Abubakar's commitment to a credible transition was bolstered by his August 11 release of Decree No. 17 which defined the statutory obligations and areas of responsibility for the new Independent National Electoral Commission (INEC). Soon after, the INEC was established and began preparations for the elections which would lead to a new civilian government by May 1999.

Election Time Table

Soon after its establishment, the Independent National Electoral Commission (INEC) released a *Transitional Time Table* (August 21, 1998) which presented a "proposed program of events for electoral activities." The timetable for the transition to a civilian, elected government, which was subsequently amended by the INEC, is shown at the end of this Chapter.

Constitutional Framework

The Abubakar regime is currently ruling under a hybrid constitutional framework—observing some provisions of the 1979 and 1989 Constitutions. The 1989 Constitution was, however, never legally implemented, and the 1979 Constitution was not repealed.

On November 11, 1998, General Abubakar announced the formation of a 24-member Constitutional Debate Coordinating Committee whose mandate was "to pilot debate (on the 1995 draft constitution), coordinate and collate views and recommendations canvassed by individuals and groups." The CDCC was expected to submit its report to the Head of State no later than December 31, 1998 so that the resulting constitutional guidelines can govern the subsequent elections, particularly the presidential elections of February 27. It is expected that Abubakar's Provisional Ruling Council will promulgate the resulting constitution by decree in advance of the February elections.

According to CDCC Chair, Justice Niki Tobi, General Abubakar "did not indicate to the committee 'no go areas' but merely called the attention of the committee to some issues in the draft constitution which are wholly new and untested."⁴ However, Tobi did state that Abubakar regarded the 1979 Constitution as "the basic document to which amendments, as and when needed, could be made to accommodate all the major constitutional changes

⁴ *Hearings to Hold in 10 Centres, This Day*, November 19, 1998, pp.1-2.

brought about as a result of both the 1989 and 1995 constitution-making exercises.”⁵

One of the main issues of the 1995 Constitution up for debate is Article 229 which stipulates the rotation of the Presidency between North and South. Many believe that the South is “due” for a president, arguing that political power has for too long resided in the North. Numerous newspapers have run full-page notices from the Coordinating Committee calling for memoranda, from “Nigerians at home and abroad,” on any of the issues contained in the draft constitution. Those election-related issues on which the CDCC is particularly interested in feedback, and some of the questions asked by the Committee are as follows:

“Concerning the provisions on the principle of zoning and rotation (rotation of executive/legislative offices based on geographical origin), is it desirable to entrench these in the constitution and, if so, what offices should they affect, for how long and between which identifiable geographic or geo-political zones? What other ways and safeguards are there to allay fears of political domination and marginalization or groups and other elements in the society?”

“What is the best way of cultivating a sense of belonging in all segments of our society, in the light of our recent experience in the political arena and those of other nations the world over, through political engineering, without forsaking the ideals of democracy or sowing the seeds of permanent discord that may have disastrous consequences in the future?”

“What are the merits and demerits of the provisions which call for multiple Vice-Presidents? How feasible or workable is the idea given our experience with the operation, during the Second Republic, of a single Vice-President and the Deputy Governor under the 1979 Constitution?”

“The draft has proposed the novel idea of a Constitutional Court charged with the responsibility of handling election petitions and hearing matters pertaining to the enforcement of fundamental Rights. How justifiable is it to confer such wide jurisdiction on the court and what impact will it have on litigants?”

“How workable is the novel provision for proportional representation of political parties in the formation of the cabinet within a presidential system of government?”

“Should the 1979 Constitution be simply amended and if so (what would be) the nature of amendments, to maintain the much desired continuity in our constitutional development and history?”⁶

From the end of November into December, the CDCC scheduled public hearings on the 1995 draft constitution in ten centers throughout Nigeria: in Benin, Enugu, Ibadan, Jos, Kaduna, Kano, Lagos, Maiduguri, Port Harcourt and Sokoto. Additionally, the CDCC called on individuals and groups to organize workshops and seminars and to send their reports to the CDCC. Many pro-democracy and human rights activists are highly critical of the CDCC’s

⁵ Ibid.

⁶ *Call for Memoranda* from the Constitutional Debate Coordinating Committee, Vanguard, November 26, 1998, p.7.

mandate and process of consultation, arguing that a new constitution should be the result of considerations undertaken by the elected, civilian government, scheduled to be inaugurated in May 1999 or as the outcome of a Sovereign National Conference, with representation from a cross-section of Nigerian interest groups, to be held before May (as opposed to the type of constitutional conference which was convened in 1994 under Abacha whose members were selected in widely boycotted balloting from a list of regime-approved candidates).

At the time of writing this report (end of December 1998), the CDCC was reported to have just submitted its preliminary findings to the Provisional Ruling Council. Newspaper reports, including *ThisDay* (December 29, 1998) speculated that the CDCC might be recommending the adoption of the 1979 constitution with some amendments. The Committee is reportedly proposing the adoption of the presidential system of government with a separation of powers between the executive, legislative and judiciary. Under this system, there would be one vice-president. The federal government would have exclusive control over the armed forces and police, and elected leaders would have a four-year term but could be elected for another four years. The CDCC has also apparently recommended against proportional representation, zoning, rotation of power and the Constitutional Court.

As is noted in the following Chapter, decrees of the Provisional Ruling Council provide the overall legal framework under which the transitional elections are being held. These decrees have also enabled the Independent National Electoral Commission (INEC) to issue guidelines concerning voter and party registration, election day procedures and other issues relevant to the administration of the elections.

Methodology of Recent Elections in Nigeria

Nigeria's last presidential elections were held in June 1993 under the regime of General Ibrahim Babangida after considerable interference by the military government as to which candidates and parties could contest the election. In an effort to curb multiple voting, which had been widespread in previous elections, the Electoral Commission mandated a separate accreditation and voting period on election day, although voters were permitted to mark their ballots in secret (called an "open/secret" system). While the election was marred by corruption, court injunctions and low turnouts, it was generally agreed that the results, which were widely publicized by the media, pointed to victory by the Social Democratic Party candidate Chief Mashood Abiola. However, the results were annulled by the Babangida regime and Abiola was subsequently arrested, tried and convicted of treason after having claimed that he had a mandate to form a government.

Elections for Local Government and Area Councils were held in March 1996 and March 1997, the elections in 1996 being held on a "zero party" basis with the winners of those elections to hold office for one year, after which they were to be succeeded by the winners of the party-based local elections held later.⁷ The 1996 elections were held using the open

⁷ *Nigeria: Transition or Travesty?*, Human Rights Watch, October 1997, p.15.

balloting system, with voters lining up behind their preferred candidate to be counted—a practice roundly criticized by pro-democracy advocates as it did not protect the secrecy of the ballot and did not allow for any legal challenge to the ballot due to the non-use of ballot papers.

The March 15, 1997 local elections were held on a party basis and filled 774 Council chairmanships and 8184 councillorship seats (one for each ward). The elections in 1997 were conducted using the “secret ballot” system with the polling stations being open throughout the day for voting, and the voters marking their ballot in secret. Many observers reported that these elections were fraught with irregularities. The U.S. State Department’s 1997 *Human Rights Report: Nigeria* notes that “significant problems with voter registration, the delineation of constituencies, guidelines for the conduct of elections and the screening of candidates remained even after the elections were held, casting doubts on the process.”⁸ Further, Human Rights Watch/Africa reported that there were “many credible reports that members of the election tribunals (established to resolve disputes arising out of the elections) engaged in corrupt practices” and that the federal government, in many cases, reviewed the decisions of the tribunals due to concern over the allegations of bribery at the tribunals.⁹

State House of Assembly elections were held in December 1997, but turnout was very low, reportedly due to voters’ concerns about the credibility of the process as well as concerns about the transparency of the vote.

Lack of controls of voter’s cards, leading to reports of cards for sale, multiple voting and an inflated voters register, in the conduct of the 1997 elections resulted in a revision of the electoral procedures for the 1998-1999 transitional elections. In 1998, the INEC, after consultation with the political parties, set in place the current Open Secret Ballot System (OSBS), which was also used in the 1993 presidential elections. As is discussed in greater detail in Chapter 6, this system split accreditation and voting into two separate procedures, stipulating that any accredited voter not in line at the commencement of voting at 11:30am could not vote. With accreditation and voting occurring at set times throughout the country, the INEC hoped to limit opportunities for multiple accreditation and subsequent multiple voting.

⁸ *Nigeria Country Report on Human Rights Practices for 1997*, U.S. Department of State, January 30, 1998, p. 24.

⁹ *Ibid.*, p. 21.

INEC TIME TABLE FOR ELECTORAL ACTIVITIES

| | |
|------------------------|---|
| August 25, 1998 | Release of (provisional) Guidelines for the formation of political parties |
| August 31 | Release of (provisional) Guidelines for voters' registration |
| September 24 | Release of provisionally registered political parties (delayed until October 19) |
| October 5-19 | Voters' registration exercise |
| November 2 | Release of (provisional) Guidelines for local government council elections |
| November 16 | Submission of names of candidates for local government elections to the INEC |
| November 20 | Return of list of cleared candidates to parties |
| December 5 | LOCAL GOVERNMENT COUNCIL ELECTIONS |
| December 12 | Run-off elections, if any |
| December 14 | Release of Guidelines for Governorship/State House of Assembly elections |
| December 23 | Submission of names of candidates for Governorship/State Assembly elections |
| December 31 | Return of list of cleared candidates to parties |
| January 9, 1999 | GOVERNORSHIP/STATE HOUSE OF ASSEMBLY ELECTIONS |
| January 16 | Run-off elections, if any |
| January 20 | Release of Guidelines for Presidential and National Assembly elections |
| January 25 | Submission of names of candidates for National Assembly elections |
| Jan 29-Feb. 2 | Return of names of cleared National Assembly candidates to parties |
| February 12 | Submission of names of presidential candidates |
| February 13-15 | Return of names of cleared Presidential candidates to parties |
| February 20 | NATIONAL ASSEMBLY ELECTIONS |
| February 27 | PRESIDENTIAL ELECTION |
| March 6 | Run-off elections, if any for National Assembly and President Inauguration of Local Government and Area Councils, and State Assemblies—to be announced at a later date Swearing-in of Governors—to be announced at a later date |
| May 29, 1999 | Swearing in of elected President |

Chapter 4

Election Framework

Local Government and Area Councils

Voters in the December 5 elections in Nigeria went to the polls to elect Chairmen and Councillors for the 774 Local Government and Area Councils in Nigeria's 36 States and in the Federal Capital Territory. Local government councils, which are the lowest level of representative government in the nation, were first established in 1976 by government decree. Decree No. 16, released on August 11 but effective as of July 20, 1998, dissolved all Local Government and Area Councils, preparing the way for the conduct of the local government elections in December.

According to Decree No. 36, released on December 2 but effective as of August 11, 1998, there shall be a Council for each of Nigeria's 774 Local Government Areas. Some of the functions of Local Government and Area Councils, as recorded in Decree No. 36, are as follows:

- debating, approving and amending the annual budget of the Local Government or Area Council;
- the formulation of economic plans and development schemes;
- construction and maintenance of roads and other public facilities as may be prescribed by the State Administrator or the House of Assembly of a State;
- assessment of privately owned houses for the purpose of levying rates as may be prescribed by the Administrator or the House of Assembly of a State; and
- the provision of education, development of agriculture and natural resources (other than the exploitation of minerals) and the provision of health services in coordination with the State government.

The Local Government or Area Council is headed by a Chairman, who is directly elected from the Local Government Area at large. The Council is composed of Councillors, each of whom represents one of Nigeria's 8811 wards. The Councillors are elected from single-member wards through a simple plurality system. On the other hand, the winning candidate for Chairman must obtain a majority and $\frac{1}{4}$ of the votes cast in $\frac{2}{3}$ of the wards in the Local Government Area.

Legal Framework for the Local Government Elections

The legal framework for the electoral process in Nigeria is provided by decrees, which are issued by the military government through General Abubakar, as Head of State and Commander-in-Chief of the Armed Forces. The decrees, listed on the following page, provide for:

- the dissolution of existing Local Government and Area Councils (as noted above);
- the dissolution of the National Electoral Commission of Nigeria and the establishment of the new Independent National Electoral Commission;
- the dissolution of the five political parties established under the Abacha regime and the registration of new political parties; and
- the conduct of the December 5 local government elections.

Under Decrees No. 17 and No. 33, the Independent National Electoral Commission (INEC) has the mandate to issue Guidelines to govern the conduct of the elections. The following chapters, on the *Pre-Election Environment* and *Election Day*, review the three guidelines issued by the Commission which relate to the local government elections: *Guidelines for the Formation and Registration of Political Parties*, *Guidelines for Registration of Voters* and *Guidelines for Local Government Council Elections*. As the transition program progresses, the INEC will also issue guidelines to govern the conduct of the Governorship, State House of Assembly, National Assembly and Presidential elections.

Independent National Electoral Commission (INEC)

The Independent National Electoral Commission (INEC) was created by Decree No. 17 of August 11, 1998, and replaced the National Electoral Commission of Nigeria (NECON), which had been established by General Sani Abacha. Section 4 of Decree No. 17, as amended by Decree No. 33 of 1998, gives the following powers and functions to the Commission:

- to organize, conduct and supervise the election of persons into the membership of Local Government Councils or Area Councils or the Executive and Legislative Arms of State and Federal Governments, and such other offices as may be specified in any enactment of law;
- to register parties in accordance with the provisions of the relevant enactment or law;
- to monitor the organization and operation of the political parties including their finances;
- to conduct the registration of persons qualified to vote and the preparation, maintenance and revision of the register of voters for the purpose of any election;
- to monitor political campaigns and provide rules and regulations which shall govern political parties; and
- to divide the area of the Federation, State or Local Government or Area Council, as the case may be, into such number of Constituencies for the purpose of elections to be conducted by the Commission.

The INEC was allocated approximately Naira 3.4 billion (or US\$39.5 million) by the federal government of Nigeria for the conduct of the elections in the transition program. The Commission had prepared an initial budget for the local government polls which amounted to N747 million (US\$8.6 million) before it was slashed to N382 million (US\$4.4 million) by the government.

DECREES ISSUED BY THE FEDERAL MILITARY GOVERNMENT OF NIGERIA CONCERNING THE ELECTORAL PROCESS

- | | | |
|------------|--|--------------------------|
| Decree: | No. 7—National Electoral Commission of Nigeria (Repeal, Etc.) | |
| In Effect: | July 20, 1998 | Issued: August 11, 1998 |
| Comments: | Dissolved the NECON. | |
| | | |
| Decree: | No. 15—Political Parties (Registration and Activities) (Repeal, Etc.) | |
| In Effect: | July 20, 1998 | Issued: August 11, 1998 |
| Comments: | Dissolved the five political parties established under the Abacha regime. | |
| | | |
| Decree: | No. 16—Local Government (Basic Constitutional and Transitional Provisions) (Repeal, Etc.) | |
| In Effect: | July 20, 1998 | Issued: August 11, 1998 |
| Comments: | Dissolved Local Government and Area Councils. | |
| | | |
| Decree: | No. 17—Independent National Electoral Commission (Establishment, Etc.) | |
| In Effect: | August 5, 1998 | Issued: August 11, 1998 |
| Comments: | Established the Independent National Electoral Commission (INEC) and mandated its functions. | |
| | | |
| Decree: | No. 33—Independent National Electoral Commission (Amendment) | |
| In Effect: | August 5, 1998 | Issued: December 1, 1998 |
| Comments: | Includes provisions for the transfer of assets from the NECON to the INEC, and allows for the election of Vice President "such number of Vice-Presidents as may be specified in the Constitution of the Federal Republic of Nigeria for the time being in force." | |
| | | |
| Decree: | No. 34—Transition to Civil Rule (Political Programme) | |
| In Effect: | August 11, 1998 | Issued: December 1, 1998 |
| Comments: | Spells out the election schedule and allows the INEC to "make any rules and regulations and issue circulars and guidelines with respect to the schedule." | |
| | | |
| Decree: | No. 35—Political Parties (Registration and Activities) | |
| In Effect: | August 11, 1998 | Issued: December 1, 1998 |
| Comments: | Enables the INEC to issue guidelines and make rules and regulations for the formation and registration of political parties; guide electioneering campaigns by registered political parties; monitor and control activities of the registered political parties; and to dissolve or proscribe any political association. | |
| | | |
| Decree: | No. 36—Local Government (Basic Constitutional and Transitional Provisions) | |
| In Effect: | August 11, 1998 | Issued: December 1, 1998 |
| Comments: | Enabling Decree for December 5 local government elections. Mandates responsibilities of Local Government and Area Councils. | |

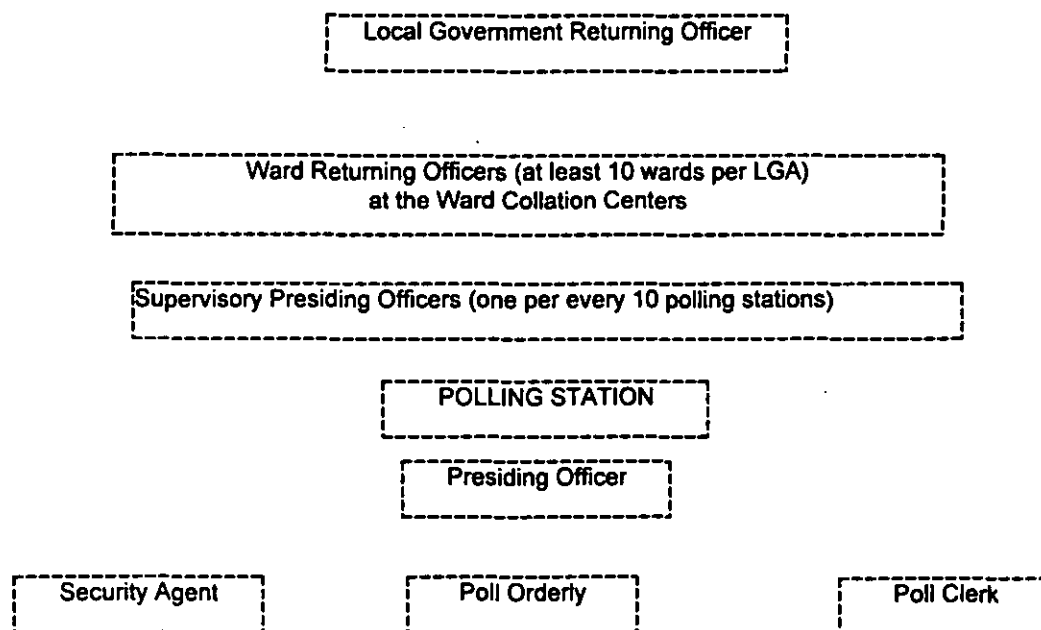
The Commission is headed by a Chairman who is the Chief National Electoral Commissioner of the Federation and who is assisted by twelve other National Electoral Commissioners. The Chairman and all Commissioners were appointed by Head of State Abdulsalami Abubakar following the announcement of Decree No. 17 in August. According to that Decree, "a member may at any time be removed from office by the Head of State, Commander-in-Chief of the Armed Forces for inability to discharge the functions of his office..." There are two criteria for Commissioners: "The Chairman and members of the Commission shall not be less than 50 and 40 years of age respectively" and "shall be persons of unquestionable integrity" (Decree No. 17). Also, "a member shall not while holding office hold any other office of emolument whether in the Federal or State Public Service." The term of office of the Commissioners is five years. Based in Abuja, the INEC is chaired by Justice Ephraim Akpata (Rtd.).

The Head of State also has the authority to appoint the Secretary to the Commission and the Resident Electoral Commissioners for the State Offices of the Commission. The Secretary is responsible for the day-to-day administration of the Commission and, according to Decree No. 17, is "responsible for keeping proper records of the proceedings of the Commission, the head of the Commission's secretariat and be responsible for the administration thereof; and responsible for the direction and control of all other employees of the Commission with the approval of the Commission." Decree No. 17 stipulates that the Secretary "shall be an officer in the public service of the Federation not below the rank of a Permanent Secretary and the accounting officer of the Commission; and have such qualifications and experience as are appropriate for a person required to perform the functions of his office under this Decree."

As can be noted in the organizational chart for the INEC at the end of this Chapter, the Commission, through the Secretary, directs the work of eight departments: Public Affairs, Legal Services, Finance & Supplies, Personnel Management, Planning Research & Statistics, Logistics, Field Services and Estate & Works. However, Commissioners also have responsibilities in these areas as they are chairs of committees on which sit the directors of the relevant functional areas. The INEC's Standing Committees are as follows: Security Committee, Political Parties Monitoring/Clearance Committee; Logistical and Electoral Stores Committee; Finance, General Purpose and Budget Committee; Field Services, Election Process and Training Committee; Publicity and Information Committee; Estate Works and Transport Committee; Appointment, Promotion and Disciplinary Committee; and Legal Services Committee. The appropriate department heads, in effect, serve as secretaries to these committees. The members of the staff of the Commission are appointed by the Commission either directly, on secondment or on a temporary basis. The staff of the Commission are public servants and are not removable from office except in accordance with the Civil Service Rules. Many of the staff from the previous National Election Commission of Nigeria (NECON) were absorbed into the INEC.

In addition to having supervisory responsibility over the committees named above, the National Commissioners are also responsible for election administration in two to four States, depending on state size. The functions of the INEC are conducted in Nigeria's 36 States and the Federal Capital Territory by State Resident Electoral Commissioners (REC), permanent

employees of the INEC who are appointed by the Head of State. According to Decree No. 17, the RECs "shall not be less than 40 years of age" and "shall be persons of unquestionable integrity." The REC's support staff loosely mirrors the structure of the Central Office of the Commission although there are minor variations from State to State. These offices receive materials and policy from the Abuja headquarters of the INEC and recruit and train poll officials and locate and equip the polling stations. The following organizational chart shows that the RECs are assisted by an Administrative Secretary and direct the activities of an Electoral Officer at the Local Government or Area Council Level. The Electoral Officer, who is responsible for the conduct of elections in the Local Government or Area Council is also a permanent employee of the INEC. Under the Electoral Officer, there are *ad hoc* employees of the INEC, as follows:



Local Government Electoral Officer: The Local Government Electoral Officer is the representative of the INEC at the local level and supervises the *ad hoc* (temporary) staff down to the polling station level. The Electoral Officer is responsible for all aspects of the conduct of the elections, including the distribution and collection of election materials.

Local Government Returning Officer: Each Local Government Area has a Returning Officer who has the responsibility of collating results as submitted by the Ward Returning Officer and declares the results of the election for Council Chairman. The Returning Officer is also to liaise with the Security Agents to maintain law and order at the Local Government Collation Center.

Ward Returning Officers: The Ward Returning Officer receives the results directly from

the Presiding Officers from each polling station in the ward and collates the results. The Returning Officer has the responsibility of declaring the results for Member of Council for the ward and submits the collated results for Council Chair to the Local Government Returning Officer. The Returning Officer also works in liaison with the Security Agents to see to the maintenance of law and order at the Ward Collation Center.

Supervisory Presiding Officers: Each Supervisory Presiding Officer supervises not more than ten polling stations and ensures the distribution of election materials to the polling stations as well as the return of the materials to the Local Government Electoral Officer through the Ward Returning Officer. In addition to liaising with the Security Agents to ensure that there is law and order within the polling stations under his or her supervision, the Supervisory Presiding Officer is answerable to the Local Government Electoral Officer in the conduct of his or her responsibilities.

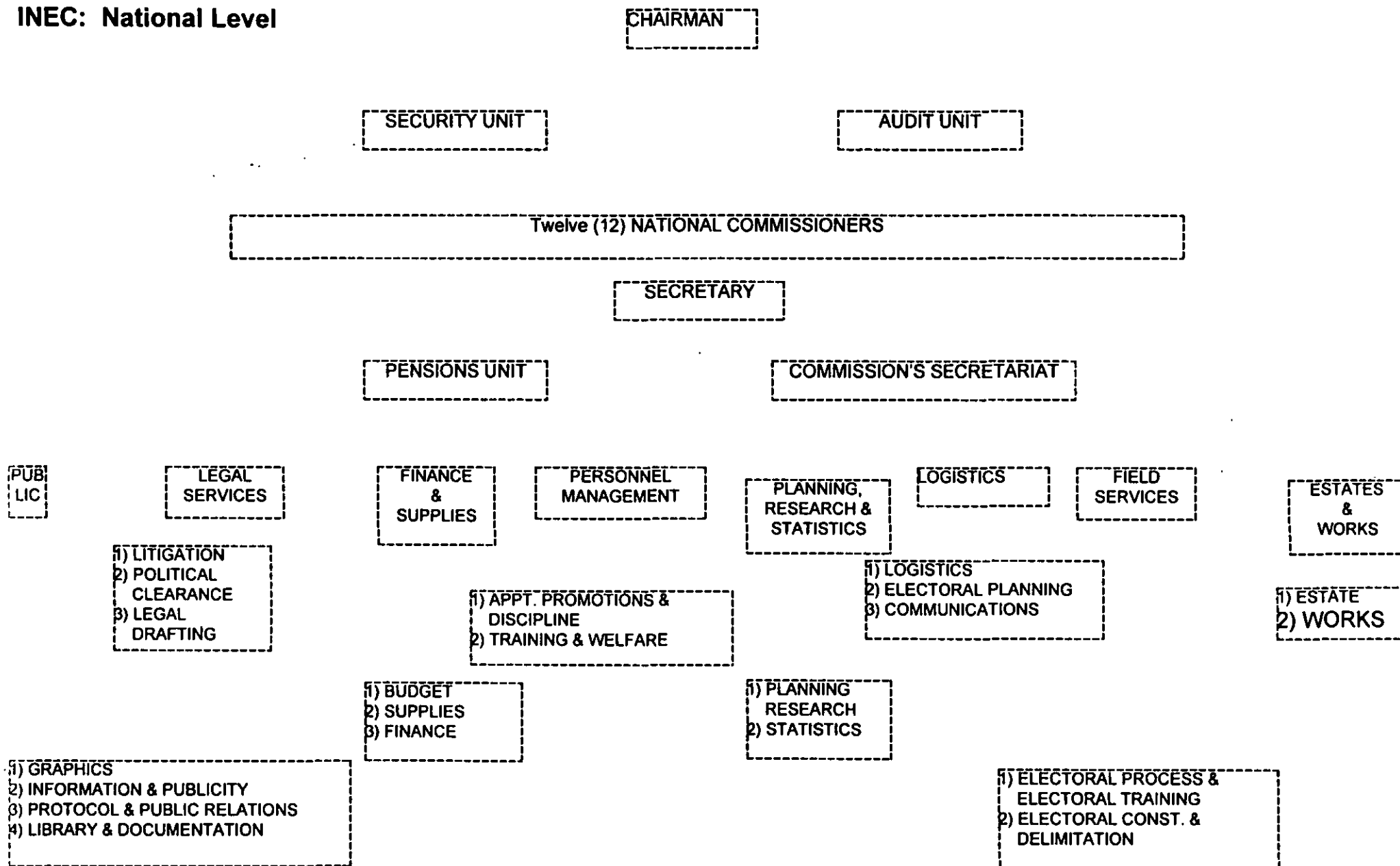
Presiding Officer: The Presiding Officer is in charge of a polling station and is responsible for the conduct of accreditation, voting and counting at the polling station. After recording the results from the polling station, the Presiding Officer submits the results to the Ward Returning Officer and delivers the election materials to the Local Government Electoral Officer through the Ward Returning Officer. The Presiding Officer is assisted by:

Poll Clerk: Assists the Presiding Officer in the collection and return of election materials, the conduct of the poll and can deputize for the Presiding Officer in his or her absence.

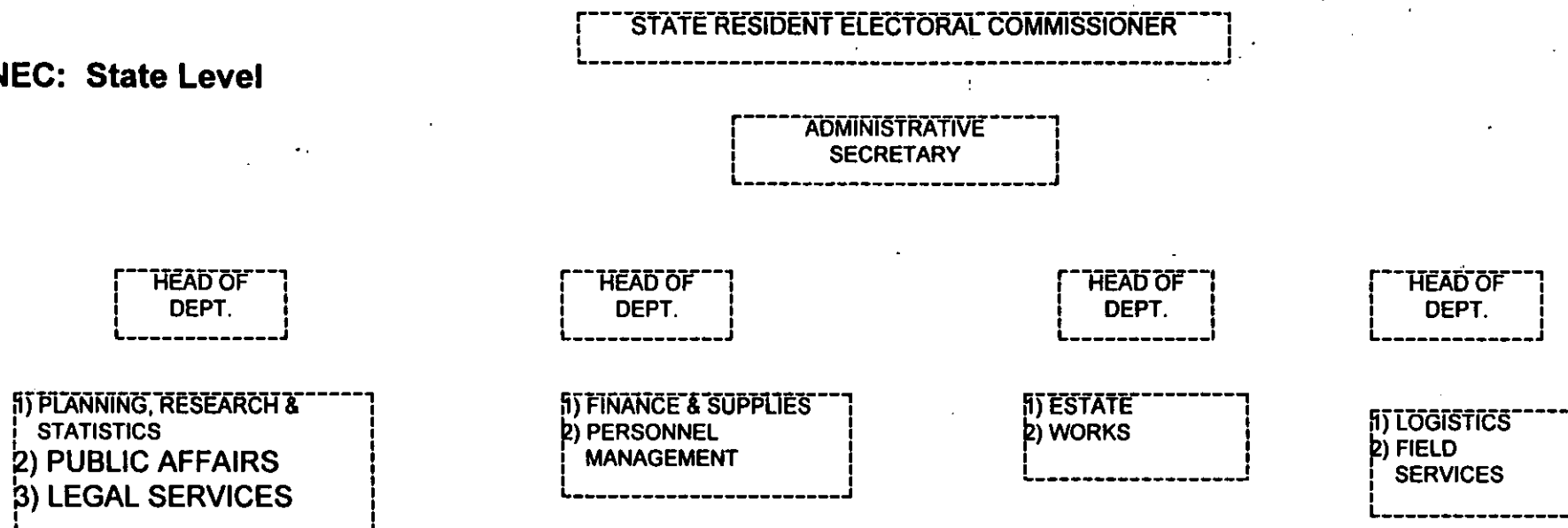
Poll Orderly: Assists with the removal of persons misconducting themselves from the polling station if so ordered by the Presiding Officer and regulates the movement of voters within the polling station.

Security Agent: The INEC mandated that an uniformed Security Agent be present at each polling station to maintain law and order. The Security Agents operated under the authority of the Presiding Officer. The Security Officer could also be directed by the Presiding Officer to stand at the back of the line at the commencement of voting given the absence or unavailability of the Poll Orderly.

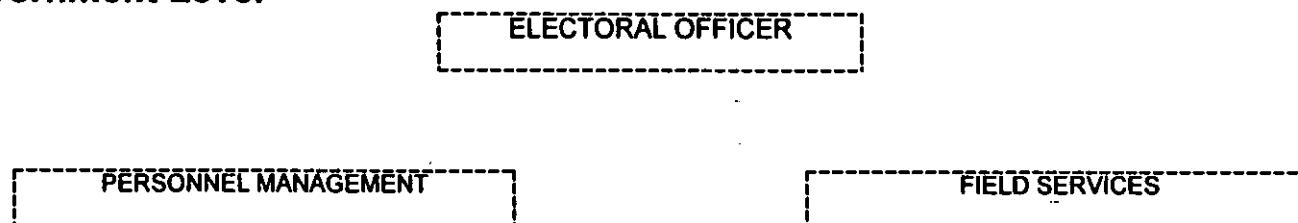
INEC: National Level



NEC: State Level



INEC: Local Government Level



Chapter 5

Pre-Election Environment

The importance of the pre-election period is well understood as it establishes the "rules of the game." The fundamental first step of the voter registration process very much dictates to what extent the citizens are able to participate in choosing their representatives. The election campaign shows to what extent the electoral playing field is level and how candidates and parties are able to communicate their message to the electorate. Unfortunately, the AAEA/IFES missions were not able to witness the registration process first hand; however, we have been able to gather sufficient information to enable some brief comments. We are focusing our comments on a number of specific areas, namely, voter registration, the accreditation of observers, the debate and subsequent revision of the guidelines for party registration and candidate nomination procedures and campaign finance.

Voter Registration

Through this period, of greatest concern to all citizens with whom we met (INEC officials and staff excluded) was the unavailability of voter's cards during the registration process. Almost all of our contacts had to return to the registration center more than once in order to get registered.

On August 31, 1998 the INEC published *Guidelines for Registration of Voters*, (Decree No. 17 1998) which detailed the registration procedure and the subsequent methodology for revision of the voters' register. A person was qualified to register to vote if he or she was a Nigerian, was at least 18 years of age, was resident in the area covered by the registration center that he or she intended to register at and had presented him or herself to the registration officers in person within the period of time that the INEC had proscribed for registration. The period of registration of voters was October 5 to October 19 (inclusive) between 8:00am and 6:00pm. The subsequent display of the register, for claims and objections was very short: between October 20 and October 22, 1998.

At the registration center each day, the Form EC.1A, the registration form, was compiled by *ad hoc* INEC appointed registration officers. These officers recorded the voter's name, age, sex, occupation and address on Form EC.1A. Each registration center was uniquely identified by a series of code numbers denoting the State, Local Government Area, ward and registration unit identity. Form EC.1A also noted both the unique voter's card number (Form EC.1G) and the further number of voters registration. This voters registration number was that of the position on the register. The first to register being 001, the twentieth to register being 020 and so on. At the same time as Form EC.1A was being compiled, the voter's card and counterfoil (Form EC.1G) was also prepared. This card was uniquely numbered and contained all of the same information as that of Form EC.1A, in addition the

voter's thumb print was marked on it (and the counterfoil). The voter was then issued with the card and the counterfoil and registration form were retained by the registration officials.

Once 500 names had been recorded on the registration form the registration unit was complete and a further unit was started. Daily records of the number of voters registered were recorded on Form EC.1B(A) and copies were given to any Party Agents present. After the period of registration, Form EC.1A was displayed so that voters could check to see that the detail was accurate. This claims and objections period provided a brief opportunity to correct this preliminary register. A claim was to correct a detail on the register or to add a voter who had been omitted. An objection was a method to remove a name should they not be either qualified or entitled to vote. Any person could make an objection, both claims and objections being decided by the INEC-appointed revision officer.

No form of national identity documentation exists in Nigeria, thus verifying a person's identity, age, etc. is not an easy matter. This, in combination with the fact that the register of voters at each registration center were not crosschecked against any other list meant that the potential for multiple registration was all too real. It is widely believed that the register of voters used for December 5 and soon to be used for the January 9 elections contains an unquantifiable number of duplicate entries. In order to safeguard against the possibility of a voter personally casting more than one ballot, the INEC has designed the election day procedures to minimize this risk.

These procedures do not, however, guard against voter impersonation. It is also widely alleged that a trade exists in the buying and selling of voter's cards. In part in order to undermine this allegation, the INEC has published the figures for the number of voting cards distributed to each State. This number, however, should not be confused with the number of registered voters. We have detected a marked reluctance on the part of INEC to publish and make available accurate voter registration information. The publication of such information would increase the transparency of the electoral process. (See Appendix IV for registration figures that IFES has been able to obtain from the INEC.)

Accreditation of Election Observers (Local and International)

Neither the Guidelines nor the enabling decrees explicitly provide for either domestic or international observers. The INEC, however, designed a system of accreditation for both types of observers. In both cases the individual observer was accredited and issued with an official numbered identity badge.

The procedure for accreditation was in practice extremely cumbersome and effectively ensured that very few domestic observers were accredited. The forms were only issued from the INEC headquarters in Abuja. Moreover, an individual from the organization (domestic or international) had to sign for their receipt. This requirement placed a difficult logistical hurdle for any organization not based in Abuja. Only 370 domestic observers received accreditation in time to observe the December 5 elections. It was suggested that the system of

accreditation be designed to ensure that the number of domestic observers was limited, for whatever reason. We have been able to confirm with INEC that this was not the case. We understand that the number of domestic observers will greatly increase over the course of the transition period with approximately a further 1,500 being accredited for the January 9 Governorship and State House of Assembly elections.

Registration of Political Parties

The first in a series of guidelines issued by the INEC entitled *Formation and Registration of Political Parties* was published in August 1998. This was subsequently published as Decree No. 35 on August 11, 1998. The Decree outlined a code of conduct for political parties and provided detail on the following administrative arrangements:

- qualification for registration;
- organizational and operational requirements;
- articulation of policies and strategies;
- payment of registration fees; and
- financial reporting.

A number of requirements were placed on parties seeking provisional registration, including the directive that they would have to be able to demonstrate that they were able to maintain functional branches in at least 24 States. Nine political parties were granted provisional registration by the INEC for the December 5 elections. In order to contest elections subsequent to the local government elections, the Decree specified that parties would have to demonstrate a measurable level of electoral support. The *Guidelines for the Formation and Registration of Political Parties*, paragraph 10 (3) stated that a party's provisional registration certificate would be withdrawn by the INEC unless it polled at least ten percent of the votes cast in each of at least 24 States of the Federation at the Local Government Council election. This became known as the "threshold" issue and was the subject of debate between the INEC and the provisionally registered political parties. A number of parties argued that this threshold should be removed altogether as there should not be such a restriction within a democratic system. The INEC did respond to the party complaints on this issue by reducing the minimum percentage of votes cast to five percent and by relaxing the geographic spread provisions of the paragraph so that a minimum of three political parties would receive full registration after December 5 elections provided each polled at least five percent of the vote. The full calculations of this provision are discussed in detail in Chapter 7 of this report.

Candidate Nomination Procedures

The Local Government (Basic Constitutional and Transitional Provisions) Decree No. 36, 1998 and the *Guidelines for Local Government Council Elections* define the nomination procedures for both the councillorship and chairmanship elections. Paragraph 51 of Decree No. 36 notes that candidates must be a resident of the ward or constituency that they are contesting, provide evidence of being a tax payer, pay a non refundable deposit (subsequently

revised down by the INEC) and further notes the number of nominators each candidate requires. Basic provisions covering who is excluded from being nominated are also detailed. The nomination papers themselves, Form C.F. 001 (for the councillorship election) and Form EC.4C (for the chairmanship election) further specify both a minimum age and educational threshold. The minimum age for nomination was revised downward by the INEC to be 25 years of age for Councillorship and 30 years of age for Chairmanship. All nominated candidates had to be educated to at least School Certificate Level (or equivalent). All nominations were then screened by the INEC to verify that the nominee was eligible to contest the election. A short period of time, 48 hours from receipt of nomination by the INEC, was given to the candidate to rectify any administrative errors that have occurred in the nomination papers. This screening period, originally to have ended on November 19 was extended by the INEC to November 26, 1998, and was carried out at State level by the Electoral Officers in each Local Government Area. The final list of nominated candidates was to be displayed or published by these Electoral Officers no later than 24 hours prior to December 5.

Campaign Finance

Two of the major responsibilities of the INEC, according to Decree No. 17, are to:

“monitor the organization and operation of the political parties including their finances; and arrange for the annual examination and auditing of the funds and accounts of the political parties and publish a report on such examination and audit for public information.”

Decree No. 35, Political Parties (Registration and Activities), mandates that the political parties submit such financial reports as required by the Commission. The only two constraints on the financing of political parties are contained in Chapter 14(3) as follows:

“No political party shall—

- (a) hold or possess any funds or other assets outside Nigeria; or
- (b) be entitled to retain any funds or assets remitted or sent to it from outside of Nigeria.”

During the pre-election period, the lack of controls on spending by political parties led to concerns that the large amount of financial support that seemed to be available to some of the parties would promote unscrupulous and illegal uses of those funds.

Concern about the need for regulations on parties' finances reached a peak when it was learned that General Olusegun Obasanjo, seen as a potential candidate for president under the banner of the Peoples' Democratic Party (PDP), had allegedly donated Naira 120 million (\$1.4 million) to the party. Responding to the public outcry about the donation, and other large gifts to parties by other political aspirants and businessmen, INEC Chair Justice Ephraim Akpata was reported to have considered limiting individual donations to parties. The Nation newspaper reported on December 3, 1998 that Justice Akpata said, “I must say that INEC has not put a ceiling on the amount a candidate can donate to a political party, we

are thinking seriously about that." However, the INEC ultimately decided that it would not place any limit on individuals' contributions to parties, noting that the monitoring of parties' finances, as stipulated by law, would provide adequate controls. The debate on campaign finance limits has particular resonance in Nigeria given the history of state-supported parties. Under Abacha, for instance, the government financed the five political parties which were allowed to contest in the elections of the transitional period. At this point, the political parties appear to be shying away from advocating any form of state funding given these historical connotations.

We observed as a very healthy sign, in the pre-election period, the dialogue that clearly existed between the provisionally registered political parties and the INEC. It, however, became clear that this "threshold" issue, together with that of campaign finance and nomination fees, were all areas that the some or all political parties wished to see modified. The threshold issue found seven of the nine political parties in agreement, on a reduction of its strictures. The INEC, after consultation, did in fact reduce the ten percent to five percent. The INEC also reduced the registration fees from Naira 10,000 to Naira 5,000 for candidates for Chairman and from Naira 2,500 to Naira 1,000 for candidates for Councillor as well as the age requirements for candidates.

Chapter 6

Election Day

The fifteen-member AAEA/IFES delegation deployed eight teams for the December 5 elections. Two teams were deployed to the Federal Capital Territory and others to Lagos, Kaduna, Kano, Oyo, Plateau and Rivers States from December 3-7. Throughout the observation mission the teams met with INEC officials and staff, members of political parties, representatives of non-governmental organizations and other Nigerians involved in the political life of the country. On December 5 the AAEA/IFES delegation looked closely at polling station organization, capabilities of poll officials, the ability of voters to cast their votes without undue hardship or intimidation and in secrecy, and the procedures for vote counting and result tabulation.

AAEA/IFES has focused its assessment on the electoral process, particularly the legal and constitutional instruments governing the conduct of the elections and an analysis of their implementation. This Chapter outlines the electoral provisions governing the accreditation, voting and counting procedures and presents the AAEA/IFES observations of these processes.

Overview

The INEC reported that there were 112,240 polling stations in the 774 Local Government Areas. The legal framework describing the conduct of the local government elections was promulgated in Decree No. 17, 1998 and subsequently published in official gazette form as the *Guidelines for Local Government Council Elections (Guidelines)*. The INEC also produced a *Training Manual for Poll Officials (Manual)* which further clarified and expanded on a number of the details contained in the *Guidelines*.

The polling stations were to be located at the sites where voters had been registered. Some sites, however, contained more than one polling station. Some polling stations were in school grounds or halls but many were in open spaces such as village squares or city street corners. The registration system used was designed to ensure that the average polling station did not exceed 500 registered voters.

At each polling station, three *ad hoc* INEC staff were to carry out all election day activities: Presiding Officer (in charge of a Polling Station), Poll Clerk and Poll Orderly. A Security Agent, usually a member of the police force, was also to be posted at each polling station to maintain law and order under the overall direction of the Presiding Officer. The *Guidelines* note that each candidate may appoint a Party Agent for each polling station in each ward in which he or she is contesting an election. The INEC must receive prior notification, in writing, of the names and addresses of the Party Agents and their place of deployment on

election day.

As at previous elections, INEC Commissioners and certain senior INEC staff were prohibited from voting in the elections. According to custom and practice, the election officials at the lower levels, from the State downward, including the three officials posted at the polling station, also were not able to vote. Party Agents and Security Agents were able to vote, but only if they were posted in their own polling station.

The INEC prohibited campaigning 12 hours prior to the date of the election and further proscribed other activities within 200 meters of a polling station on election day. Such offences were punishable either by imprisonment or by a fine, or both, and included:

- canvassing for votes;
- soliciting for the vote of any voter;
- “being in possession of any acid, offensive weapon or missile or wearing any dress or having any facial or other decoration which in any event is calculated to intimidate voters;” and
- “exhibiting, wearing or tendering any notice, symbol, sign, token, photograph or party card referring to the election.”

Election Day Activities

Election day itself can be considered under six broad activity headings:

- Polling station set-up and preparation (prior to 8:00am)
- Accreditation (8:00am – 11:00am)
- Preparation for voting (11:00am – 11:30am)
- Voting (11:30am – 2:30pm)
- Counting (at polling station)
- Ward and Local Government collation and declaration of results

The system of voting was known as the “open secret ballot” so named as the ballot was cast openly, in public view, but marked in secret. The secrecy of the voter’s choice was supposed to have been preserved when the ballot was placed in the ballot box. In order to ensure that no opportunity existed for an individual to cast multiple votes, certain safeguards were built into the system, namely that of directing voters to be physically present at the polling station from the accreditation period until their vote had been cast. In addition, the voter was to be marked with indelible ink to prevent multiple voting.

1. Polling station set-up and preparation

On the day before the elections, the Presiding Officer was to have collected the non-sensitive election material from the Supervisory Presiding Officer and recorded the materials collected on Form EC 25. The non-sensitive material was to have included a copy of the voters register, ballot box, lock and key, polling booth, indelible ink, INEC stamp (for validating voter’s cards and ballots), stamp pad and ink, envelopes (to retain used/unused/spoilt ballot

papers), pens and a plastic election bag.

On the morning of the election day itself, prior to 8:00am, the Presiding Officer was to have received the sensitive material from the Supervisory Presiding Officer: ballot papers for the election of Councillor and Chairman and Statement of Result of Poll: Forms EC.8A (for Chairman) and EC.8A(1) (for Councillor). All three *ad hoc* election officials, the Security Agent and the Party Agents (bearing the relevant identity letter), were expected to arrive prior to 8:00am.

There were no step-by-step instructions issued to the poll officials to help guide them in setting up the polling station in either the *Manual* or the *Guidelines*.

2. Voter accreditation

INEC Guidelines provided for accreditation to start, at each Polling Station, at 8:00am and end at 11:00am. According to the *Manual*, the process of accreditation was to have been as follows: "All voters cards will be checked, stamped and signed at the back by the Presiding Officer who will record such details as the date, type of election and code number." The *Guidelines* are more specific on the process, directing the Presiding Officer to ask the voter to verify their details as set out on the register and to confirm that he or she is above 18 years of age, should a candidate or Party Agent "challenge" the voters identity.

According to the *Guidelines*, electors may vote without a voter's card, if that card is missing or destroyed. The *Guidelines* state, "The Presiding Officer shall, if the name of the person is found on the register of voters for the Polling Station or Unit; and he has satisfied himself that the person is not impersonating any other person, allow the person to vote." However, neither the *Manual* nor the *Guidelines* provided any instruction concerning what the poll officials should do if a voter had a voter's card but was not on the register. The list of election offences, found in Appendix I of the *Manual*, notes that these electors could be considered to have committed an election offence and thus the following penalties could be enforced:

"...[offences that are punishable either by imprisonment or fine or by both]

Voting or attempting to vote, when one's name is not in the register of voters;

Bringing into the Polling station a voter's card belonging to another person whether that person is living or dead."

Once a voter is accredited he or she is instructed not to leave the polling station environs ("zone"). This process was commonly described as "confinement." However, none of the poll officials or security personnel are directed, in either the *Manual* or the *Guidelines*, to ensure that this happens.

According to the *Manual*, at the close of the accreditation period at 11:00am, the Poll Orderly was to stand behind the last person waiting to be accredited in the queue. Any person who arrives at the polling station after 11:00am shall not be accredited.

3. Preparation for voting

The *Guidelines* state that, at the close of accreditation, the Presiding Officer was to enter "in Form EC.8A, *Statement of Results Form*, the number of persons registered to vote at the Polling Station or Unit, the number of registered voters accredited, the serial numbers of the ballot papers issued to the Polling Station or Unit, the serial numbers of ballot papers issued to the voters, the serial numbers of unused ballot papers and the number of accredited voters standing in the queue at the commencement of voting."

Immediately after accreditation concluded (which is stated at 11:00am in the *Manual* but which was, in fact, later where there were still people queuing for accreditation at 11:00am), the *Manual* directed the Presiding Officer to explain the voting procedure to all present, including all electoral offences and the penalties for committing such offences and show that the ballot box contains no ballot papers prior to the commencement of voting.

The *Guidelines* further stated that the Presiding Officer was to introduce the candidates or their posters and symbols, the Poll Clerk and Orderly and the Party Agents; call the roll of accredited voters; and ensure that posters bearing photographs of the candidates were displayed within the polling zone or unit.

4. Voting

According to the *Manual*, voting was to commence at 11:30am and end at 2:30pm nationwide. Voting, however, was to be concluded when the last accredited voters "in line" had cast his or her ballots. Counting was to commence immediately after voting had concluded, either prior to 2:30pm or as soon as the voting had concluded, if this was later than 2:30pm.

The written procedure for voting also made provision for separate voting queues for men and women when necessary for cultural reasons. Further, it states that the Presiding Officer was to request the Security Agent or Poll Orderly to stand at the end of the queue behind the last accredited voter. Voters were to then show their duly stamped and signed voter's cards and be issued with the two ballot papers; one each for the Councillor and Chairman elections respectively. Voters were to then be directed to the polling booth (one at a time) to put their thumbprint on the ballot. They were to drop the ballot papers into the ballot box in the full view of all present.

Ballots: The design of the ballot was determined by the INEC. Two ballot papers were used for this election--one for the Chairman (printed on pink paper) and one for the Council member (printed on blue/green paper). The ballots were identical in design, (except for their headings), in that they both listed all nine parties contesting the election, and not candidates. Ballots showed each party's name (using the acronym) and the party's symbol, with a blank square next to the name and symbol to be marked with the voter's thumbprint. Ballot papers were printed with squares three across and three down. The parties were in alphabetical order, by acronym, from left to right across the ballot paper. A sample of the ballot paper is attached as Appendix V.

Ballot papers were supplied to the polling station in books of 100 with serial numbers indicating the state, Local Government Area and ward on the ballot stub. Polling stations were to receive a quantity that matched the voter's register plus a further one percent.

No clear instructions existed in either the *Guidelines* or the *Training Manual* on the marking of the ballot papers by the poll officials before issuing them to the voter. We were told by the INEC that they advised staff at training that ballots must be stamped and signed by the Presiding Officer before being issued to the voter. The only reference to this procedure is in the *Training Manual* which notes that the Poll Clerk will "assist the Presiding Officer with the stamping of the ballot papers on the back, if requested to do so."

It should be noted that the horizontal design of the ballot promoted invalid votes. If a voter folded the ballot and the ink from the thumb print was still wet, it would be possible for the ink to smudge and mark another party's box. Ballots so smudged were usually declared invalid by the poll officials.

Indelible ink: There were no instructions for poll officials with regard to the use of indelible ink. We do know that the INEC supplied indelible ink to the State level to be used on election day to mark, in some way, those accredited voters who had cast ballots. Some INEC officials told us that the voters would be marked with indelible ink after they had cast their ballots. It is also unclear how the poll officials were told to mark the voters. It should be noted that the ink supplied was not fully indelible.

Assisted voters: No official provisions were made for issuing ballot papers to more than one voter at once. According to the *Manual*, voters were directed, *one at a time*, to a private area to mark their ballot before placing it, publicly, in the ballot box. There was no guidance from the INEC on procedures for voters needing assistance, such as the elderly, the blind and others physically disabled.

5. Counting (at polling station)

Immediately after the last accredited voter has voted, the *Manual* states that the Presiding Officer shall:

- Empty the contents of the ballot box.
- Separate the Councillor and Chairman ballot papers.
- Sort the ballot papers into nine piles according to the party symbol.
- Using the alphabetical order of the acronyms of the parties, count loudly the number of votes.
- Enter the votes on EC.8A and EC.8A(1) in descending order.
- Verify the voter total by cross-checking the number of persons registered to vote; the number of accredited voters in the queue before voting; and the total number of votes scored.
- Check the ballot papers to ensure none should be rejected.
- Sign Forms EC.8A and EC.8A(1) and have the candidate or Party Agent(s) sign the Statement of Results.

- Give a copy of the statement of results to the each candidate or Party Agent and the Police.
- Proceed with the original of Forms EC.8A and EC.8A(1), accompanied by Security Agents and Party Agents and deliver them to the Ward Returning Officer
- Return all materials for preservation.

There were no guidelines as to what constituted an invalid ballot paper in either the *Manual* or the *Guidelines*. Several INEC staff told us that any mark outside the blank square next to the party name/symbol would invalidate the ballot. (The only reference as to where the voter should mark the ballot paper is in the *Manual* which notes that the voter should “put his/her thumb mark in the space opposite the symbol of the candidate of his/her choice.”)

6. Ward and Local Government collation and declaration of results

For the Election of Councillor the Ward Returning Officer will (according to the *Guidelines*):

- Take delivery of Forms EC.8A and 8A(1) and collate the votes using Forms EC.8B and 8B(1).
- Enter the total votes on Form EC.8B(1) and get the polling agents to countersign.
- Crosscheck the figures and distribute copies to the Party Agents and Security Agents.
- Complete Form EC.8E for the councilor election and declare the candidate with the majority of votes duly elected.

For the Election of Chairman the Ward Returning Officer will (per the *Guidelines*):

- Enter the Polling Station votes on Form EC.8B, add and cross balance, sign the form and get the Polling Agents to countersign.
- Announce the result for the ward.
- Give copies of Form EC.8(B) to Party Agents or candidates and the Police.
- Take returns and materials to the Local Government Area Returning Officer.

For the Election of Chairman the Local Government Returning Officer will (per the *Guidelines*):

- Enter ward results on Form.8C to get the number of votes for each party.
- Sign Form.8C and ask candidates, Party Agents present to sign the form.
- Distribute the forms to Party Agents and the police.
- Declare the result (this exact mechanics of this process is described in Paragraph 11 of the *Guidelines for Local Government Council Elections*, a number of possibilities exist as the result of voting is not determined by a simple majority of votes cast, unlike that of the election of Councillor).

AAEA/IFES Observations on Election Day

On election day, the AAEA/IFES delegation visited 112 polling stations located across 34 Local Government Areas. The teams observed the opening and closing of polls, accreditation, voting and counting operations. We observed the declaration of the polling

station results and watched material being transported to Ward Counting Centers. After the declaration of ward results we monitored the further transport of material to Local Government Collation Centers and observed the declaration of the results.

The AAEA/IFES teams returned to Abuja on December 7, 1998 and met to share their observations on December 8, 1998. The mission based its findings and reporting primarily on first-hand observations and carefully documented its observations, in all instances distinguishing verifiable fact from hearsay and objective from subjective judgement. The AAEA/IFES delegation used election day checklists to document accreditation, voting and counting operations and wrote longer analytical reports which discussed the general election environment of their deployment area and summarized their findings and recommendations.

On December 8, the AAEA/IFES mission issued its *Post-Election Report* (Appendix III) which summarized the teams' findings. The following section details the teams' observations of election day.

Disenfranchisement of voters:

A number of problems were reported to members of the observer mission prior to polling day. There were reports in the press of multiple registration, sale of voter's cards and severe shortages caused by rationing by the INEC to prevent misappropriation. A number of individuals we spoke to confirmed that voter's cards were difficult to obtain. The INEC State offices and their temporary recruits did not always keep the records as well as required and INEC Headquarters had not called for the return of voter registration records and unused cards, held in the states, to enable a reconciliation to take place. The INEC itself has admitted publicly that the register has significant problems.

In our discussions with the parties and NGOs about registration all acknowledged that there was a problem but all of them reserved judgement as to whether, for instance, the sale of voter's cards would benefit any particular party. We did speak to a number of people who had personally had difficulty during the registration period, in finding a local registration point where voter cards were available. Some had not obtained a card.

The voters registers used at this election were hand-written. It was claimed by INEC that they were fair copies of the original registers but this was difficult to tell in practice. There is no doubt that some clerical errors would be made in copying approximately 59,000,000 names and details to form "fair copy" registers. We certainly observed instances where the voter number on the register and the voter number on the voter card differed and the elector's name was thus difficult to find. Some of these electors were then sent on by largely inexperienced poll officials to other polling stations. On the other hand, we saw some poll officials making determined efforts to find these electors' names on the register.

The lengthy period of accreditation, the theoretical enforced wait until the voting period, and the wait to vote during the voting period would have been a deterrent to voters to engage in multiple voting. We can understand that INEC hoped that this process would make it

difficult for voters to vote twice but low turnouts observed at by-elections indicate that this cumbersome process will probably deter voters in the future.

Electors who had lost their voters' cards had a right to vote provided their name was on the register of voters. In practice this provision was not advertised. No team observed any elector asking for their right to vote where they had lost their card. On election day, it was reported that INEC Chair Justice Akpata had issued a notice directing poll officials to allow a voter without a card to vote if that voter could prove to the satisfaction of the poll official that he or she was on the register. The AAEA and IFES have no evidence that this directive was received or followed at the polling stations.

Polling station staffing:

As mentioned previously there were to be three *ad hoc* INEC staff working at each polling station. In reality in the vast majority of the polling stations that we visited only two staff (Presiding Officer and Poll Clerk) were present. We understood from the INEC that financial constraints prevented the Commission from fully staffing all polling stations.

The most efficient staff accredited voters at the rate of around one every 30 seconds, although usually they took closer to one minute. In some cases the staff had approximately 1,500 voters on up to three, or even four, registers. Typically a polling station operating with only the Presiding Officer marking the register, in accordance with the *Manual*, and with an accurate register could handle around 300 voters in the time allowed. At some polling stations we observed up to 1,000 electors came to vote. In some of these cases the Presiding Officer and Poll Clerk split the registers to speed the process but long queues formed at a significant number of the polling places we observed. Occasionally inaccurate registers made the queues even longer. These queues could have been a strong deterrent to potential electors contemplating going to vote.

Lack of a Poll Orderly meant that there was no one to stand at the end of the queue at 11:00am, meaning that voters who arrived at the polling station after 11:00am could be accredited.

Potential for multiple voting:

On polling day the three-hour accreditation period and the fact that there were commonly long queues meant that it would often have been difficult for a voter to cast a ballot at more than one polling station. However, if an elector had illegally obtained a voter's card, it was certainly possible, particularly at adjacent polling stations. In theory, electors who were accredited had to remain at their polling station until they had voted; however, none of our teams saw this rule enforced. Poll officials could see that it would be impossible to keep large sections of the community, such as the elderly and parents with young children, at the polling station and did not enforce the rule from the outset.

We did observe a significant number of electors in one State in northern Nigeria with more than one voter's card waiting in the queue during accreditation. In other isolated instances, particularly in a State in northern Nigeria, we observed individual electors with more than

one card. These instances often involved a husband who had brought his wife's voter's card. As our observers remarked on a significant increase in the number of women in the queue from accreditation to voting in polling stations in the north, in some cases it appeared that the wives returned to the polling station during voting with their accredited card to cast their ballots. Our observers did not witness any cases of multiple voting.

Lack of election materials:

Lack of election materials both sensitive and non-sensitive, and in particular the Statement of Result of Poll (Forms EC.8A and 8A(1)), caused polling stations to open late in a large number of cases. The shortcomings in the delivery of the forms appear to have been the result of both local transport problems after the material left the State INEC headquarters, coupled with a late supply by the printers of the Forms 8A and 8A(1) to INEC headquarters.

In Rivers State this late delivery caused the count to commence late and/or pieces of paper to be used in lieu of the official Form EC.8s. A number of polling stations had to abandon voting in River State due to lack of light when materials eventually arrived. Surprisingly River State repeated the same error the next weekend, once again counting in the dark at a number of polling stations and ward counting centers for the by-elections and having insufficient copies of Form EC. 8s to give the Party Agents, as required by the INEC guidelines.

Under-age voting / Impersonation:

Most observer teams noted that they saw a small number of instances where a voter may have been under 18 years of age. This of course is difficult to quantify as no national identity documentation scheme exists in Nigeria. The election day procedure very much relies on "local knowledge" meaning that the Presiding Officer, other poll officials and Party Agents should be from the locale. This then very much reduces the chance of both under-age voting and more importantly that of voter impersonation. In fact the onus of responsibility on challenging voter identity rests with the Party Agents as they are looking after the interests of their candidate/party. Thus, it can be noted that it is very important that candidates ensure that they are represented at each Polling Station. We observed that in all 112 Polling Stations more than one Party Agent was present. There is of course a universal responsibility on all voters to bring to the attention of the poll officials any possible case of under-age voting or impersonation.

At several polling stations we observed poll officials collect voter's cards from those waiting in line for accreditation. The cards would be accredited and then the poll officials would call the names out on the cards and return them to the voter. By doing this, poll officials could not ensure that they were not accrediting under-age voters or those who were using cards that were not their own.

As previously noted, the registration process very much "shapes" that of election day. If the distribution of voter's cards and the registration itself is not tightly controlled the potential for voter impersonation and multiple voting increases. We offer one example to illustrate this drawn directly from our observations. In Gabasawa Local Government Area in Zakirai ward

in Kano State, we saw numerous people with multiple voter's cards during the accreditation process, including one man holding at least 20 voter's cards. Although the AAEA/IFES observers were able to observe voting at some polling stations in this ward, our inability to remain at the polling stations throughout the voting process, the lack of domestic observers, and the non-application of indelible ink to mark voters meant that our observers could not determine if multiple voting took place. While Party Agents from two parties were present at the polling stations in this ward, our observers were not convinced that the agents were acting in the full interest of their parties to ensure the credibility of the process.

Location and set-up of polling stations:

Polling stations were most commonly in school grounds, grounds of local community halls or village squares. There was often little shelter available and these venues were not conducive to confinement of voters from accreditation to voting as envisaged in the guidelines. Most polling stations contained party posters in contravention of Decree No. 36, which prohibited the display of campaign material within 200 meters of the Polling Station. To some extent this was a benefit, as voters often did not otherwise know who was fielding candidates.

No attempt was made at any of the polling stations we observed to rope off areas to control queues. At some polling stations queues were crowded right on top of poll officials making their job stressful and extremely difficult. Security Agents often allowed this to happen.

Transparency and efficiency of counting process:

At most polling stations we observed, counting was carried out in the open in full view of Party Agents and, often, the public. As mentioned previously, the lack of Forms EC.8A and 8A(I) was the major problem that caused delays and, in a few observed cases, caused poll to be re-conducted 7 days later. The tabulation system, where it was used, gave Party Agents and poll officials a clear paper trail. The system, whereby at each stage of the counting process Party Agents signed and received a copy of the result, was widely accepted and worked well.

Lack of training and instructions for poll officials:

We were advised by the INEC that they lacked sufficient funds to train all staff in election procedures. This problem was exacerbated by the loss of a large number of poll officials due to industrial disputes on the eve of the election. To compound the problem, some important topics were not covered in the Presiding Officer *Manual*, such as assistance to voters and what constitutes a valid and invalid ballot paper. In many instances we observed that the environment in which many voters marked their ballots could be considered to be quite intimidating. By this we mean that, those waiting to vote, Party Agents and security personnel, were in a majority of cases, in very close physical proximity to the polling booths (if supplied). On many occasions, we observed voters placing their marked ballot papers in the ballot box unfolded. This meant that their vote was clearly visible to all those around waiting to vote and those observing the process, resulting from the lack of guidance given to poll officials on polling station lay-out and their duty to instruct voters on how to cast their vote. This problem points to the need for further voter education on the importance of the right to cast a vote in secrecy. Problems such as these inevitably caused some inconsistency

in the operation of polling stations.

On December 4, the States of Enugu, Kano, Katsina and Oyo were forced to replace thousands of poll officials due to strikes by state and local workers. The staff was not protesting against the INEC but were pressing the State and Local governments for pay increases for their regular work (many of them were teachers). Many of these poll officials were replaced by federal workers and students from the federal educational institutions in those States. The AAEA/IFES observer team deployed to Kano reported that more than 5,000 poll officials were replaced on the eve of election day, most receiving training only hours before assuming their election responsibilities. While it was noted that many of these poll officials performed admirably in these difficult circumstances, election day procedures were inconsistently applied at the polling stations we observed because there was no time for a thorough training program to be implemented.

Invalid ballots:

Most teams, at the count of votes, observed ballot papers rejected even where the voter's intention could clearly be discerned. In some cases, smudges, thumbprints over the party symbol and thumbprints that overlapped borders very slightly were all rejected.

Domestic observers:

Procedures for accreditation of domestic observers were only finalized a few days prior to December 5. Three hundred and seventy domestic observers received accreditation for the Local Government Council elections. We observed the presence of domestic observers in only four polling stations that we visited on December 5 (two in FCT, one in Lagos and one in Kaduna).

The importance of allowing access for informed domestic observers throughout the process and in particular at the points of registration, voting, counting and results declaration cannot be overstated. They provide another level of scrutiny in the process and being non-partisan, provide a different focus to that of Party Agents. International observer delegations do not have the outreach in terms of numbers of observers, that can be provided by domestic observation groups. Thus, a far greater number of polling stations could be observed if the accreditation process was decentralized to State level.

Voter awareness:

It was obvious from the high level of invalid ballot papers observed, both genuine and where the voters intention could reasonably be discerned, that whatever voter education campaign had been conducted by both the National Orientation Agency and the INEC, needs to be improved. It is perhaps reasonable to conclude that the number of changes in the voting system that has been used over the last few years may well have contributed to the confusion on election day. Most Presiding Officers, when instructing the voters on the procedure to be used for voting (prior to 11:30 am), did not provide adequate and clear guidance. Also, no voting system should rely on last minute guidance as information about the procedures should already have been widely disseminated.

Secrecy of the ballot:

One State Resident Electoral Commissioner told us that the voters would be told not to fold their ballot papers before putting them into the transparent ballot box which would be situated so that it was clearly visible to the poll officials, Party Agents and voters waiting to cast their ballots. He explained that this ensured openness. All other INEC officials to whom we spoke stressed the secrecy of the ballot; particularly the marking of the ballot paper in private and the folding of the ballot before it was cast. In practice, folding was not common and often the ballot was folded with the thumbprint facing outward and clearly visible.

Indelible ink:

With the exception of Lagos State, we did not observe the correct application of indelible ink. In reality, most Presiding Officers, if the Polling Station was supplied with indelible ink, poured it into the inkpad. A correct application would have been to dip the voter's thumb in the ink, ensuring that both the thumbnail and more importantly the cuticle are marked with ink. Consequently by just marking the tip of the thumb, the ink's designed indelible properties are much reduced. We observed that a voter could remove the ink from the tip of their thumb fairly easily after voting just by wiping it with a cloth. This problem was in part due to the fact that the *Manual* did not contain any guidance for Presiding Officers on the use of ink nor was an effective voter awareness campaign mounted to pre-notify the voters that indelible ink was to be used on the day of the election. Indelible ink provides a very visual safeguard against the possibility of multiple voting.

Chapter 7

Post-Election Environment

Run-Off and By-Elections

On December 12, 1998, the INEC conducted run-off and by-elections in 20 of Nigeria's 36 States and in the Federal Capital Territory, with elections taking place in 353 wards for the chairmanship elections and 206 wards for the councillorship elections. On December 9, INEC Chairman Justice Akpata commented on the December 12 run-off and by-elections in a press conference at which he also announced the provisional results of the December 5 vote. Justice Akpata noted that, "In areas where elections were inconclusive, there will be run-off elections on the 12th December. Similarly, there will also be elections on the same day...in areas where elections did not hold [sic] on the 5th December due to the late arrival of sensitive materials, civil disturbances or where the elections were aborted for whatever reason."¹⁰ Justice Akpata added, "It is relevant to state that the late arrival of sensitive materials was not due to the tardiness of our staff but to the disappointing performance of our official printers." Akpata's comments were a direct reference to the late arrival of the polling station results form (Form EC.8 series) from the Nigeria Security Printing and Minting Corporation.

The IFES long-term monitors observed the December 12 run-off elections in Gwagwalada Area Council, Federal Capital Territory (FCT), and the by-elections in the Port Harcourt area in Rivers State, assessing polling station operations, the count, and then following the tabulation of results from the ward to the local government level. The IFES monitors noted:

- continued inconsistency in election day procedures as conducted by the poll officials;
- lack of election materials;
- intimidation of voters;
- some cases of under-age voting;
- no use of indelible ink to mark voters; and
- disputes concerning invalid ballots.

Of particular concern was the re-use of the ballot papers for the December 12 elections in the wards where run-off elections were held and where only two candidates were contesting the elections. Voters invariably cast ballots for parties that were not fielding candidates, resulting in an unnecessary amount of invalid ballots. Also, indelible ink was not used to mark voters at any of the polling stations observed by the monitors. The following are some specific comments concerning our observations.

RUN-OFF ELECTION—

Gwagwalada Central Ward, Gwagwalada Area Council, FCT:

The IFES monitors visited all nine polling stations in Gwagwalada Central ward throughout

¹⁰ *Public Remarks*, Justice Ephraim Akpata, December 9, 1998.

the day. The poll officials at the polling stations had served on December 5, but had been rotated so none had previously served in this ward. However, despite this being the "second time around" for them, IFES continued to observe a widely inconsistent application of the election guidelines.

Accreditation: All nine polling stations did not follow the guidelines directing the confinement of voters. In one polling station, IFES observed accreditation after the commencement of voting. In one polling station, it was noted that accreditation was kept open in the period 11:00-11:30am, as the Presiding Officer believed that accreditation finished at 11:30am. In another polling station, the Presiding Officer was not marking the register if the voter had his voter's card previously stamped from December 5; the Presiding Officer was re-stamping the card, but was only checking the register for those with unstamped cards. Consequently, accurate accreditation figures could not have been declared.

Election day procedures: Consistent with AAEA/IFES observations on December 5, the IFES monitors observed a lack of uniform procedures from polling station to polling station throughout the election day. As before, there was no uniformity across the nine polling stations to ensure the voter's right to secrecy in marking the ballots. Not all polling stations were provided with a polling booth. Further, at none of the polling stations was indelible ink applied to mark voters.

Invalid ballots: The IFES monitors observed that ballots were rejected even when the voter's intention could be discerned. Moreover, the criteria for invalid ballots varied over the three polling stations where the count was observed. As unused ballots from December 5 were used, a number of voters marked their ballots for parties other than the two that were contesting the run-off.

Under-age voters: At two polling stations, we observed the arrest of under-age voters. One boy seemed to be attempting to use his older brother's card. He was questioned by the Security Service, and detained by the police after no one in the accreditation line could vouch for his age.

RUN-OFF ELECTION—

Kutunku Ward, Gwagwalada Area Council, FCT:

Accreditation: Problems remained regarding the procedure of accreditation as explained in the guidelines, i.e., the hours of operation, the need for voters to remain until they cast their ballots, and the general understanding among the voters of what accreditation is and what their responsibilities/rights are as voters.

Voting: Considering the registration numbers recorded at the five polling stations, voter turnout was low. Polling booths at four sites allowed for secret voting and an attempt was made to allow voters to mark their ballots privately at the fifth site. INEC headquarters staff was present and was called upon several times to help poll officials answer questions or resolve minor disputes. Marking the ballot with a thumbprint still proved frustrating, as voters were concerned they would spoil their ballots if they folded them before they placed

them in the ballot box. Many simply inserted their ballots without folding in order to avoid this problem. No indelible ink was used.

BY-ELECTIONS—

Port Harcourt Local Government Area and Oyigbo Local Government Area, Rivers State:

Late starts: Between 7:30-10:30am, the IFES monitor visited seven polling stations. Apart from a few voters, no one was present before 8:30am—even police arrived between 8:30 and 9:00am. At 10:30am, IFES visited INEC in Port Harcourt and spoke with the Logistics Director who said that all the material had gone out the night before; she gave no reason for the late starts. Of the five polling stations where IFES recorded opening times, one polling station claimed to have opened at 10:30am, three at mid-day, and one hadn't yet opened by 1:55pm and had a wrong voters register. Given the late starts on December 5 and the INEC report that materials had been delivered, these late starts are difficult to explain.

Police intimidation: We saw a number of examples of police intimidation. At two polling stations, voters were ejected when they started to tell us of irregularities. In three other instances, voters followed the IFES monitor out of polling stations to complain about incidents, which strongly suggest they felt unable to raise these issues openly.

Counting: Form EC.8s were again not available or were in insufficient quantities. Most Party Agents were excluded from the Ward Collation Center at the Port Harcourt Town Hall except for a few who, without Form EC.8s, had little prospect of tracking the results.

Results

The result of voting for the election of Councillor and Chairman is declared at local level first, by the Ward and Local Government Returning Officers respectively. The INEC headquarters, has to rely on each of the Resident Electoral Commissioners to forward a copy of the result before making the calculations for the registration of political parties and overall voter turnout figures publicly available. Not all election results are available as yet, on December 30 some 766 Chairmen and 8699 Councillor results are known to the INEC. This information, as well as overall turnout figures by State are included in Appendix VI.

Threshold

On December 14, 1998, the Chairman of the INEC announced at a press conference the outcome of the final registration of political parties. The conditions for final registration of political parties are stipulated in the *Guidelines for Registration of Political Parties*. In brief, any political party that "scored" five percent of the votes cast in at least 24 States would receive final registration and thus be able to participate in subsequent elections. (Paragraph 10(3)). These *Guidelines* provide for a number of differing eventualities should parties not meet this minimum threshold (Paragraphs 12,13):

“(12)(1) Where only one provisionally registered Political Party satisfies the requirement of subparagraph (3) of Paragraph 10 of these Guidelines, the Commission shall register along with it two other provisionally registered Political parties which come first and second respectively in accordance with the number of States in which the provisionally registered Political Parties scored 5 percent of the total votes cast.

(12)(2) Where only two provisionally registered Political Parties satisfy the requirement of sub-paragraph (3) of paragraph 10 of these Guidelines, the Commission shall register along with the two provisionally registered Political Parties the next provisionally registered Political Party which scored 5 percent of the total votes cast in each of the highest number of States of the Federation and the Federal Capital Territory, Abuja.

(13) Where no provisionally registered Political Party satisfies the requirement of subparagraph (3) of paragraph 10 of these Guidelines, the Commission shall register three provisionally registered Political Parties which scored 5 percent of the total number of votes cast in the highest number of States of the Federation and the Federal Capital Territory, Abuja.”

The above *Guidelines* provide for the eventuality of a political party receiving registration if it does not meet the minimum threshold for geographic spread of the vote (i.e., less than 24 States). It does not amend the minimum percentage of the vote required, (i.e., five percent). Thus a political party with four percent of the vote in at least 24 States will not receive registration. The Federal Capital Territory is considered to be a State for this purpose.

The INEC provided the following analysis of the result of voting, with regard to the five percent requirement :

| | | | |
|----|-----|---|-----------|
| 1. | AD | - | 14 States |
| 2. | APP | - | 36 States |
| 3. | DAM | - | Nil |
| 4. | MDJ | - | 3 States |
| 5. | NSM | - | 1 State |
| 6. | PDP | - | 37 States |
| 7. | PRP | - | Nil |
| 8. | UDP | - | Nil |
| 9. | UPP | - | 1 State |

Two parties satisfied the condition of scoring five percent of the votes cast in at least 24 States, PDP and APP. A third party, AD, was also granted registration as the Guideline provided for the situation where only two parties received five percent in at least 24 States, the party which scored five percent of the total votes cast in more States than others (Paragraph 12 (2) above).

The Guideline notes that "the number of votes cast" is considered to be the summation of the number of votes cast at the councillorship and chairmanship elections. The number of votes cast in an election is traditionally taken to mean the aggregate of both the valid and invalid votes. Clearly, as the number of invalid (rejected) votes cast is not recorded past the Ward Collation Center the more traditional interpretation of "cast" is not being used. This lack of information on the number of invalid votes also impacts on the calculation of voter turnout.

Tribunals

Disputes that arise from the Local Government Council elections are to be resolved through an election petition filed at an Election Tribunal. Decree No. 36, Local Government (Basic Constitutional and Transitional Provisions) Decree 1998, promulgated on December 2, 1998, describes in detail this procedure. It notes that the method of complaint about the elections is by lodging an "election petition" with the court that is constituted to deal with these matters in the first instance, namely an "election tribunal." The tribunal is a five-person body, comprised of a Chairman, who is a High Court Judge, and four other members who will be drawn from the High Court or at the very least be a Chief Magistrate. Each of the 36 States and the FCT will constitute separate Election Tribunals, the members being appointed in consultation with the Chief Justice of the Federation. On December 29 the Chairman of each of these tribunals was sworn in.

An "election petition" can only be filed by a contesting candidate (or person whose nomination was rejected by the INEC) rather than a political party. It must be lodged within 14 days of the declaration of result of the relevant election. The tribunal must determine the outcome of the petition and pronounce judgement within 60 days of the date of filing. The tribunal has the power to nullify an election, or should the candidate originally declared elected not be the person with a majority of votes, declare the correct one in his or her stead. The Decree further notes that an election may not be overturned just because a technical breach of the election guidelines has occurred. The legal test is that of whether the "spirit" of the guidelines has been observed. The INEC is indemnified from damages arising from any judgements made.

Should the petitioner not be satisfied, an appeal to the election tribunal decision must be lodged within seven days of judgement. Ordinarily this would be with the Constitutional Court; however, since this is yet to be constituted it will on this occasion be heard by the Court of Appeal, whose judgement will be final.

To date a number of election petitions have been lodged, but no central data exists with the INEC on exact numbers. We are aware of two arising from the conduct of chairmanship elections held in the FCT. Obviously, no Councils can be constituted until all these matters are resolved. The process described above is not "open ended" and the vast majority of petitions will have to be concluded in the first instance around the second week of February 1999.

It is of course more desirable that the election tribunals be constituted prior to the expiration of the period that petitions could be lodged. This would have ensured that all petitions could be considered in the fullest time available under the above arrangements (60 days) which would also enhance the transparency and promote the confidence in the process. However, it is interesting to note that the Chief Justice of the Federation, Justice Mohammad Uwais, commented when swearing in the Local Government Election Tribunal Chairman on Tuesday 29 December that "Nigerian politicians will do anything to get what they want". (ThisDay, December 30). He was perhaps anticipating that some petitions lodged may well not be based on the most stringent of legal cases, and was cautioning the Election Tribunal Chairman to be vigilant about this.

Chapter 8

Findings and Recommendations

A credible election process ensures the protection of the rights of the voters and candidates through mechanisms administered by the electoral authorities. The assessment of the AAEA/IFES mission of the process of the December 5 local government elections in Nigeria began with a review of the election framework—the setting of the ground rules and the tasking of institutional actors to administer the elections—and then tested that framework by observing the implementation of the laws and the procedures during the pre-election period, election day and the tabulation processes.

As an observer mission of election officials, election experts and experienced election observers, the joint AAEA/IFES delegation to the December 5 local government elections in Nigeria focused its assessment of the electoral process on the technical aspects of the administration of the vote. Areas of particular concern to the AAEA/IFES mission were:

- the legal framework for the electoral process;
- the organizational capacity of the Independent National Electoral Commission (INEC); and
- election procedures.

The recommendations of the AAEA/IFES mission fall within these three general areas. Our comments about the local government elections are presented here in the hope that they might contribute to preparations for the upcoming Governorship, State House of Assembly, parliamentary and presidential elections, to the overall strengthening of Nigeria's electoral system, and to the transition to a civilian, democratic government.

1. Legal Framework

Under the military regime of General Abdulsalami Abubakar, the electoral process is governed by decrees, issued by the federal military government. The Independent National Electoral Commission (INEC) was established by decree, following the dissolution of the National Electoral Commission of Nigeria (NECON) by an earlier decree. In the absence of a standing electoral law, the INEC issues electoral guidelines which are then ratified by decree by the military government.

In the case of Decree No. 36, the enabling decree for the local government elections, and its accompanying guidelines on political party registration, it should be noted that these instruments were formulated through consultations between the INEC, the political parties and key stakeholders in Nigeria, demonstrating the openness of the legal drafting process to different views and concerns. The INEC should be commended for its efforts to engage Nigerian stakeholders in dialogue and for including their recommendations in the policies

promulgated by the Commission.

Despite this process of review and consultation, and of the issuance of guidelines and decrees for each transitional election, many gaps remain in the legal framework governing these elections which have resulted in a lack of standard election procedure at the local level. The rights of the electorate, for example, to the secrecy of the ballot, should be protected by the guidelines and the decree governing the elections, as should the rights of international and domestic organizations to observe the electoral process. These, and other issues, are addressed informally by the INEC in documents such as manuals for poll officials and the code of conduct for observers, but there is no guarantee that these issues will be treated in a standard way without them being formally included in a document which has the force of law.

We offer the following observation on the legal language used in drafting the Decree No. 36, with particular reference to that used when describing the mechanism for determining the threshold calculations used to determine those parties qualifying for registration (five percent of the "votes cast" in 24 States--see Chapter 7). A greater precision and consistency is required in describing some terminology, such as the phrase "votes cast," more accurately described as valid votes cast. Consideration should also be given to ensuring the controlling forms also use the same language and contain provision for the relevant detail to be captured.

A clear example of this is that of the issue of recording the number of invalid ballots "cast" in each election. The current series of EC.8 forms makes no provision for the number of invalid ballots to be recorded past that of the Ward Collation Center. This has one implication: the calculations that the INEC made to determine which parties should receive registration based on the percentage of votes cast will have not been calculated in accordance with the Decree. Fortunately no material effect has occurred, that is to say the same three parties would have received registration if the calculation had been in accordance with the legal language stated, it being imprecise. In reality a more serious issue to consider is that this unrecorded data (invalid ballots) will provide an important "check and balance" into the system in the area of early detection of "results tampering."

Another issue which deserves further attention concerns campaign finance regulation. While the INEC is tasked with monitoring the finances of political parties, there are few restrictions on contributions to the parties and how the funds are spent. The examination of the electoral guidelines and the drafting of a new electoral code should take this issue into account but should also be sure to provide the INEC, or the responsible regulatory body, with an adequate mandate and sufficient resources to enforce any regulations.

Recommendations:

- The generally accepted rights of a voter in a democracy, including the rights to cast a ballot in secrecy and without undue hardship or intimidation, should be fully protected by the legal electoral guidelines. Further, to reduce the less than uniform application of election procedures on election day, the INEC should include, in its guidelines,

explicit instruction to poll officials on such issues as the confinement of voters at the polling station, assisted voting, invalid ballots, use of indelible ink and others.

- The right of access for accredited domestic and international observers and the media to all aspects of the electoral process should be legally protected. This will be an additional universal signal that the process is open and transparent.
- Upon its inauguration, the National Assembly should undertake a thorough review of the electoral guidelines and decrees, including the responsibilities and powers of the Electoral Commission and the jurisdiction of the election tribunals. The result of this review should be the drafting and promulgation of a new electoral code which protects the rights of voters, candidates and parties and ensures the conduct of periodic, transparent and credible elections.

2. Organizational Capacity of the Independent National Electoral Commission

The AAEA/IFES delegation recognizes the great challenge faced by Nigeria's INEC in administering these elections given the size and complexity of the country, the stated time frame, and the attendant logistical constraints. Despite the good performance of the INEC in conducting the December 5 elections, we recommend that the Commission address several areas to enhance the effective and transparent conduct of the electoral process.

As has been noted by international and domestic observers of the December elections, there was a wide variance in the application of election procedures from polling station to polling station, as well as throughout the tabulation process. In preparation for the January 1999 elections, the INEC requested international technical assistance to support the development of a manual that would provide step-by-step instruction to Presiding Officers and other poll officials on election day. IFES and the Electoral Commission of Ghana collaborated with the INEC in the development of this manual which will partly address the lack of standard procedures on election day.

The INEC had worked to limit the number of registered voters at each polling station to 500 or less, although on election day, the AAEA/IFES team observed several polling stations with more than 500 voters. At some of these larger polling stations, inadequate provisions were made for the security of the materials, the efficiency of the process and the control of the crowds. The inefficiencies of the polling station operation were added to by the lack of a Poll Orderly at every polling station observed.

Serious concern has been expressed by many election officials, leaders of political parties, Nigerian citizens and observers of the electoral process about the shortcomings of the voter registration process, including the disenfranchisement of eligible Nigerian citizens resulting from the shortages of cards, reported multiple registration and the apparent lack of controls on voter's cards. The credibility of any electoral process is based, as a first step, on the

accuracy of the register of voters. For the Nigerian electoral authorities to ensure the enfranchisement of all Nigerian citizens and the fairness of the process, it is imperative, in the longer-term, that the inaccuracies of the voter register be corrected.

Recommendations:

- To promote more effective and transparent election administration, election officials (including *ad hoc*/temporary staff as well as permanent staff of the INEC) should receive regular training in registration procedures, polling station set-up and on accreditation, voting, counting, tabulation and review processes. Training should focus on the provisions of the electoral guidelines to prevent its uneven and often discriminatory application and be updated as appropriate as well as enhance the professional nature of election administration.
- In polling stations of more than 500 registered voters, the INEC should ensure the provision of additional staff and materials to increase the efficiency of the accreditation and voting processes.
- In the review of the legal electoral framework by the soon-to-be-elected National Assembly, all phases of the voter registration process should be examined and the process made more efficient, transparent and credible. Efforts should be made to open registration permanently and to computerize the list to facilitate the enfranchisement of eligible voters and to enhance the accuracy of the list. Also, registration procedures in the electoral guidelines should facilitate public access to registration data to promote the list's regular revision. The INEC should also ensure that political parties have full access to the registration list. One option for consideration by the Nigerian authorities is the linking of the voter register to a national identification system, which would include a photo identification card.

3. Election Procedures

The production and distribution of a manual for poll officials prior to the January 9 elections will address many of the weaknesses observed in election day procedures. In addition, thorough and timely training of election staff will enhance their understanding of the process and the uniformity of the application of procedures. As is noted above, the INEC should also ensure that the election day process is clearly mandated in the relevant election guidelines to address the present ambiguity that exists in several areas.

In preparation for the January Governorship and State House of Assembly elections, the INEC has requested the assistance of the government of India in procuring indelible ink for the marking of voters. The AAEA and IFES are encouraged that the INEC has taken this step to help prevent multiple voting and to strengthen the overall credibility of the process.

Every effort should also be made by the INEC to ensure that Party Agents and voters are informed about the election day process and their rights and responsibilities in that process. The main responsibilities of the Party Agents, in particular, are to help detect impersonation and multiple voting and to ensure that the poll is conducted in accordance with the laws and regulations governing the conduct of the elections.

Recommendations:

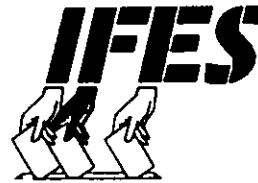
- The INEC should give specific direction to its poll officials concerning:
- Polling station set-up: The polling station should be arranged to ensure the efficiency of the process, the full observation of the Party Agents to the process and the secrecy of the vote.
- Impersonation: To prevent impersonation, where necessary, poll officials should ask the voter for information that is not on the card, but that is contained in the voters register against that person's name.
- Confinement: If it is INEC policy that, after accreditation, voters should remain at the polling station until the commencement of voting, then this instruction should be clearly conveyed to all poll officials.
- Instructions to the voter: Poll officials should instruct voters to fold their ballots after marking them, provided that the ballot's design is appropriate, and before casting them in the ballot box. Folding the ballots will help ensure that the voter's choice remains secret. Some inkpads, which voters can use to mark their thumbs for voting, are available that dry quickly and will not blot.
- The application of indelible ink: The poll officials should be given clear guidance in the method of applying indelible ink (at the base of the nail and the cuticle of the appropriate finger).
- The secrecy of the ballot: When available, polling booths should be used to ensure that voters can mark their ballot in private. When polling booths are not available, the table for marking ballots should be placed well away from the poll officials' table, the Party and Security Agents and others, including waiting voters.
- Invalid ballots: Clear guidance should be given to the poll officials as to what constitutes an invalid ballot.
- The INEC should make available to the political parties additional written information for the Party Agents so that they can better understand and contribute to the election process. Such information would also be useful to the Security Agents to enable them to perform their duties more effectively at the polling station under the direction of the Presiding Officer.
- Increased understanding on the part of the voters as to their rights and responsibilities will contribute to the INEC's efforts to guard against multiple voting and to promote the secrecy of the ballot. The AAEA and IFES recommend that further attention and resources be given to widespread voter education campaigns by the INEC to explain the voting process and the general framework of the elections.

Conclusion

Many of the recommendations proposed by the AAEA/IFES mission in this report can be implemented before the conclusion of these transitional elections. The AAEA and IFES encourage consideration of these recommendations to further the credibility and transparency of the electoral process and to enhance the representative nature of the offices that are elected by the Nigerian citizens. It is important that the government that is inaugurated following these coming elections be viewed by all Nigerians as one that truly reflects the will of the nation's citizens. As a country facing many challenges, the elected civilian government will need the support of the Nigerian people if it is to guide the nation toward democracy, good governance, unity and development.

APPENDIX I:

**AAEA/IFES Observer Mission: Delegation List
International Observer Badge**



**AAEA/IFES Observer Mission
Nigerian Local Government Elections: December 5, 1998**

Delegation Leader

K. Afari-Gyan
Executive Secretary, AAEA
Chairman, Electoral Commission of Ghana

Delegates

Abuya Abuya
Member, Electoral Commission of Kenya

John Acree

Consultant, IFES
Marren Akatsa-Bukachi
Program Officer, Institute for Education in Democracy, Kenya

Simon Clarke

Election Specialist, IFES

Albert Geoffrey M. Dzvukamanja

Member, Electoral Supervisory Commission, Zimbabwe

John Ernest Ekuban

Coordinator, Institute of Economic Affairs, Ghana

Paul Guah

Chairman, Elections Commission of Liberia

Keith Klein

Director, Africa and the Near East, IFES

Ramanou Kouferidji

Communications Secretary, GERDDES-Benin

Gilbert Ngouongue

Permanent Secretary, CERCUDE, Cameroon

Flora Nkurukenda

Deputy Chairperson, Electoral Commission of Uganda

Trefor Owen
Election Specialist, IFES

Susan Palmer
Program Officer, Africa and the Near East, IFES

Kwadwo Sarfo-Kantanka
Deputy Chairman (Finance and Administration), Electoral Commission of Ghana

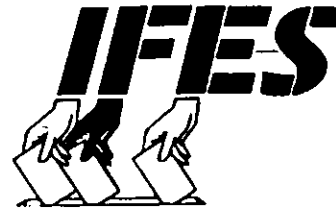


ELECTION DUTY

INTERNATIONAL OBSERVER

Authorised by: The Chairman of INEC

APPENDIX II: AAEA/IFES Pre-Election Report (November 30, 1998)



November 30, 1998

**Pre-Election Report
Nigeria's Local Government Council Elections: December 5, 1998**

This report was prepared by the four-person joint monitoring team of the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) which arrived in Nigeria on November 15, 1998 to observe and assess the preparations for the December 5 Local Government Council elections. The team was able to meet with officials from the Independent National Electoral Commission (INEC), representatives of all nine political parties, civil society groups involved in the election process, other Nigerian stakeholders, and domestic and international organizations observing the electoral process.

This report is a summary of the team's observations and should be considered as a preliminary report on the process. It should be noted that full access to INEC officials was granted to members of the AAEA/IFES team on November 27, 1998. Also, the team was not able to travel throughout Nigeria given the short time that the members have been in country.

It is within this framework that we have gathered information from a number of varied sources and offer the following comments. This document is not intended to be an exhaustive commentary of the electoral process but identifies several key areas for further attention. All of the recommendations that we make can reasonably be addressed prior to December 5.

This report is the first of a series of reports that will be written as part of the joint AAEA/IFES observation mission to observe the December 5 Local Government elections. A brief statement will be issued after polling day and will be followed by a detailed analysis of the process approximately four weeks later.

Election Framework

The framework for the current transition was set forth by General Abdulsalami Abubakar, who came to power in early June 1998 after the death of General Sani Abacha. Shortly after assuming his post as Head of State, General Abubakar confirmed the regime's intention to organize the transition to an elected civilian government. His speech of July 20, 1998 provided the framework and timeframe for this transition with the announcement of the dissolution of the existing political parties and of the election commission, the release of political prisoners, the scheduling of elections for the first quarter of 1999, and the setting of a date for the inauguration of a newly elected government on May 29, 1999. He further announced the establishment of a new elections commission and permitted the formation of new political parties.

In August, General Abubakar signed Decree 17, which defined the statutory obligations and areas of responsibility for the new Independent National Electoral Commission (INEC). The INEC has six responsibilities: 1) organizing elections; 2) registering political parties; 3) monitoring the activities of political parties; 4) auditing the finances of political parties; 5) registering voters; and 6) establishing and enforcing campaign rules.

Shortly after the decree, INEC published the *Guidelines and Transition Time Table August 1998–May 1999*, which details the various activities and steps, such as the registration of political parties and voters and the nomination of candidates, leading up to December 5, the day of voting for the Local Government Council elections. INEC subsequently issued voter registration and party/candidate registration guidelines. In early November, INEC published the *Guidelines for Local Government Council Elections*, which was subsequently amended on November 26 to incorporate changes previously announced to the public via INEC press releases.

On December 5, elections are scheduled to take place in 774 Local Government Areas throughout Nigeria. Each Local Government Area is made up of approximately 11 wards, each ward electing one council member. Each voter will also be able to cast a vote to elect the Chairman of the Council.

The November 26 *Guidelines* will form part of an enabling decree that will provide the legal framework for the Local Government elections. The Decree will be promulgated prior to the election day and it is expected to detail election provisions not included in the *Guidelines*. The Decree has been formulated through consultations between INEC, the political parties, and key stakeholders in Nigeria, demonstrating the openness of the process to different views and concerns.

While providing the legal framework for the Local Government elections, the Decree will also formally address several of the issues that have been debated by the key actors and the Nigerian public over the last weeks. It is expected that the decree will amend the *Guidelines for the Formation and Registration of Political Parties*, which was released in August. The original *Guidelines* states that for the nine provisionally registered parties to have their registration confirmed, they must receive at least 10% of the votes cast in a minimum of 24 States (the Federal Capital Territory is considered a "State" for electoral purposes). In response to discussions with the political parties and others, INEC has recommended that the voting threshold be reduced to 5%. The reported outcome of this change is that it may enable a minimum of three parties to be granted registration and allowed to contest the subsequent elections. The Decree will likely address other issues, the nature of which is not known at this time.

Registration

The credibility of any election process starts with an effective registration of voters. The challenge of organizing the registration of voters in a nation such as Nigeria, with a population of over 100 million living in 36 states and the Federal Capital Territory, is immense. The logistics required to plan the registration, including the employment and training of over 200,000

temporary registration staff, are vastly complex. In mid-October, voters were registered by appearing in person at registration centers throughout the country. As no national identity document exists, the responsibility of ensuring that only those entitled to vote were registered lay with the registration officials under the vigilant eyes of party agents and other stakeholders. All Nigerian citizens 18 years of age and older were entitled to register in their appropriate Local Council Ward. INEC has announced that it distributed slightly over 60 million registration cards to the States.

Upon registration, each eligible voter received a voter's card that carries information about the person in addition to a voter registration number. Through political party representatives, election officials and others, we learned that the distribution of the cards to the registration centers was regulated to reduce the possibility of misappropriation. Consequently, in very many cases, Nigerian citizens had to return repeatedly to registration centers in order to register as and when cards became available. It has been widely reported that some Nigerians were not able to register, despite repeated attempts, due to the unavailability of cards. However, during our discussions with representatives of the political parties no one suggested that there was pattern to this problem; moreover no one suggested that this will advantage or disadvantage any particular political party contesting the elections.

To counteract possible registration fraud, INEC has established several procedures on voting day to ensure effective voter accreditation and to prevent multiple voting. One measure that has been taken will have the voter remain at the polling station after accreditation and to the time that he/she is able to vote.

- **We recommend that these crucial safeguards designed to prevent multiple voting be provided for in the Decree or that the Decree enables any clarifying guideline to be published by INEC.**

We remain concerned about the possible disenfranchisement of eligible voters during the registration process and understand that this is a concern shared by many in Nigeria. We are encouraged that this issue has been openly discussed by INEC, the political parties and others and we hope that it will be resolved in a way that does not threaten the credibility of and the confidence in the electoral process. We encourage INEC to release the figures of Nigerian citizens who have registered to vote so that this knowledge may enable the Nigerian stakeholders to more constructively debate this issue.

- **We urge the publication of registration figures before the December 5 vote to facilitate the openness and transparency of the electoral process.**

Election Day Procedure

There will be three elements to election day: voter accreditation (from 8:00-11:00am), voting (from 11:30am-2:30pm) and counting. INEC has announced that there will be 111,430 polling stations, located largely in the same places as the previous registration centers. The voter's card carries the polling station information and other important administrative and security details, in particular the registration number of the voter on the registration roll. This number is a sequential record of the individual's position on the register of voters, i.e., the first to validly register on the

first day of the registration process at a given registration center will have his/her card marked 001 and so on.

We understand that the system of registration was designed to produce polling stations with 500 (or less) voters on the voters' register, 500 being the number of entries to complete one registration book. However, population demographics are not uniform and in areas of high population, registration officials registered more than 500 people at some centers. We understand that INEC has provided for an upper limit of approximately 1500 registered voters at any one polling station. For polling stations over 1500, the registration list will be "split", creating an additional polling station at the original registration location.

The creation of new polling stations, even if in close proximity to the original polling station (registration center), creates the potential for confusion on voting day. It will present polling officials and others with the problem of ensuring careful direction to the voter to his or her correct polling station. This becomes particularly important as the accreditation process is time-limited. Voters who do not arrive at the polling station early in the accreditation process might find that they do not have enough time to move to the correct polling station. We have further concerns as to whether up to 1500 people can be efficiently processed through the system of accreditation and vote in the three hours defined for the process.

- **We recommend that INEC issue clear instructions as to the set-up of the newly created polling stations to ensure that voters are quickly directed to their correct polling station. We also recommend that in polling stations of more than 500 voters, special consideration be given to the efficient processing of voters through the possible allocation of additional resources and/or specific guidelines.**

A further area that requires clarification is that of situation where a person is not able, for whatever reason, to produce his/her registration card on the day of voting. The *Guidelines for Local Government Council Elections* provides for a procedure to deal with this eventuality although the instruction manual for poll officials does not. While the *Guidelines* takes precedence, it is important that this issued be clarified for the poll officials, party agents, observers, and voters.

Neither the *Guidelines* nor the training manual allows a voter bearing a voter's card that appears to be valid for the polling station to vote if his/her name is absent from the voter register. We note that INEC, in its voter education material, only refers to the entitlement to vote on production of a valid registration card on the day of election.

- **We recommend polling day issues such as these be addressed by additional written guidance to presiding officers, party agents and observers.**

The smooth conduct of any election process relies on staff who are honest, competent and well-trained in all of their duties. An important aspect of training is that of the documentation used, and that of the instruction provided to the poll officials both verbally and through written material. The need for a clear understanding of the process extends not only to the poll officials but also to the party agents, domestic and international observers and the general population as well.

We have detected that the material currently available does not clarify all aspects of the process. A specific example of this is that there are no instructions in either the *Guidelines* or the poll official training manual concerning the use of indelible ink to mark accredited voters who have cast ballots. We understand that indelible ink will be supplied to every polling station.

- **We recommend that the use of indelible ink be specifically addressed in additional guidelines to the poll officials, party agents, observers, and voters.**

Voter Education

Effective voter education is crucial to the conduct of the elections. Both INEC and the governmental body the National Orientation Agency have the responsibility to inform and educate the populace. While we note that the media, in all forms, together with poster campaigns, are being utilized, further effort is required in this key area. For example, in speaking with potential voters a real confusion appears to exist concerning the methodology on polling day. Voters are confusing the open secret ballot system with methodologies that have been used in the past, which have not ensured the secrecy of the ballot. Concern about these previous failed and unacceptable voting methods has obviously shaped the method that INEC will use on December 5. However, without further and more far-reaching voter education, the credibility of the process in the mind of the electorate will suffer, as will, perhaps, their willingness to participate.

- **We recommend that further detailed voter education be urgently undertaken, both by INEC and the National Orientation Agency, to clarify the voting procedure used.**

Domestic and International Observers

A rigorous election process provides for a number of levels of scrutiny. Traditionally, parties have been able to nominate agents who look after the interests of the party. The process is further observed by nonpartisan domestic and international observers. These levels of scrutiny do not of course mitigate the responsibility of the individual citizens to report activities of concern, but engage specialized and more informed people in the process.

General Abubakar, in his July 20 speech, recognized the importance of impartial observation of the electoral process. While attention is often focused on international observation missions, in reality domestic observation provides for this level of scrutiny in the most meaningful way. The importance of allowing access for informed domestic observers throughout the process and at the points of registration, voting, counting and results declaration cannot be overstated. Domestic observers can provide coverage of many polling stations on election day; international observation is limited in outreach due to the size of the delegations. In the guidelines published to date, the right of a political party to provide agents to observe all stages of the process is well documented. However, none of the guidelines issued specifically notes the involvement of domestic and international observers in the process, nor do they provide for access of media to the process. The status of domestic and international observers together with the media needs to be formally clarified.

- **We recommend the right of access for accredited international and domestic**

observers and the media to all aspects of the electoral process, as has been granted to party agents; this will be an additional universal signal that the process is open and transparent.

- A centralized accreditation process already exists for observers both national and international. However, given the inevitable logistical constraints that often exist for domestic observer groups, we urge INEC to decentralize the process to allow domestic observers to apply for and receive accreditation at the State level.**

INEC

Campaign finance is an aspect of the election process that has been widely aired, most notably in the press. We offer no comment on the guidelines concerning this issue, which are largely silent other than to debar parties receiving campaign donations from non-Nigerians. We do, however, echo the specific comments that have been made on the issue of voter confidence in the process. There is a real danger that voters may well lose confidence in the political process if they perceive that politicians can effectively buy their candidature by the size of donation that they bring to a party.

The clear message that we have received from all parties/commentators about INEC is the confidence that exists in it from many sectors of Nigerian society. INEC has been able to demonstrate that the process allows for a meaningful dialogue between the Commission and the parties. This is a highly desirable aspect of any election process and we fully commend and support INEC for this. An election process should be fully open and transparent in order to gain voter's confidence in the process and to facilitate the legitimacy of the final results.

Conclusions

We commend the Independent National Electoral Commission (INEC) and the people of Nigeria for their efforts to undertake a credible and transparent electoral process. We hope that the recommendations made in this report will be seen as constructive and useful as INEC continues to develop an election framework and implement a process during such an important time in Nigeria's history.

We note the extreme challenge of conducting elections with all their attendant logistical constraints within the published timeframe. While we have identified several areas and issues that need clarification, we know that the INEC and all Nigerians are committed to a process that will lead to a legitimately elected civilian government. We understand the importance of these Local Government Council elections to the ongoing transition process and extend our support, as international observers, to these elections.

This report understandably focuses on electoral procedures and the INEC as the electoral management body; however, we want to underscore that political parties, the media and the individual citizen all have a responsibility to contribute towards a transparent and peaceful election process.

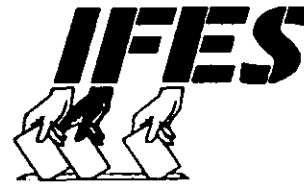
Finally, we would like to thank INEC, the political parties, Nigerian civic groups, and other Nigerian stakeholders for the information and time provided to us to enable the compilation of this report.

#

The AAEA is a membership organization of election administrators and representatives of election-focused nongovernmental organizations from throughout sub-Saharan Africa dedicated to the professionalization of election administration.

Since its inception in 1987, IFES has provided nonpartisan assistance to develop or refine election systems in more than 100 emerging and established democracies around the world.

APPENDIX III: AAEA/IFES Post-Election Report (December 8, 1998)



December 8, 1998

**Post-Election Report of the AAEA/IFES Observer Mission
to the Local Government Elections in Nigeria**

A 15-member delegation of election officials, election experts, and experienced election observers from the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) observed the December 5 local government elections in Nigeria. The international observer mission, led by Dr. K. Afari-Gyan, AAEA Executive Secretary and Chairman of the Electoral Commission of Ghana, arrived in Nigeria on November 30 and deployed to seven of Nigeria's 36 states from December 3-7 to assess the pre-election environment, observe voting day, and evaluate the tabulation of results and the immediate post-election period. The delegation included a four-person IFES team that has been in Nigeria since November 15 to monitor election preparations.

The AAEA/IFES observer mission focused its assessment of the electoral process on the technical aspects of the administration of the December 5 elections--on the organizational capacity of the Independent National Electoral Commission (INEC), the legal framework for the electoral process, and election day procedures. Our comments about the local government vote are presented here in the hope that they might contribute to preparations for the upcoming State Assembly, governorship, parliamentary and presidential elections, to the overall strengthening of Nigeria's electoral system, and to the transition to a civilian, democratic government.

The AAEA/IFES delegation deployed eight teams for these elections, two to the Federal Capital Territory and others to Lagos, Kaduna, Kano, Oyo, Plateau, and Rivers States from December 3-7. Throughout the observation mission, the teams met with INEC officials and staff, members of political parties, representatives of nongovernmental organizations and other Nigerians involved in the political life of the country. On December 5, the AAEA/IFES delegation looked closely at polling station organization, capabilities of poll officials, the ability of voters to cast their votes without undue hardship or intimidation and in secrecy, and the procedures for vote counting and results tabulation.

As is well known, Nigeria's struggle to build a democratic state has been a long and difficult one, and elections within this process have frequently been marred by lack of credibility and transparency. Citizens have a right to expect that their elections process will guarantee that they can register to vote and cast their ballot without undue hardship and in secrecy. They also expect that their vote is recorded accurately and counted toward the result of the election and that the result be universally respected. Given Nigeria's history, the citizens' aspirations and the importance of these elections to the present transition process, it is encouraging to note that the INEC generally had the confidence of the political parties and voters prior to the period leading to the elections.

Based on the observations of the AAEA/IFES mission and knowledge gained through our long-term presence, we present the following findings:

- **Voters register:** Most voters had a voter's card and their names were readily found on the register. Of great concern, however, was our observation at some of the polling stations of the accreditation of multiple cards in the possession of the same voter. Some voters with cards were not able to find their names on the register.
- **Accreditation:** Although the INEC attempted to eliminate the possibility of multiple voting by directing the confinement of voters at the polling station from the time of accreditation to voting, the guideline was not followed. We also observed a small number of voters under the age of 18 receiving accreditation.
- **Election day procedures:** We observed a lack of uniform procedures from polling station to polling station throughout the election day processes. At many polling stations, we observed that, either at the point of marking the ballot or dropping it into the box, the voter's right to secrecy was not preserved. Indelible ink was used to mark the voters in only a few polling stations. We believe the inconsistent election day procedures were a result of inadequate guidelines to, and training of, poll officials.
- **Materials:** Many polling stations that we observed opened late due to delay in receiving materials. Further, the provision of additional materials, such as extra ink pads, would have allowed more than one voter to mark his or her ballot, making the voting process more efficient. Some polling stations were not provided with lanterns or other materials to facilitate counting and tabulation in the night.
- **Invalid ballots:** We observed ballots that were rejected even when the voter's intention could be discerned. The lay-out of the ballot paper contributed to numerous invalid ballots, as did the lack of clear guidelines to the poll officials on what constituted an invalid ballot.
- **Voter awareness:** A low level of understanding on the part of the voter was evident resulting in difficulty in marking the ballot and casting it in secrecy.
- **Poll officials:** Only two poll officials were present at the majority of the polling stations we observed, hampering the efficiency of the voting and accreditation processes.
- **Domestic Observers:** We observed that most Nigerian nongovernmental organizations were not able to receive accreditation in time to effectively monitor the vote. Explicit recognition of the role of domestic observers would provide the framework needed to more easily include these important actors in the process.

RECOMMENDATIONS

We recommend:

- the immediate development and wide dissemination of a detailed, step-by-step instruction manual for poll officials and that INEC undertake a thorough and timely re-training of poll officials;
- a review of the ballot lay-out to minimize invalid ballots;
- the provision to polling stations of additional materials to increase the efficiency of the accreditation and voting process and the provision of additional staff at polling stations with more than 500 registered voters;
- that the logistical arrangements should allow for the timely delivery of all election day materials;
- uniform procedures for the application of indelible ink to mark voters' thumbs after casting ballots;
- that increased attention and resources be given to widespread voter education campaigns by the INEC and civic organizations;
- in the absence of training by political parties, that additional written information be made available by the INEC to the party agents so that they can better understand and contribute to the election process; and
- that the INEC recognize the role and responsibility of domestic and international observers in the electoral process and decentralize the accreditation process for domestic observers to the State level to allow their full and timely participation in the election process.

CONCLUSION

The AAEEA/IFES delegation recognizes the great challenge faced by Nigeria's Independent National Electoral Commission (INEC) in administering these elections given the size and complexity of the country, the stated time frame, and the attendant logistical constraints. We note the tremendous desire of all Nigerians to make the transition to an elected, civilian leadership and to build a sustainable democratic system. The December 5 local government elections demonstrated the commitment of the INEC, the political parties and the Nigerian people to the transition to democracy, as we witnessed people from all walks of life and all political persuasions cast their ballots for local government councilors and council chairmen. We are encouraged that this first vote passed in a relatively peaceful atmosphere and with the support of most Nigerians, and we hope that the following months will be marked by a further commitment to a credible, transparent and representative process on the part of all major stakeholders and Nigerian citizens.

**AAEA/IFES Observer Mission
Nigerian Local Government Elections: December 5, 1998**

Delegation Leader

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Executive Secretary, AAEA
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Delegates

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Kwadwo Sarfo-Kantanka
Deputy Chairman (Finance and Administration), Electoral Commission of Ghana

APPENDIX IV: Registration Figures (INEC)

INDEPENDENT NATIONAL ELECTORAL COMMISSION
REGISTRATION FIGURES

| | STATES | TOTAL CARDS ISSUED | NO. OF VOTERS REGISTERED |
|----|-------------------------------|-----------------------|-----------------------------|
| 1 | ABIA | 1,321,400 | 1,321,895 |
| 2 | ADAMAWA | 1,261,900 | 1,260,956 |
| 3 | AKWA IBOM | 1,476,500 | 1,450,367 |
| 4 | ANAMBRA | 2,249,600 | 2,221,384 |
| 5 | BAUCHI | 1,997,000 | 1,941,913 |
| 6 | BAYELSA | 897,500 | 873,000 |
| 7 | BENUE | 1,813,000 | 1,806,121 |
| 8 | BORNO | 1,923,000 | 1,822,987 |
| 9 | CROSS RIVER | 1,137,800 | 1,142,876 |
| 10 | DELTA | 1,787,500 | 1,794,361 |
| 11 | EBONYI | 903,500 | 902,327 |
| 12 | EDO | 1,369,400 | 1,380,418 |
| 13 | EKITI | 1,094,500 | 1,077,195 |
| 14 | ENUGU | 1,459,100 | 1,466,145 |
| 15 | GOMBE | 1,105,000 | 1,108,171 |
| 16 | IMO | 1,744,200 | 1,746,673 |
| 17 | JIGAWA | 1,749,800 | 1,567,423 |
| 18 | KADUNA | 2,557,800 | 2,536,702 |
| 19 | KANO | 3,980,800 | 3,680,990 |
| 20 | KATSINA | 2,406,900 | 2,151,112 |
| 21 | KEBBI | 1,202,000 | 1,172,054 |
| 22 | KOGI | 1,266,300 | 1,265,230 |
| 23 | KWARA | 938,300 | 940,400 |
| 24 | LAGOS | 4,724,400 | 4,091,070 |
| 25 | NASSRAWA | 754,300 | 949,466 |
| 26 | NIGER | 1,581,400 | 1,572,979 |
| 27 | OGUN | 1,589,000 | 1,559,709 |
| 28 | ONDO | 1,492,300 | 1,331,617 |
| 29 | OSUN | 1,491,200 | 1,496,058 |
| 30 | OYO | 2,356,600 | 2,362,772 |
| 31 | PLATEAU | 1,304,100 | 1,311,649 |
| 32 | RIVERS | 2,200,000 | 2,202,655 |
| 33 | SOKOTO | 1,514,800 | 1,274,060 |
| 34 | TARABA | 979,400 | 983,227 |
| 35 | YOBE | 960,400 | 874,957 |
| 36 | ZAMFARA | 1,253,500 | 1,112,627 |
| 37 | FCT | 388,300 | 385,399 |
| 38 | Cards distributed by National | 288,000 | |
| | TOTAL | 60,520,500 (1) | 58,138,945 (2) |

(1) Publicly released registration figures

(2) As given to AAEA/IFES on December 1, 1998

APPENDIX V: Sample of Ballots (INEC)

SAMPLE BALLOTS

032327999



INDEPENDENT
NATIONAL ELECTORAL
COMMISSION

CHAIRMANSHIP
ELECTION

5th December, 1998

BALLOT PAPER

| | | |
|---------|---------|---------|
| AD | APP | DAM |
| MDJ | NSM | PDP |
| PRP | UDP | UPP |

58566607

| | | |
|---------|---------|---------|
| AD | APP | DAM |
| MDJ | NSM | PDP |
| PRP | UDP | UPP |

COUNCILLORSHIP
ELECTION

5th December, 1998

BALLOT PAPER

APPENDIX VI: Voter's Turn-Out (INEC)
State Results (INEC)

INDEPENDENT NATIONAL ELECTORAL COMMISSION

DECEMBER 5, 1998 LOCAL GOVERNMENT ELECTIONS ANALYSIS OF VOTERS' TURN-OUT ON STATE BASIS

(As reported on December 30, 1998)

| S/No | STATE | REGISTERED VOTERS | VOTES CAST | % TURN-OUT |
|------|--------------|----------------------|-------------------|---------------|
| 1 | ABIA | 1,321,364 | 521,620 | 39.48 |
| 2 | ADAMAWA | 1,259,543 | 676,874 | 53.74 |
| 3 | AKWA IBOM | 1,450,367 | 957,545 | 66.02 |
| 4 | ANAMBRA | 1,605,030 | 629,606 | 39.23 |
| 5 | BAUCHI | 1,899,154 | 932,780 | 49.12 |
| 6 | BAYELSA | 497,333 | 340,654 | 68.50 |
| 7 | BENUE | 1,798,337 | 983,662 | 54.70 |
| 8 | BORNO | 1,690,943 | 638,412 | 37.75 |
| 9 | C/RIVER | 1,091,930 | 773,325 | 70.82 |
| 10 | DELTA | 1,547,685 | 682,174 | 44.08 |
| 11 | EBONYI | 902,327 | 459,319 | 50.90 |
| 12 | EDO | 1,414,511 | 555,781 | 39.29 |
| 13 | EKITI | 1,075,278 | 380,744 | 35.41 |
| 14 | ENUGU | 1,466,472 | 1,068,109 | 72.84 |
| 15 | GOMBE | 1,113,734 | 707,944 | 63.56 |
| 16 | IMO | 1,627,939 | 677,497 | 41.62 |
| 17 | JIGAWA | 1,568,423 | 556,831 | 35.50 |
| 18 | KADUNA | 3,886,405 | 1,770,811 | 45.56 |
| 19 | KANO | 3,680,990 | 2,619,114 | 71.15 |
| 20 | KATSINA | 2,236,067 | 804,799 | 35.99 |
| 21 | KEBBI | 1,167,171 | 422,508 | 36.20 |
| 22 | KOGI | 1,265,442 | 686,567 | 54.26 |
| 23 | KWARA | 940,425 | 535,791 | 56.97 |
| 24 | LAGOS | 4,093,143 | 1,219,524 | 29.79 |
| 25 | NASARAWA | 702,021 | 493,393 | 70.28 |
| 26 | NIGER | 1,553,303 | 729,565 | 46.97 |
| 27 | OGUN | 1,592,502 | 449,919 | 28.25 |
| 28 | ONDO | 1,333,617 | 529,389 | 39.70 |
| 29 | OSUN | 1,496,058 | 475,038 | 31.75 |
| 30 | OYO | 2,397,270 | 717,812 | 29.94 |
| 31 | PLATEAU | 1,313,603 | 748,847 | 57.01 |
| 32 | RIVERS | 1,778,583 | 848,815 | 47.72 |
| 33 | SOKOTO | 1,248,311 | 436,597 | 34.98 |
| 34 | TARABA | 979,001 | 785,872 | 80.27 |
| 35 | YOBE | 877,580 | 290,742 | 33.13 |
| 36 | ZAMFARA | 1,113,426 | 416,763 | 37.43 |
| 37 | FCT | 384,272 | 133,769 | 34.81 |
| | TOTAL | 57,369,560 | 26,658,512 | 46.47% |

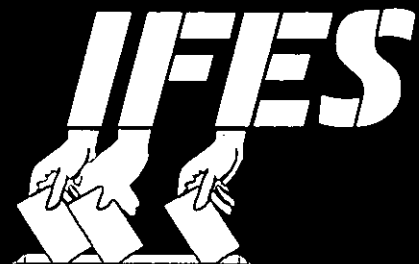
INDEPENDENT NATIONAL ELECTORAL COMMISSION
THE DISTRIBUTION OF SEATS WON BY EACH PARTY
IN THE DECEMBER 5, 1998 LOCAL GOVERNMENT ELECTIONS

(As reported on December 30, 1998)

| S/No. | STATE | CHAIRMANSHIP SEATS | | | | | | | | | | COUNCILLORSHIP SEATS | | | | | | | | | | | |
|----------|-----------|--------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|----------------------|--------------|------|------|-----|-----|-----|------|-----|-----|-----|-------|
| | | No. of LGA's | AD | APP | DAM | MDJ | NSM | PDP | PRP | UDP | UPP | TOTAL | No. of WARDS | AD | APP | DAM | MDJ | NSM | PDP | PRP | UDP | UPP | TOTAL |
| 1 | ABIA | 17 | 0 | 3 | 0 | 0 | 0 | 14 | 0 | 0 | 0 | 17 | 184 | 11 | 45 | 0 | 2 | 0 | 124 | 0 | 1 | 1 | 184 |
| 2 | ADAMAWA | 21 | 0 | 8 | 0 | 0 | 0 | 15 | 0 | 0 | 0 | 21 | 226 | 3 | 71 | 0 | 0 | 0 | 141 | 1 | 0 | 10 | 226 |
| 3 | AKWA IBOM | 31 | 2 | 10 | 0 | 0 | 0 | 19 | 0 | 0 | 0 | 31 | 329 | 33 | 104 | 0 | 5 | 1 | 180 | 0 | 6 | 0 | 329 |
| 4 | ANAMBRA | 21 | 1 | 2 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 21 | 327 | 14 | 67 | 0 | 0 | 0 | 242 | 1 | 0 | 0 | 324 |
| 5 | BAUCHI | 20 | 0 | 3 | 0 | 0 | 0 | 17 | 0 | 0 | 0 | 20 | 212 | 6 | 68 | 0 | 1 | 0 | 137 | 0 | 0 | 0 | 212 |
| 6 | BAYELSA | 8 | 0 | 0 | 0 | 0 | 2 | 5 | 0 | 0 | 0 | 7 | 105 | 1 | 27 | 0 | 0 | 12 | 61 | 0 | 0 | 0 | 101 |
| 7 | BENUE | 23 | 0 | 9 | 0 | 0 | 0 | 14 | 0 | 0 | 0 | 23 | 276 | 0 | 116 | 0 | 2 | 0 | 158 | 0 | 0 | 0 | 276 |
| 8 | BORNO | 27 | 0 | 13 | 0 | 1 | 0 | 13 | 0 | 0 | 0 | 27 | 312 | 1 | 132 | 0 | 6 | 0 | 173 | 0 | 0 | 0 | 312 |
| 9 | C/RIVERS | 18 | 0 | 11 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 18 | 193 | 0 | 88 | 1 | 0 | 0 | 104 | 0 | 0 | 0 | 193 |
| 10 | DELTA | 25 | 1 | 6 | 0 | 1 | 0 | 16 | 0 | 0 | 0 | 24 | 268 | 21 | 72 | 0 | 11 | 1 | 132 | 0 | 0 | 8 | 243 |
| 11 | EBONYI | 13 | 0 | 4 | 0 | 0 | 0 | 9 | 0 | 0 | 0 | 13 | 171 | 8 | 63 | 0 | 3 | 0 | 96 | 0 | 0 | 1 | 171 |
| 12 | EDO | 18 | 0 | 3 | 0 | 0 | 0 | 15 | 0 | 0 | 0 | 18 | 192 | 6 | 62 | 0 | 0 | 0 | 124 | 0 | 0 | 0 | 192 |
| 13 | EKITI | 16 | 12 | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 16 | 177 | 104 | 31 | 0 | 0 | 0 | 42 | 0 | 0 | 0 | 177 |
| 14 | ENUGU | 17 | 0 | 5 | 0 | 0 | 0 | 12 | 0 | 0 | 0 | 17 | 260 | 4 | 82 | 0 | 2 | 0 | 151 | 0 | 0 | 1 | 240 |
| 15 | GOMBE | 11 | 0 | 4 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 11 | 114 | 1 | 55 | 0 | 0 | 0 | 58 | 0 | 0 | 0 | 114 |
| 16 | IMO | 27 | 1 | 9 | 0 | 0 | 0 | 14 | 0 | 0 | 1 | 28 | 307 | 4 | 104 | 0 | 2 | 0 | 155 | 0 | 0 | 11 | 276 |
| 17 | JIGAWA | 27 | 0 | 7 | 0 | 1 | 0 | 18 | 1 | 0 | 0 | 27 | 287 | 0 | 80 | 0 | 10 | 0 | 190 | 7 | 0 | 0 | 287 |
| 18 | KADUNA | 23 | 0 | 5 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 23 | 255 | 1 | 63 | 0 | 0 | 0 | 188 | 1 | 1 | 0 | 254 |
| 19 | KANO | 44 | 0 | 6 | 0 | 0 | 0 | 38 | 0 | 0 | 0 | 44 | 484 | 5 | 137 | 0 | 7 | 0 | 334 | 1 | 0 | 0 | 484 |
| 20 | KATSINA | 34 | 0 | 5 | 0 | 0 | 0 | 28 | 1 | 0 | 0 | 34 | 361 | 0 | 91 | 0 | 3 | 0 | 262 | 4 | 0 | 0 | 360 |
| 21 | KEBBI | 21 | 0 | 5 | 0 | 0 | 0 | 16 | 0 | 0 | 0 | 21 | 226 | 0 | 68 | 0 | 1 | 0 | 157 | 0 | 0 | 0 | 226 |
| 22 | KOGI | 21 | 0 | 8 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 21 | 239 | 3 | 69 | 0 | 1 | 0 | 144 | 0 | 0 | 0 | 237 |
| 23 | KWARA | 16 | 2 | 10 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 16 | 194 | 38 | 116 | 0 | 0 | 0 | 35 | 4 | 0 | 0 | 193 |
| 24 | LAGOS | 20 | 17 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 245 | 187 | 33 | 0 | 0 | 0 | 23 | 0 | 0 | 2 | 245 |
| 25 | NASARAWA | 13 | 0 | 2 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 12 | 147 | 0 | 38 | 0 | 1 | 0 | 97 | 0 | 0 | 1 | 137 |
| 26 | NIGER | 25 | 0 | 1 | 0 | 0 | 0 | 24 | 0 | 0 | 0 | 25 | 274 | 3 | 38 | 0 | 2 | 0 | 231 | 0 | 0 | 0 | 274 |
| 27 | OGUN | 20 | 17 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 20 | 234 | 163 | 13 | 0 | 0 | 0 | 59 | 0 | 0 | 0 | 235 |
| 28 | ONDO | 18 | 13 | 1 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 17 | 203 | 121 | 16 | 0 | 0 | 0 | 52 | 0 | 0 | 0 | 189 |
| 29 | OSUN | 30 | 18 | 5 | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 29 | 332 | 202 | 56 | 3 | 0 | 0 | 68 | 0 | 0 | 0 | 329 |
| 30 | OYO | 33 | 18 | 6 | 0 | 0 | 0 | 9 | 0 | 0 | 0 | 33 | 351 | 154 | 56 | 0 | 0 | 0 | 140 | 0 | 0 | 0 | 350 |
| 31 | PLATEAU | 17 | 0 | 1 | 0 | 0 | 0 | 16 | 0 | 0 | 0 | 17 | 207 | 1 | 47 | 0 | 2 | 0 | 158 | 1 | 0 | 0 | 207 |
| 32 | RIVERS | 23 | 0 | 5 | 0 | 0 | 0 | 17 | 0 | 0 | 0 | 22 | 319 | 6 | 63 | 0 | 0 | 3 | 206 | 0 | 1 | 0 | 299 |
| 33 | SOKOTO | 23 | 0 | 11 | 0 | 0 | 0 | 12 | 0 | 0 | 0 | 23 | 245 | 0 | 122 | 0 | 0 | 0 | 122 | 0 | 0 | 0 | 244 |
| 34 | TARABA | 16 | 0 | 4 | 0 | 0 | 0 | 12 | 0 | 0 | 0 | 16 | 168 | 0 | 72 | 0 | 8 | 0 | 82 | 0 | 0 | 2 | 164 |
| 35 | YOBE | 17 | 0 | 7 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 17 | 178 | 0 | 104 | 0 | 0 | 0 | 103 | 0 | 0 | 0 | 207 |
| 36 | ZAMFARA | 14 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 14 | 147 | 0 | 74 | 0 | 0 | 0 | 72 | 0 | 0 | 0 | 146 |
| 37 | FCT | 6 | 0 | 1 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 6 | 62 | 0 | 16 | 0 | 2 | 0 | 41 | 1 | 2 | 0 | 62 |
| TOTALS : | | 774 | 102 | 192 | 0 | 3 | 2 | 484 | 2 | 0 | 1 | 768 | 6811 | 1101 | 2599 | 4 | 71 | 17 | 4840 | 21 | 11 | 35 | 8699 |



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