

Open-Closed Letter to Electoral Stakeholders in Nigeria

- **Chairman of Independent National Electoral Commission (INEC)**
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Nigeria
- **President of Senate of the Federal Republic of Nigeria**
Office of the Senate President
Red Chambers, the National Assembly Complex
Three-Arms-Zone, FCT, Abuja
Nigeria
- **Speaker of the House of Representatives of Nigeria**
Office of the House Speaker
Green Chambers, the National Assembly Complex
Three-Arms-Zone, FCT, Abuja
Nigeria
- **The Inspector General of Police**
The IGP's Office, Force Headquarters
Louis Edet House, Shehu Shagari Way
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Nigeria
- **The Attorney General of the Federation (AGF)**
Office of the AGF, Federal Secretariat Complex
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- **The Chairman, Senate Committee on INEC**
Red Chambers, the National Assembly Complex
Three Arms Zone, FCT, Abuja
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- **The Chairman, House Committee on INEC**
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Sirs,

(i) Electronic Voting And Balanced Voter Registration & PVC Distribution As Key Solutions To Low Turnout, Voter Militarization, Vote Rigging And Threats Of Election Boycott Facing 2019 General Polls In Nigeria(Concluded)

(ii) A Study Of Anambra 2017 Governorship Election & Challenges It Generated

(Intersociety, Nigeria: 28th November 2017)-Our Organization-*Int'l Society for Civil Liberties & the Rule of Law (Intersociety)* respectfully write your public offices as it concerns the above underlined subject. This letter of ours had arisen following challenges generated by the just concluded Anambra 2017 Governorship Election that took place on 18th November 2017 and the urgent need to address those challenges head long so as to ensure participatory, popular, free and credible General Elections in Nigeria in early 2019.

Dual Use Of Digital & Manual Voting As A Must For 2019 Polls In Nigeria

Sirs, Nigeria is long overdue for digital or electronic voting and its simplified application methods. This is more so when many private and public academic and non academic institutions have successfully gone digital in Nigeria. Specifically, there is successful mobile or electronic banking now in Nigeria through the trios of ICT powered “internet”, “intranet” and “extranet”. The National Open University of Nigeria (NOUN) has successfully operated “e-exams” and “e-tutor marked assignments”; likewise Oko Fed Ploy, JAMB, WAEC, NAPTEB, etc.

Therefore, Sirs, introduction and use of digital or electronic voting is long overdue. It should inexcusably be introduced to exist side by side with the existing manual voting system. While manual voting system should be retained for accessibility of Nigerians of remote and rural localities and as alternative in the event of network congestion and associated others; the digital or electronic voting should be put in place for Nigerians of urban townships and network accessibility as well as those in Diaspora.

The electronic voting will also capture the largest percentage of ‘elite’ and ‘independent’ voters who usually shun polling booths in the slightest atmosphere of fear and threats. Just as Nigerians can stay wherever they are to do mobile banking, electronic or digital voting offers similar opportunities so long as it is election time or hours. The electronic voting system should also be configured in such a way that registered voters can periodically revalidate their PVCs online or electronically through INEC’s ICT data system (i.e. designated website). During voting, voters can easily use their PVCs wherever they are and specifically restricted to or programmed for their voting residencies or polling areas to effect accreditation before voting.

Electronic voting will also enhance the fundamental human right of political participation in Nigeria especially the rights of Nigerian citizens in Diaspora to participate in political and electoral process in their mother country. To ensure this, Electoral Act of 2010 as amended shall be amended. Part of electronic voting system will also involve effecting some amendments in the Electoral Act of 2010 to liberalize and dualize voters’ registration or for the existence of manual and electronic voters’ registration, updating and revalidation.

Importance Of E-Voting For Nigeria & Its 2019 General Polls

Through our extensive investigations especially during the 2015 General Elections in Nigeria and the Anambra 2017 Governorship Poll, we saw the introduction and use of electronic voting system in Nigeria as a major solution to most, if not all the challenges confronting election midwifery and conduct in Nigeria.

The challenges thrown up by the Anambra 2017 Governorship Poll such as indiscriminate *buying and selling of PVCs and scientific manipulation of same through INEC's ICT departments; polling booth voter bribery, threats of violence against voting population and election boycott, low voter turnout especially among elite and independent voters, militarization and over-spending of public funds in poll security, late arrival of polling materials and personnel, threats and fears generated by state and non state actor threats of violence, money politics, inducement and threats of victimization against voting population especially by the incumbents, generation of alarming number of invalid votes, non-issuance of PVCs, tedious voter registration and PVC collection processes, poll security deployment corrupt practices such as police and army roadblock extortion; etc,* are capable of becoming a thing of the past once digital voting is put in place and made citizen and operationally friendly in Nigeria especially against the backdrop of the coming 2019 General Elections.

Tackling The Problem Of Imbalanced Registration Of Voters & Issuance Of PVCs In Nigeria

It saddens our heart that despite the clear provisions in the Electoral Act of 2010 as amended especially as they concern *continuous voters' registration* in Nigeria, the authorities of INEC have not lived up to the Commission's constitutional and statutory responsibilities. As highlighted above, over 41m eligible Nigerian voters dominated by citizens of Southeast, South-south and Northern non Muslims are yet to be registered as voters in Nigeria. Over 12m Nigerians dominated by citizens of the same geopolitical regions are still denied PVCs. It must be pointed out again that there had never been any major national voters' registration and PVC distribution exercise in Nigeria since 2015 geared towards balancing the imbalances.

By the Chapter Four of Nigeria's 1999 Constitution, political participation through right to vote is inviolable and inalienable right or fundamental human right. By the provisions of Sections 9-23 in the Part 3 of the Electoral Act of 2010 as amended, processes for voters' registration are clearly provided. Specifically by Section 10 of the Act and its amendment, *continuous voters' registration* including updating and revalidation until 30 days to the general elections is also mandatorily provided and imposed on INEC as a duty. But the realities on the grounds strongly indicate that these provisions have steadily been observed in breach by INEC since 2015.

Therefore, we strongly call on INEC to rewind and apply the same methods it applied in Northern Nigeria where it extensively used or consented to the use of polling units and proxies such as Emirs, ward, clan and family heads and Imams; so as to get the over 41m unregistered Nigerian eligible voting population dominated by the affected citizens of Southeast, South-south and non Northern Muslims to be registered as voters in Nigeria and balance the imbalances or close the wide gap in the country's voter registration and PVC distribution charts.

Bearing in mind clear provisions of Sections 10 (prohibition of state religion or dominant religious practices), 17 (forbids state including INEC from discriminatory conducts) and 42 (forbids discrimination against citizens) of Nigeria's 1999 Constitution, INEC must reject discrimination and its practices; capture and register every eligible citizen irrespective of his or her tribe or religion as registered voter in Nigeria. The 41m unregistered voters in Nigeria must inexcusably be captured by the Commission as registered voters. INEC must also apply the same methods it applied in the North especially among Muslim population to ensure that most, if not all the 12, 065, 846 undistributed PVCs mostly belonging to Nigerian citizens of Southeast, South-south and Northern non Muslims are given to them.

Investigation Of The Reported Official Misconducts In Anambra 2017 Governorship Poll

We call on the authorities of INEC to thoroughly investigate the reported misconducts highlighted above especially the possible scientific manipulation of figures as highlighted above. Specifically the INEC's National ICT Directorate headed by one Chidi Nwafor and its Anambra department and all its key personnel alongside the Anambra REC have a serious case to answer as why **"there were 8,540 accredited voters who never voted in the just concluded Anambra Governorship Poll"**; more so when "simultaneous accreditation and voting" method was strictly applied by the Commission across board during the Poll.

We ask: *Is it correct to say that thousands, if not tens of thousands of names from procured PVCs were uploaded through INEC's ICT personnel as "voted voters"; to be perfected with fake thumb printed ballot papers; only for the number of fake thumb printed papers to fail to match the criminally uploaded figures due to want of time or space during the said voting?* It is recalled that we had in the course of our Anambra Governorship Poll pre-election advocacy including the letters we wrote to INEC Chairman and Anambra REC raised integrity question regarding the INEC's ICT departments and their personnel especially those in Abuja (headed by one Mr. Chidi Nwafor) and Awka, Anambra State. The question went unanswered till date.

INEC's Damnable Role In Anambra Central Senatorial Seat

The authorities of INEC had been and are still totally condemned for the long standing vacuum and endless legal battles it created and allowed in the Anambra Central Senatorial seat. When it was prime time for the Commission to conduct fresh election into the seat as ordered by the court of last resort or Appeal Court, INEC absconded and resorted to legal technicalities, personal interests and biases. Totality of these has created a long standing vacuum and denied the people of the district a seat in the Senate till date. Nature has never accepted vacuum in leadership in Nigeria or any part thereof, but INEC has impeached nature and created one since late 2015.

Therefore, INEC's attempts to deny some parties their right of appeal by hurriedly fixing 13th January 2018 as a date for election into the long standing vacant seat; without allowing the main appeal to be disposed at the Supreme Court are totally rejected. We understand that there are several court cases still pending over the issue including those at the lower courts, but we are not unaware of Section 287 (1) of Nigeria's 1999 Constitution over the supremacy of the decisions of the Supreme Court of Nigeria and its binding effects on all lower courts, authorities and persons in Nigeria once given or pronounced.

INEC is therefore called upon to allow the main appeal to be disposed of at the Supreme Court. The Supreme Court decision on the matter is very important so as to rest such issue once and for all and disallow rearing of its ugly head in future in the country. INEC must also avoid taking further damnable electoral steps capable of plunging Nigeria or any part thereof in flames. If the Commission can abdicate its constitutional and statutory duties in the case of Anambra Central Senatorial seat, it means it can do same one day in a governorship and presidential election by “refusing to conduct its election on account of court order or judgment”.

Avoiding Fire Brigade Approach & Acting On Time Before 2019 Polls

Our main purpose of writing the above named seven core electoral stakeholders in Nigeria is to remind them of the need to start now to tackle the challenges highlighted above so as to get it right in 2019 General Polls. Our letter is also designed to compel the said seven core electoral stakeholders in Nigeria to wriggle themselves out of their usual fire brigade approaches especially against the backdrop of the coming 2019 General Polls in Nigeria. The seven core electoral stakeholders in their official capacities are carefully identified and drawn from *electoral law makers and amenders (AGF and leaderships of Senate and House of Reps); electoral security providers (IGP and his subordinate institutions); and electoral process guardians and election conductors (INEC and its departments).*

Note: the letter in full is attached.

Yours Faithfully,

For: Int’l Society for Civil Liberties & the Rule of Law (Intersociety)

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