

Electoral Reforms

The Problem

The long years of military dictatorship had destroyed not only democratic institutions, but also a democratic culture. Since the return of democracy in 1999, governments had battled the problems associated with conducting free and fair elections in the country with little success. Organising free and fair elections had been fraught with challenges, ranging from voter apathy due to low confidence in the process, to pockets of electoral violence. In addition, due to the lack of a democratic culture, elections were typically followed by a long and complex legal tussle as contesting political parties and aspirants refused to accept defeat. Rigging and other forms of irregularities, coupled with low political culture, have made Nigerian elections a centrifugal rather than centripetal force in the democratisation process.

In realising these, the federal government set up a committee in 2007 to recommend ways of reforming the Nigeria's electoral system. Specifically, the committee was tasked to make recommendations that would ensure a truly independent electoral commission and an electoral process that would enable elections in keeping with international standards. Since assuming office, President Jonathan has been committed to the electoral reform that his predecessor started, as is discussed in the next section.

Reform Actions

The following electoral reforms were carried out by the Jonathan administration in line with the recommendations of the Electoral Reform Committee. The reform has two major elements: to amend the Electoral Act and to amend the Nigerian Constitution. These reforms were aimed at making the Electoral Commission truly independent, and reducing the influence of money in the electoral process, especially during electioneering campaigns.

Amendment of the Electoral Act in 2010: The key highlights from the Amendment of Electoral Act No. 6 2010 are as follows:

1. *Dates for Holding Elections:* The election to various offices, including the National Assembly, the Office of the President, the Office of the Governor, and each house of the National Assembly shall be held on a date to be appointed by the Independent National Electoral Commission (INEC) in accordance with the Constitution and the Electoral Act. The date shall not be earlier than 150 days and not later than 30 days before the expiration of the office's occupier.
2. *Reducing Money Politics:* The Act listed, for each position, the maximum amount that can be expended by candidates for various positions including the Office of the President, the Office of the Governor, and the legislative offices.

Amendment of the Relevant Sections of the 1999 Constitution:

To ensure implementation of the amendments of the Electoral Amendment Act 2010, the 1999 Constitution was also amended to strengthen the independence of Election Management Body at the national level. The Constitution was amended as follows:

1. To make INEC's expenditure first-line charge – i.e., draw its finance directly from the Consolidated Revenue Fund.
2. The chairperson and national commissioners are required to be non-partisan, i.e. not to be card-carrying members of any political party.
3. INEC is empowered to make its rules and regulations on electoral procedure without recourse to the Office of the President.
4. Elections must be conducted within 180 days maximum and 30 days minimum.
5. The number of judges for Tribunal was reduced from five to three so that more tribunals could be established across the states and cases could be concluded timely.
6. The minimum age for a person to occupy the Office of Chairperson of INEC was reduced from 50 years old to 40 years old.
7. Tenure of office for the elective positions was fixed to four years, regardless of the outcome of court cases.
8. The President and Governors are now expected to transmit a letter to the national and state assemblies, respectively, if they are out of office due to ill health or related issues. Failure to do means that their deputies will take over the office in acting capacity after 21 days.

Main Achievements

The electoral reforms undertaken under the Jonathan administration have succeeded in producing a truly independent INEC, which hitherto seemed impossible. In addition, electoral disputes are expended relatively quickly, and politicians now have more confidence in the judicial process than ever before. This is partly owed to the sincerity with which Mr President implemented the reform, and partly due to his determination not to interfere with the judiciary and his commitment to the rule of law. The specific results are as follows:

1. *Financial Independence for INEC:* The INEC's financial independence has increased compared to previous eras, when the INEC drew its funding from the executive. Being on the first-line charge means INEC is now financially independent and may not be subjected to financial inducement.
2. *Insulation of INEC from Partisanship:* In the past, the INEC chairperson was expected to have the same 'qualification as that of a member of National Assembly' (House of Representatives), which meant that the chairperson could be a card-carrying member of a political party. However, with the amendment of the Constitution, the INEC chairperson is now expected not to be partisan and thereby free from unhealthy political party influences. In addition, INEC now makes electoral regulations not necessarily with the consent of the Office of the President. In the past, a president may have had an unhealthy influence on the Office of INEC Chairperson because he approved the commission's finances.
3. *Greater Room for Post-Election Dispute Settlement:* INEC may now conduct its elections earlier, even six months before the expiration date of current occupier of the office, which gives time to settle any electoral disputes that may arise from electoral contests.
4. *Quicker Dispensation for Electoral Disputes:* The establishment of more tribunals and the reduction of tribunal members from five to three means that more electoral disputes are being dispensed, thereby increasing opportunities for peaceful resolution of elections disputes and therefore

reducing post-election violence. In addition, contestants' confidence in the judiciary has significantly improved during the present administration.

5. *Increased Confidence in the Political System:* The reform to fix the tenure to four years for elective positions, irrespective of whether an opposing party claims victory at the court, has also brought confidence to the political system.
6. *Most Transparent and Credible Elections:* These reform efforts have culminated in the 2011 elections, which have been adjudged to be the most credible and transparent election conducted in Nigeria.

Key Challenges

1. Maintaining INEC's developing good image, particularly as the 2015 election approaches.
2. Credible voter registers and cards are still an issue
3. Existence of project management difficulties, particularly getting electoral material to sites as and when due

Assessment of Reform Initiative

Judged against the 10 assessment criteria, electoral reforms have made some difference in regulating the difficult Nigerian political environment.

S/No.	Assessment Criteria	Result of Assessment
1.	Have the reforms improved the quality and quantity of the public services delivered?	Yes. The reforms have improved the quality of electoral services in the country.
2.	Do more people now have access to services, including disadvantaged groups such as women, young persons, and people with disabilities?	Yes. More people are now able to vote peacefully during elections, without fear of violence.
3.	Have the reforms reduced the cost of governance?	This is not yet clear, as no analysis of this has been sighted.
4.	Have the reforms made the service more affordable for citizens?	Not Applicable
5.	Have the reforms reduced corruption?	The practice of buying election results that bear no relation to votes cast has reduced.

S/No.	Assessment Criteria	Result of Assessment
6.	Have the reforms reduced unnecessary bureaucracy and red tape?	Conducting elections is still cumbersome and citizens suffer inconvenience due to poor election logistics. However, recent elections have shown an improvement.
7.	Is the reform initiative likely to lead to improved development outcomes?	The potential is there, as a healthier political system enhances the socio-economic lives of the citizens.
8.	Are things improving, staying the same, or getting worse?	Things are improving, despite the set back of the Anambra elections, which INEC has corrected in the Ekiti and Osun elections.
9.	Where things are improving, will those improvements endure?	The improvements are likely to ensure as citizens continue to demand that their votes count and the courts continue to be fair and transparent.
10	Where things are not improving, what should be done?	Not Applicable.

Proposed Next Steps

1. Continue with implementation of all ongoing reform initiatives aimed at achieving credible elections.
2. Continue strict enforcement of regulations guiding conduct of elections.