

**COURSE
GUIDE**

**POL 842
PARTY FINANCING AND ELECTION
PLANNING**

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INTRODUCTION

POL 842 – Party Financing and Election Planning is a three unit course available to all postgraduate students studying for a Master of Science (M.Sc.) degree in Political Science. Studies in Party Financing and Election Planning for postgraduate political science students are increasingly being recognized as it widens students' scope of understanding of political party financing and subsequently deepens their knowledge in election planning.

The course (**POL 842**), highlights issues of political party financing and how to plan elections in conformity with international best practices. The course spreads out to address party financing, looking at the different models, sources of party financing and problems associated with party financing through international and foreign aids. The course addresses planning and administration of elections. It dwells elaborately on election monitoring, hinging on the role of the media in enhancing election monitoring. The last module of the work takes a cursory look at the usefulness and relevance of technology to election administration and election monitoring. The lessons of the course draw on steps that can be taken to achieve credibility in party financing and election planning in line with the world class systems. It is hoped that the course will deepen students' knowledge on party financing and election planning in contemporary political analysis.

What You Will Learn From This Course

This course guide is a design that gives you the necessary confirmation about the content, process and course materials which you are expected to read and understand in order to master this course. The language is simple and written to give you the best this course can offer. It specifies the time you are expected to spend on each unit and on the self-assessment exercises. The guidelines for the self-assessment exercises are incorporated into this guide to facilitate your understanding of the course. You are counselled to attend tutorial lessons and discuss your difficulties with your facilitators.

Course Aims

The main aim of this course – **Party Financing and Election Planning** is to equip you with basic knowledge on how political parties are funded, and how elections achieved credibility and integrity. Issues of political party financing, election planning, monitoring elections and the role of the media in enhancing election monitoring are carefully treated. The use of technology occupies the centre stage in election administration like in every sphere of human endeavour. To this end, the issue of

technology and elections monitoring form part of our discussion in this course. This is to update our knowledge on the current trend of doing things.

Learning Outcomes

Each unit of the course has specific learning outcomes which are usually highlighted at the beginning of the unit. At interval within the structure of each unit, provisions are made for you to assess yourself vis-a-vis your understanding of the topic taught in that unit through the self-assessment exercises. You can also measure your understanding of the unit with the learning outcomes to see how far you have coped with achieving the learning outcomes. This will place you in the pedestrian to know how deeply you have studied the unit.

Working Through The Course

You are expected to read the study units, the recommended textbooks and other materials provided by the National Open University of Nigeria (NOUN) to satisfactorily complete the course. Note that, all the units contain exercises tagged “Self-Assessment Exercises (SAEs)”. One of your assessment criterion is to fully concentrate and study self-assessment exercises along with the course materials. You will do yourself good to note that the self-assessment exercises are the examines’ delight to draw on for their examination questions at the end of every semester. Note further that, at the end of the course, however, you will sit for final examination. Below are the components of the course and what you are expected to do.

Course Materials

To complete this course, you are counselled to read through this course guide to familiarize yourself with each unit structure of the course. Similarly, read the study units and attempt all Self-Assessment Exercises, and consult recommended sources for further reading.

Each unit contains Self-Assessment Exercises. At the end of each unit, you find probable answers to all the Self-Assessment Exercises. You need to study them very well. The course should take you about sixty hours to complete. You have to draw up you own timetable and allocate time to complete each study unit in order to complete the course successfully, and on time.

All the components of this course are Listed and explained below.

Study Units

There are Twenty Study Units in this Course and they are:

Module 1 Nature and Sources of Party Financing

Unit 1	The Nature of Political Party Financing
Unit 2	The Models of Party Finance
Unit 3	Sources of Party Funding
Unit 4	Comparative Party Finance
Unit 5	Problems Associated With Political Party Financing

Module 2 Election Management Bodies (EMBs)

Unit 1	Discussing Election Management Bodies (EMBs)
Unit 2	Types and Functions of EMBs
Unit 3	Structure and Composition of EMBs
Unit 4	EMB in Nigeria
Unit 5	Problems of EMBs

Module 3 Election Planning

Unit 1	Basic Elements of Election Planning
Unit 2	Types and Forms of Election
Unit 3	Legal Framework for Elections
Unit 4	Ethical Principles for Election Administration
Unit 5	Election Logistics

Module 4 Understanding of Election Monitoring

Unit 1	The History and Politics of Election Monitoring
Unit 2	Why Monitor Elections
Unit 3	Who Monitor Elections
Unit 4	The Role of Mass Media in Enhancing Election Monitoring
Unit 5	Election Monitoring and Technology

Course Summary

Module 1 introduces students to the nature and sources of political party funding. The module discusses political party funding with reference to the models of party funding, sources of party funding, comparative party finance and evaluates the problems associated with political party

financing. Module 2 gives a detailed analysis of the EMBs a body saddled with the responsibilities of managing and conducting elections. Studies in electoral sciences should take cognizance of that body to give a succinct analysis revolving its jurisdiction. Module 3 teaches us how elections are planned, while module 4 dwells on how elections are monitored. Electoral outcomes are good whenever it enhances credibility and integrity. It is therefore worthwhile for proper monitoring to be conducted on all aspects of election administration. There are 20 study units for this course. Each study unit consists of one week's work and should take you about three hours to complete. It includes specific learning outcomes, guidance for study, reading materials, and Self Assessment Exercises. These exercises will assist you in achieving the stated learning outcomes of the individual study unit of the course in general.

Textbooks and References

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Self-Assessment Exercises (Saes)

There are Self-Assessment Exercises spread throughout the course material. You should attempt each exercise immediately after reading the session that precedes the Self-Assessment Exercise. Possible answers to the exercises are provided at the end of each unit. However, you should check the answers **ONLY AFTER** you must have attempted the exercises. The exercises are for you to evaluate your learning. They are not to be submitted.

Final Examination and Grading

The final examination for POL 842 will be three hours duration, and will carrying 70% of the total course grade. The examination will consist of questions which reflect the kinds of self-assessment exercises which you have previously encountered. All areas of the course will be assessed. You should use time between finishing the last unit and taking the examination to revise the entire course. You will find it very useful to review your answers to self-assessment exercises before the examination.

For you to be eligible to sit for the final examination, you must have registered to sit for the examination. The deadline for examination registration will be available at your study centre. Failure to register for the examination (even if you sit for the examination) means that you will not have any score for the course.

Presentation Schedule

The presentation schedule included in this course guide provides you with important dates for you to complete each study unit and the accompanied self-assessment exercises. You should therefore try to meet and comply with the deadlines.

Unit	Title of Work	Weeks/Activity	Assignment (End of Unit)
	Course Guide	1	
Module 1 Nature And Sources of Party Financing			
1.	The Nature of Political Party Funding	2	SAEs
2.	The Models of Party Finance	3	SAEs
3.	Sources of Party Finance	4	SAEs
4.	Comparative Party Finance	5	SAEs
5.	Problems Associated with Political	6	SAEs
Module 2 Election Management Bodies (EMBs)			
1.	Discussing Election Management Bodies (EMBs)	7	SAEs
2.	Types and Functions of EMBs	8	SAEs
3.	Structure and Composition of EMBs	9	SAEs
4.	EMB in Nigeria	10	SAEs
5.	Problems of EMBs	11	SAEs
Module 3 Election Planning			
1.	Basic Elements of Election Planning	12	SAEs
2.	Types and Forms of Election	13	SAEs
3.	Legal Framework for Elections	14	SAEs
4.	Ethical Principles of Election Administration	15	SAEs
5.	Election Logistics	16	SAEs
Module 4 Understanding Election Monitoring			
1.	The History and Politics of Election Monitoring	17	SAEs
2.	Why Monitoring Elections	18	SAEs
3.	Who Monitors Elections	19	SAEs
4.	The Role of Media in Enhancing Election Monitoring	20	SAEs
5.	Election Monitoring and Technology	21	SAEs

You are advised to use this overview to prepare your personal timetable

How to Get the Best from This Course

In distance learning, the Study Units replace the university lecturer. The advantage is that you can read and work through the course materials at your pace, and at a time and place that suits you best. Think of it as reading the lecture instead of listening to a lecturer. Just as a lecturer gives you in-class exercise, your Study Units provide exercise for you to do at appropriate times.

Each of the Study Units has common features which are designed to aid your learning. The first feature is an introduction to the subject matter of the unit and how a particular unit is integrated with other units and the course as a whole. Next is a set of learning outcomes. These learning outcomes let you know what you should be able to do by the time you have completed the unit. You should use these learning outcomes to guide your study. When you have finished the unit, you should go back and check whether you have achieved the learning outcomes. Self-Assessment Exercise interspersed throughout each study unit and answers are provided at the end of each study unit. These exercises are designed to help you recall what you have studied and to evaluate your learning by yourself. You should do each Self-Assessment Exercise as you come to it in the study unit. The summary at the end of each unit also helps you to recall all the main topics discussed in unit structure of each unit. A proper study of the Self-Assessment Exercises along with possible answers to the Self-Assessment Exercises provided at the end of each unit will adequately prepare students for the final examination.

It should take you about three hours to complete a study unit and the exercises. When you have completed the first study unit take note of how long it took you and use this information to draw up a timetable to guide your study for the rest of your course. The wide margins on the left and right side of the pages of your course book are meant for you to make notes of main ideas or key points at which you can use when revising the course. If you make use of all these features, you will significantly increase your chances of passing the course.

Course Delivery

As an open and distance learner, you learn through several ways. You learn when you interact with the content in your course material in the same way as a student interacts with the teacher in a conventional institution. You also learn when you are guided through the course; however you are not taught the course. Instead, your course material is your teacher, and as such you will not be able to get answers to any questions which may arise from your study of the material. It is for this

reason that, in addition to the course material which you have received, the delivery of this course is supported by tutorial, facilitation, and counselling support services. Although these services are not compulsory, you are encouraged to take maximum advantage of them.

Tutorial

The total number of tutorial hours for this course is 8 hours.

Tutorial sessions form a part of your learning process as you have an opportunity to receive face to face contact with your tutorial facilitator and to receive answers to questions or clarifications which you may have. Also you may contact your tutorial facilitator by phone or email.

On your part, you will be expected to prepare ahead of time by studying the relevant Study Units, write your questions so as to gain maximum benefit from tutorial sessions. Information about the location and time schedule for facilitation will be available at your study centre.

Tutorial sessions are a flexible arrangement between you and your tutorial facilitator. You will need to contact your study centre to arrange the time schedule for the sessions. You will also need to obtain your tutorial facilitator's phone number and email address.

Tutorial sessions are optional however, the benefits of participating in them provide you a forum for interaction and peer group discussions which will minimize the isolation you may experience as a distance learner.

Facilitation is learning that takes place both within and outside of tutorial sessions. Your tutorial facilitator guides your learning by doing the following:

- provide answers to your questions during tutorial sessions, on phone or by email;
- coordinate group discussions;
- pose questions to confirm learning outcomes;
- coordinate, mark and record your examination score; and monitor your progress.

The language of instruction for this course is in English. The course material is available in print or CD formats, and also on the university website.

On your part, you will be expected to prepare ahead of time by studying the relevant Study Units, write your questions so as to gain maximum benefit from facilitation.

Information about the location and time schedule for facilitation will be available at your study centre. Time of facilitation is a flexible arrangement between you and your tutorial facilitator. You should contact your tutorial facilitator if:

- you do not understand any part of the Study Units.
- you have difficulty with the Self-Assessment Exercises.
- you have a question or a problem

Counselling

Counselling forms a part of your learning because it is provided to make your learning experience easier. Counselling is available to you at two levels: academic and personal counselling. Student counsellors are available at the study centre to provide guidance for personal issues that may affect your studies. Your study centre manager and tutorial facilitators can assist you with questions on academic matters such as course materials, facilitation, grades and so on. Make sure that you have the phone numbers and email addresses of your study centre and the various individuals.

Conclusion

In conclusion, all the features of this course guide have been designed to facilitate your learning in order that you achieve the aims and objectives of the course. They include the aims and objectives, course summary, course overview, 'self-assessment exercises. You should ensure that you make maximum use of them in your study to achieve maximum results.

Summary

POL 842: Party Financing and Election Planning provides you with the analytical knowledge of Political Party Financing; its models, sources and comparative political party financing in the contemporary political world. The course is aimed at equipping students with the understanding of how political parties are funded with greater emphasis on how such funds are sourced. Elements of election planning is also part of the course to teach learners how some of the sourced funds are applied to accomplish the goal of party financing. In party financing and election planning the key operational words are "integrity and credibility". In sourcing for funds and in applying the funds to party financing, the process must be guided by "integrity and credibility".

Similarly, to achieve success in election planning, the guiding principles must be integrity and credibility of the entire process. Credibility and integrity are the two sides of the same coin. The essence of the whole electoral process is to achieve credibility. Once a process is credible,

integrity is assured. Fraud and manipulations are always absent with the presence of credibility and integrity. This is what studies in party financing and election planning seek to achieve. **POL 842** therefore examines the issues of party financing, its models and sources of party funding, and election planning which involves the basic elements of election planning, types and forms. The course undertakes to provide learners insights to the legal framework for elections and critically examines the ethical principles of election administration. The course considers election logistics showcasing how materials are distributed during elections. Of course, election monitoring is a major consideration of the course. Elections are monitored to achieve credibility and integrity of the entire process. To achieve the two operational webs, “credibility and integrity” in electoral processes, election must be monitored. Credibility and integrity are critical and central to electoral process.

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MODULE 1 NATURE AND SOURCES OF PARTY FINANCING

- Unit 1 The Nature of Political Party Funding
- Unit 2 The Models of Party Finance
- Unit 3 Sources of Party Funding
- Unit 4 Comparative Party Finance
- Unit 5 Problems Associated With Party Funding

Unit 1 The Nature Of Political Party Funding

Unit Structure

- 1.1 Introduction
- 1.2 Intended Learning Outcomes
- 1.3 Standards Guiding Political Party Finance
 - 1.3.1 Political Party Finance
 - 1.3.2 Campaign Finance
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 - 1.4.1 Why should Political Parties be guided by Standards?
 - 1.4.2 Standards Guiding Political Party Finance
- 1.5 A Holistic Approach to The Control of Political Parties
- 1.6 Summary
- 1.7 References/Further Reading/Web Resources
- 1.8 Possible Answers to Self-Assessment Exercise(s)



1.1 Introduction

Political parties are one of the most important elements of the political system. As a public Association based on a common ideology, the political, and in some cases, and also other values, political parties are created for citizens to participate in political life of society by shaping and expressing their political events, and most importantly, in the struggle for power through elections. Based on the nature of their functions, political parties are intended to act as a link between civil society and the rule of law, an essential element of electoral competition, and their legitimacy is key to the legitimacy of the democratic process as a whole.

In order to function well, political parties need various types of resources, including financial resources.

According to Pollock (1932), the relationship between money and politics has come to be one of the greatest problems of democratic

government. Healthy political life according to him is not possible as long as the use of money is unrestrained. Indeed, money provides access to the basic tools of modern democracy. To be sure, election requires advertising, running political parties, selecting candidates, mobilizing voters and polling. For these reasons, and many more, political party finance affects almost every aspect of democratic politics in both developing and developed democracies. Emanating from this categorical imperative, the reform of political party finance regimes is very high and central on the agenda in all democratic countries, as greater transparency of political finance and accountability on the part of party leaders are essential to party politics, and by extension, to democratic practices. For this reason, it is crucial to discuss the standards that every system of political party finance should meet, which will encourage parties to undertake more transparent and accountable financial operations. Yet, when discussing the topic 'standard', one must remember that opinions regarding political finance are in a state of evolution with many scholars recently changing their mind on a variety of issues such as public funding of political parties and their spending limits. As the new research on the modules of party financing advances, the future of political finance seems to be far from being decided for many democracies.



Intended Learning Outcomes

By the end of this unit, you will be able to:

- discuss party financing
- discuss the need for governing political party finance by standards
- analyse the standards governing political finance
- evaluate the problems associated with unregulated use of money in party politics



1.3 Standards Guiding Political Party Finance

1.3.1 Political Party Finance

In its narrowest definition, political party finance is the money for electioneering or campaign finance. This money may be collected and spent by candidates for public office, by their political parties or by other individuals and organized groups of supporters. Political parties play a crucial part in election campaigns in many parts of the world, and since it is difficult to differentiate between the campaign costs of party organizations and their routine expenses, political party funds may

reasonably be considered “political finance” too. Nassmader (1989), notes that, there is a fundamental difference between campaign and candidate-oriented North American and Party-oriented European political finance. He suggests that, in Europe the term political can appropriately be used as a synonym for party finance. However, campaign and party funds are only two kinds of political money and not necessarily the most important. In fact, party expenses and campaign finance are not the only costs of democracy. Many extra-party actors and individuals are involved in political competition with clear political objectives like shaping public policy agendas, and influencing electoral dictates and outcomes. Nevertheless for the purposes of this discussion, political finance will be understood to mean campaign and party finance.

The term “Political Finance” has been defined by Ujo (2002),, Walechi (2002). Ilo (2004), Pinto-Duschinsky (2001 and 2004), Kukah (2006) and Ayode (2006) as the use of money or the use of other material resources for political activities. It also embodies the sources or means through which political activities are sponsored in a given polity. The concept of political finance has two broad connotations. These are money used for electioneering (campaign finance) and money used for political party expense (party funds). Though there are other forms of political finance, but these two will form the basis of our discussion in this unit, because they constitute the foundation of every political activity.

Pinto-Duschinsky (2004) modified his earlier thesis by stating that political finance is money for electioneering. Since political parties play crucial roles in election campaigns in many parts of the globe, and since it is difficult to draw a distinct line between campaign costs of party organizations and their routine expenses, party funds may reasonably be considered political finance too. According to Pinto, party funding includes not only campaign expenses, but also the costs of maintaining permanent offices, carrying out policy research, and engaging in political education, voters’ registration, and other regular functions of parties.

Therefore, a definition of political party finance should take cognizance of the following:

- a) That political party finance is a future non-democratic, as well as democratic regimes.
- b) The expenditure on election and parties is only a part of a more far reaching issue. Political funding can be for activities ranging from lobbying, propaganda, and support of interest groups to blatant bribery. and

- c) That the regulation of political finance is hindered by a plurality of avenues of obtaining and using money for political ends.

1.3.2 Campaign Finance

Campaign finance, also known as election finance or political donations, refers to the funds raised to promote candidates, political parties or policy initiatives and referenda. Political parties, charitable organizations, and political action committees (in the United States) are vehicles used for fundraising for political purposes. It must be stressed that political campaigns involve considerable expenditures, including travel costs of candidates and staff, political consulting, and advertising. Campaign spending depends on the region. For instance, in the United States, television advertising time must be purchased by campaigns, whereas in other countries, it is provided for free. The needs to raise money to maintain expensive political campaigns diminish ties to a representative democracy because of the influence large contributors have over politicians.

Experiences have however; shown that, most contributors donate to support parties or candidates with whom they are already in agreement. There is therefore, a wide perception that donors expect government favours in return for their donations. The forms include but not limited to specific legislation being enacted or defeated. To this end, some have come to equate campaign finance with political corruption and bribery. These views have led governments to reform campaign financing in the hope of eliminating big money influence.

In Nigeria there are some constitutional provisions that guide and regulate the inflow of donations to campaign finance. For example, section 221 of the constitution provides that: 'No association, other than a political party, shall canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election. Similarly, section 225, 226 and 227 deal with the financing and accountability of parties. They require political parties to submit to the Independent National Electoral Commission (INEC) detailed annual statements and analysis of sources of funds and other assets and statements of expenditure. INEC is expected to submit to the National Assembly a report on the accounts and balance sheet of every party. Section 88 of the Electoral Act, 2006 complements the provision by specifying the period covered as 1 January to 31 December of every year. The Act also empowers INEC to authorize any of its officers to access the records and the audited accounts kept by a party. The commission is to publish such examination or audit in three national newspapers.

Self-Assessment Exercise(s) 1

1. What are the necessary details that party finance definition must take cognizance of?
2. Account for the ceiling set to campaign finance and expenditure of candidates during electioneering by the 1999 constitution of the Federal Republic of Nigeria.

In section 229 of the constitution, ‘association’ is interpreted to mean any persons, corporate or unincorporated, which agree to act together for any common purpose, and includes an association formed for any ethnic, social or cultural, occupational or realizing purposes. Section 228 enables the National Assembly to make laws providing for the punishment of any person involved in the management or conduct of any political party fund after due inquiry to have contravened section 221, 225(3) and 227 of the constitution.

It must be stressed that, the Electoral Act, 2006 regulates campaign finances, expending on the provisions of the constitution. Section 87 of the Electoral Act sets out penalties for offences relating to the finances of political parties. Any party that contravenes section 225(3) of the constitution, which deals with money transferred from abroad, commits an offence and is liable on conviction to a fine of not less than N500,000 and the forfeiture of the funds or assets to INEC. Section 79 of the Electoral Act makes it mandatory for parties to provide INEC with a statement of election expenses.

Related to these purposes is the Companies and Allied Matters Act (CAMA), 1990. Section 38(2) of this Act prevents a company from making a donation or gift of any of its property or funds to a political party or association for political purposes. The law provides that officers in default shall be liable to refund to the company the sum of gift. The company or its officers shall also be guilty of an offence and liable to a fine. Section 90 however, empowers the National Assembly to approach a grant to political parties contesting elections. Section 91 2(a) states that 10 percent of the grant (30% in Electoral Act 2002) is to be shared equally among all registered political parties. Section 2(b) states that the remaining 90 percent must be shared among registered political parties in proportion to the number of seats won by each party in the national parliament.

Section 92, 93 and 94 deal with campaign contributions. Each party must keep a record of all contributions and the amount contributed. Section 93 put a coding on the expenditure incurred by candidates according to office for which they are standing. This is presented in the table below:

Candidates	Maximum Expenses(₦)	Election
Presidential Candidates	500,000.00	
Gubernatorial Candidates	100,000.00	
Senatorial Candidates	20,000.00	
House of Representative Candidates	10,000.00	
State Houses of Assembly Candidate	5,000.00	
Chairman of Local Government Candidates	5,000.00	
Counsellorship Candidates	500.00	

Section 93(ii) states that any contravention of the above provisions is subject to a maximum fine of N500,000.00, or nine months imprisonment or both. Similarly, any accountant who falsifies or conspire or aids a candidate to forge or falsify a document relating to his expenditure at an election or receipt or donation for election commits an offence that is liable to 10 years imprisonment. Section 95 also provides for adequate disclosure of the sources of campaign contribution. Parties must keep records showing the name address of any person or entity that contributes money or other item in excess of N100, 000.00.

1.4 Regulating Political Party Financing by Standards

1.4.1 Why Should Political Finance be Governed by Standards?

According to the Report and Recommendations of the Electoral Commission (London: 2004), Political finance relating to corruption undermines accountability and good governance in multiple ways. It not only separates the political elites from the society, but challenges the whole concept of fair democratic representations. When political parties are viewed as corrupt and ineffective, people hesitate to associate with them. Similarly, unregulated political money can also shape public debate and therefore influence elections outcomes. The heavy expenses that are attached to electioneering can prevent good materials from running, instead they device difficult means to look for money at all costs. They could also accept money from unacceptable sources and this could contribute to public cynicism regarding the political process.

Where political party financing is unregulated, the greediness of political parties as well as their candidates could be fed. Their ever increasing financial need can affect the other arenas of democracy. To be sure, political parties with authoritarian tendencies can sometimes put pressure on state apparatus, civil society and economic society through the abuse of state resources to make physical threats, and putting

administrative pressure on potential sponsors. To prevent the above practices, a democracy must regulate the funding of, and spending on politics, be it campaign or party activities.

There is need to implement the existing restrictions to control party financing in order to meet with complexities and challenges involved in such control. Well defined, acceptable, and stable political finance rules allow political parties to know what government expects of them, and what they can expect from government in terms of sanctions or other regulatory activities.

Self-Assessment Exercise(s) 2

1. Why should political finance be guided by standards?
2. How does financial disclosure contribute to the overall transparency of the electoral process?

1.4.2 Standards Governing Political Party Financing

1. Disclosure

Political parties are required by the elected law to submit routine or periodic financial reports to public officials. This is what is referred to as 'disclosure' in general; disclosure may achieve the following ends:

- a) Any political finance system should require comprehensive disclosure of all financial transactions
- b) The party or candidate must disclose and receipt for the amount and nature of each contribution (I.e. whether cheque, cash or non-monetary), and the identity, address and employer/business of each contributor
- c) The law requires disclosure of all spending, including dates the expenditures are carried out, its receipt and all debts and liabilities incurred by the committee
- d) The law requires the disclosure of loans and advances received by the party, including the lender's identity and the dates the loans or advances were repaid
- e) Expenditure reports should be submitted and published from one week to 10 days before an election, and following an election usually 30 days after an election. By these practices, transparency in political party financing is ably guaranteed

2. Internal Political Party Control

In any organization where money and power are so intimately connected, internal mechanisms for political finance control are

essential. If political parties refuse to put enough emphasis on their internal control mechanisms, further restrictions will be imposed, leading eventually to total supervision over every single transaction and action. It should be stressed that political parties, when facing a universal struggle against political corruption, require certain degree of autonomy to introduce preventive measures as well as the following:

- a) Political parties should be encouraged to adopt their own procedures to eliminate dishonest politicians and prevent their financial misconduct.
- b) Detailed and persistent internal control mechanisms can provide a crucial foundation for efforts to contain the abuses that are always liable to occur, regardless of the sophistication of legal frameworks.
- c) Political finance regulators should encourage political parties to comply with requirements for professional and accurate book keeping.
- d) Political parties/candidates should consider appointing specific financial officers to:
 - i. Keep complete and accurate financial records activities.
 - ii. Submit financial reports to relevant bodies.
 - iii. Approve all contributions for compliance with legal restrictions
 - iv. Follow acceptable accounting procedures in performing record-keeping and reporting duties.
- e) The law should require each party or candidate to authorize one particular committee, and designate one specific individual, serving as the financial agent (treasurer), to be responsible for all receipts and expenditures of that political entity.
- f) Each political party or its finance committee should use only one bank account, which is fully reported and disclosed to the party Financial Regulator, for all financial transactions. By permitting only one conduit for all financial activity, the law thus enables the party financial regulation to effectively follow the money and track political finance activity.

3. Enforcement/Regulatory Regimes

An ideal enforcement mechanism should not only include a controlling body, but might also require a comprehensive system consisting of all the components found in a system of justice, viz: investigation, prosecution, adjudication and sanctions. The status of the body entrusted with overseeing a political finance system clearly has an impact on the effectiveness of control of the political finance system, as well as on public confidence in it. There is also an important factor of independence which should always be

takinstitutions, government bodies, anti-corruption watch-dog organizations, and the media.en into consideration. In all the effectiveness of any system will also depend on the cooperation of the various stakeholders, and relies very largely on the monitoring mechanism provided by parties financial agents, auditors, banking

An effective political finance regulatory system also incorporates four other elements that aid the enforcement function. They are auditing, external complaints, investigation and sanctions. In other to function properly, the enforcement agency must also remain independent and possess adequate resources to monitor and investigate party/candidate finances. Its autonomy and independence must be supported by its budget and it should be accountable to parliament for the proper use of public funds. An accountable system of political finance presupposes that other democratic institutions are sufficiently organized and mobilized to discipline political actors, and may need to be reconsidered where such conditions do not exist.

In countries where a strong and independent Party Financial Regulatory System is feasible, the following recommendations could enhance enforcement. The recommendations are:

- a) Obligations, offences and penalties must be clearly identified in the electoral law. The regulatory body must outline clearly who is to be held accountable for which infringement of the law.
- b) Law Makers must anticipate that parties and candidates will seek ways to get around limits and disclosure requirements. Therefore, violence and the corresponding penalties should be clearly provided for in the electoral law. At the same time, it should be recognized that penalties such as fines or imprisonment are not the only response, or even the best response, to some types of infractions. Other avenues, particularly administrative sanctions, can often be more effective.
- c) The system should encourage political parties and candidates to monitor their own financial activities, prevent financial misconduct and comply with the requirements of professional book keeping and reporting.
- d) Sufficient resources in form of training, consultations, and professional personnel offered to the regulated community are also necessary to enable timely and effective reviews and audit.
- e) Enforcement requires that an enforcement agency has the capacity to monitor for compliance, review and audit financial reports, investigate alleged infractions, negotiate and, where necessary, apply the appropriate penalties.

- f) Public trust and participation are fundamental to any effective enforcement regime. External complaints should be encouraged and treated seriously.

4. Engaging External Stakeholders

Any enforcement agency will be able to detect only a fraction of violations if it relies exclusively on its internal monitoring of financial reports submitted by the internal monitor. Thus an effective agency must also engage external stakeholders in the process of monitoring political finance.

- a) In an ideal system, civil society organizations, journalists or even individuals who believe that a violation has occurred, or is going to occur, should be able to file complaints to the regulatory agency.
- b) The complaints process can require a formal or written document satisfying specific criteria for a proper complaint, or can have a more liberal character, with the enforcement agency taking action based on press articles or informal allegations. In transition regimes, and particularly in post-conflict societies, voters who are in the best position to observe questionable campaign practices may be the most reluctant to come forward with a formal complaint, since they often fear reappraisal. Therefore, in order to engage individuals to share information, some political finance system even gives the enforcement agency the discretion to act on information it receives anonymously.
- c) It is essential that countries invest in public awareness campaigns, media training and other forms of education for external stakeholders on political finance regulations and on the process for filing complaints

Self-Assessment Exercise(s) 3

1. An effective political finance regulatory system incorporates four other elements that aid the enforcement function. Discuss the four elements.
2. Discuss a holistic approach to the control of political finance.

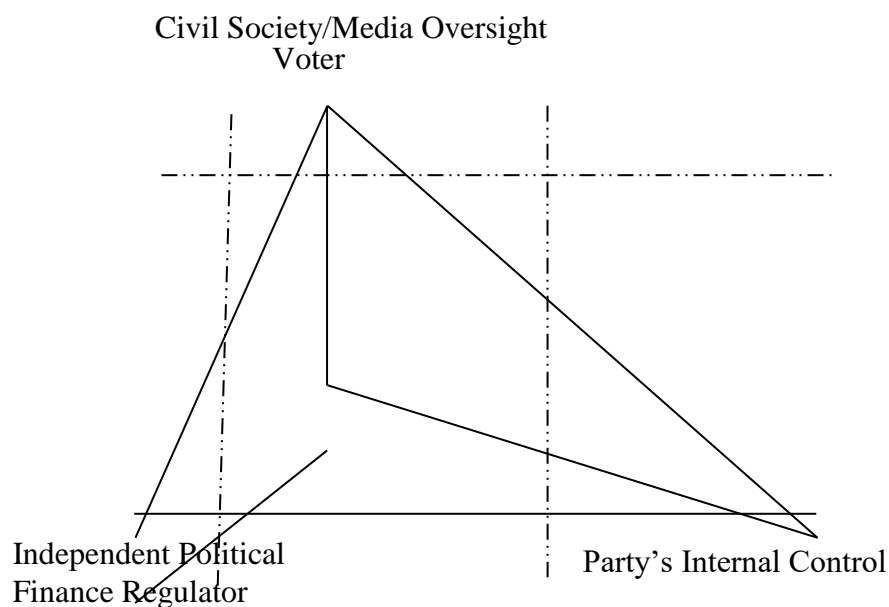
1.4.3 A Holistic Approach To The Control Political Finance

A holistic approach to the control of political finance must take cognizance of the following:

- a) Internal political party control
- b) The powers of the Independent Party Finance Regulator (PFR)
- c) External stakeholders entrenched in the civil society and in media oversight.

Without adequate enforcement, internal and external control, political finance subsidies and regulations, whether or not they involve limits, bans or simply disclosure requirements are unlikely to be respected. Thus all mentioned variables are fundamental to maintaining the legitimacy of political finance regulating to secure effective control. This discussion can be illustrated diagrammatically as shown below

How to Control Political Finance diagram



Source: IFES (2004)



1.5 Summary

You have been informed in this unit that political finance is the combination of both party and campaign finance. The unit discussed the need for governing political party finance by standards; brought out in clear terms what the governing standards entail. The problems associated with unregulated use of money in politics are equally dealt with. This unit has sufficiently enriched our knowledge on the dynamics of political party finance and its application to election administration.



1.6 References/Further Reading/Web Resources

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1.7 Possible Answers to Self-Assessment Exercise(s)

Answers to SAEs 1

1. *What are the necessary details that party finance definition must take cognizance of?*
 - a) It must take cognizance of the expenditure on elections and parties are only a part of a more far reaching issue.
 - b) Party funding can be for activity ranging from lobbying, propaganda, and support of interest groups to bribery.
 - c) The regulation of party finance is hindered by a plurality of avenues of obtaining and using money for political ends
2. *Account for the ceiling set to campaign finance and expenditure of candidates during electioneering by the 1999 constitution of the Federal Republic of Nigeria.*
 - a) Section 93 of the 1999 constitution of Nigeria sets ceiling on the amount of money a candidate can expend on campaigns during electioneering. The attempt is to regulate the inflow of money into political campaign activities of candidates.
 - b) The attempt is also to prevent money bags from high jacking ownership of the parties.
 - c) It is also to frustrate the influence of the international and foreign donors on political parties in Nigeria
 - d) The ceiling according to section 93 of the 1999 constitution

Candidates	Maximum Expenses(₦)	Election
Presidential Candidates	500,000.00	
Gubernatorial Candidates	100,000.00	
Senatorial Candidates	20,000.00	
House of Representative Candidates	10,000.00	
State Houses of Assembly Candidate	5,000.00	
Chairman of Local Government Candidates	5,000.00	
Counsellorship Candidates	500.00	

Answers to SAEs 2

1. *Why should political finance be guided by standards?*

Political finance related corruption undermines accountability and good governance.

- a) It separates the political elite from the society
- b) It challenges the whole concept of democratic representation
- c) People hesitate to associate with corrupt and in effective political parties
- d) Unregulated political money can shape and influence electoral outcomes
- e) Good candidates may not come out to contest for elections because of their vulnerability to meet with heavy expenditures attached to electioneering
- f) The ever-increasing financial needs of political parties and their candidates can affect other areas of democracy
- g) Authoritarian regimes can put pressure on state resources where political party finance are unregulated
- h) Administrative pressures and threats could be laid before political parties sponsors if party financing is unregulated
- i) To prevent the above practices, a democracy must regulate the funding of, and spending on politics, be it campaign or other party activities

1.4 *How does financial disclosure contribute to the overall transparency of electoral process?*

- a) Disclosure is a necessary condition for any system of public control of political finance. By this practice, political parties are required to submit nature or period finance reports to public officials or electoral committee for auditing. Disclosure may help to achieve the following:
- b) Financial disclosure contribute to an overall transparency of the electoral process by offering voters to learn more about political candidates in order to make an informal decision at the polls
- c) Requirements to disclosure sources of funding are likely to stimulate parties/candidates to raise and also spend their financial resources in ways that are acceptable to a majority of voters which do not provoke political scandals
- d) Disclosure is an obstacle to corruption
- e) Public disclosure can serve as a barrier to expensive campaign spending that may aggravate tension and impose pressure on the polity that may influence electoral outcomes

Answers to SAEs 3

1. *An effective political finance regulatory system incorporates four other elements that aid the enforcement function. Discuss the four elements.*

a) Auditing:

One method of attempting to assure accuracy and integrity of financial accounts submitted by parties and/or candidates is to request that they be examined and certified by professional auditors.

There are many possible levels for audit reviews:

- i. Field audits and simple visits to campaign offices to be sure that an actual campaign office is in place and functional
- ii. Statement review by looking for violations that appear on the face of statements filed during by a campaign
- iii. Review of back-up documentations to check if the copies of cheques available match the reported contributions in the field
- iv. Evaluation of overall campaign information. There should be a comparison of the present campaign with previous ones to detect the justification for the expenditure incurred.

b) Investigation:

As random check and auditing are part of the regular apparatus of control, the financial regulatory body need to keenly watch for signs of irregularities that warrant closer scrutiny.

c) Sanctions:

As a starting point, any political finance system should clearly define violations of disclosure or reporting requirements such as:

- i. Hiding financial activity by use of separate accounts or surrogates
- ii. Failure to file reports
- iii. Submission of false or incomplete reports
- iv. Late filling of reports
- v. Failure to provide adequate documentation

The regulatory system should also identify and impose effective, proportionate sanctions that can deter malfeasance.

d) External Stakeholders Oversight:

Unit 2 Models of Party Finance

Unit Structure

- 2.1 Introduction
- 2.2 Intended Learning Outcomes
- 2.3 Models of Party Finance
 - 2.3.1 Types of Party Finance
 - 2.3.2 Cadre Party
 - 2.3.3 Mass Party
- 2.4 Regulatory Political Parties Finance By Standards
 - 2.4.1 Why should Political Parties be guided by Standards?
 - 2.4.2 Standards Guiding Political Party Finance
- 2.5 A Holistic Approach to The Control of Political Parties
- 2.6 Summary
- 2.7 References/Further Reading/Web Resources
- 2.8 Possible Answers to Self-Assessment Exercise(s)



2.1 Introduction

The emergence of modern political parties is traceable to the mid-nineteenth century. This followed the expansion of the number of persons with voting rights. In order to obtain the support of a significant number of voters, groups of influential persons claiming power found it necessary to form branded organizational structures. The structures involved a large number of persons willing to promote to the masses the ideological views advocated by a certain political group. The effective functioning of such structures required the creation of a bureaucratic party apparatus consisting of persons who carried out political activities on a professional, paid basis. Also, the cost of campaigning funds has increased many times. Thus, the increase in the number of voters led to the emergence of political parties, and this in turn led to the need for significant financial resources.

With the emergence of political parties, expenditure, tended to increase steadily. The situation was complicated by the fact that the global crisis of political parties coincided with a significant increase in the costs of electoral campaigns associated with the development of television and its use as a tool for electioneering. The victory in the presidential election in the United States in 1960, achieved largely through television, demonstrated the power of this tool, and contributed to the growth of television political advertising. This, in turn, led to a multiple increase in the cost of election campaign.

Of important note is the professionalization of politics. This has increased the capital intensity of political parties in general and electoral activities in particular. Under the new condition, parties increasingly needed specialist-advertiser, public relations specialists, journalists, lawyers, sociologists, psychologists, for whom participation in political activities was not just a way of expressing their position, but as a way of securing their livelihood. All these professionals needed to be paid and catered for by political parties. In a situation like this, it was difficult and impossible to count on an increase in revenues from the sales of party literature and goods with party symbols to meet the challenge of this increased party expenditure. But in order to preserve the financial independence of political parties, the idea of using direct state funding for political parties activities emerged.



Learning Outcomes

By the end of this unit, you will be able to:

- discuss the models of party finance
- analyze public funding of political parties
- evaluate the magnitude of party finance and its implications for party politics



Types of Party

2.3.1 Cadre Party

The cadre party consists of persons recognized as capable militants within a political organization. In some socialist governments, a cadre is a group of people trained to carry out the goals of the party-state and disseminate and enforce the official pedagogy. These groups are meant to stimulate loyalty and obedience to party rules and regulations by mobilizing citizens and encouraging collectivism. Cadre can be deployed in the field or employed in the office by the ruling party, the state or the secret police. They are often created to break apart existing class hierarchies among citizens of the party-state. Cadres were present in a number of communist countries that enforced collectivization, including the Soviet Union and Romania. Additionally, the People's Republic of China still maintains a cadre system to this day,

A cadre policy as a political mechanism may take one of two forms.

- a) **Cadre deployment:** The appointment by a government's governing party of a loyalist to an institution, as a means of enhancing public reporting-lines and ensuring that the institution stays true to the mandate of the party as elected by voters. It involves the creation of a comprehensive power-structure so that functionaries implement the policies of the party as mandate by the public. In turn, that party advances interests of the public.
- b) **Cadre employment:** A process through which political parties in a democracy give effect to their policies and objectives by proffering functionaries who subscribe to the same values.

Under cadre policies, every level of government is steered loyalists to the developmental and redress policies of the governing party. The African National Congress government in South Africa commonly practices cadre deployment to ensure that societal leaders actively implement redress policies. Together with Black Economic Empowerment policies, cadre policy is intended to redress the inequalities brought on by former apartheid system in South Africa. Note however, that the 2021 Zondo commission of inquiry into the state capture of South Africa by corrupt interests found that cadre deployment was a significant channel for diverting and looting public funds.

The cadre party was therefore developed in the nineteenth century. It was a product of previous eras of political struggle. It was an association of notable and influential persons or person with the skills of organizing election campaigns, or financial resources according to Duverger (1954). Initially, they were characterized by lack of formal membership. But membership was actually not what the cadre party needed as the persons who created them could independently provide themselves with the necessary resources to win elections. The main sources of party finance for them were donations from major sponsors. Cadre party therefore, was under the persistent dominance and control of the major sponsor.

Self-Assessment Exercise(s) 1

1. What is cadre political party? Identify the characteristics of a cadre political party.
2. What is the difference between a mass party and a cadre party?

2.3.3 Mass Party

A mass party is a type of political party that developed around cleavages in a society and mobilized the ordinary citizens or 'masses' in the process. Mass-based parties write hundreds to thousands of followers, sometimes millions. But the number of members is not the only criterion of a mass-based party. The essential factor is that such a party attempts to base itself on an appeal to the masses. It attempts to organize not only those who are influential or well known or those who represent special interest groups, but rather any citizen who is willing to join the party. If such a party succeeds in gathering adherents, then it is mass-based only in potential. It remains nevertheless, different from the cadre type parties.

Toward the end of 19th century, the socialists' parties of continental Europe organized themselves on a mass basis in order to educate and organize the growing population of labourers and wage earners. These groups of people were becoming more important politically because of extensions of suffrage. The socialist party needed to gather money necessary for propaganda by mobilizing in a regular fashion, the resources of those who, although poor, were numerous. To this end. Membership campaigns were conducted, and each member paid party dues. Its members sufficiently numerous, the party emerged as a powerful organization, managing large funds and diffusing its ideas among an important segment of the population.

The party required registration of membership, treasurers to collect dues, secretaries to call and lead local meetings, and a hierarchical framework for the coordination of the thousands of local sanctions. A tradition of collective action and group discipline, more developed among workers as a result of their participation in strikes and other union activity, favoured the development and centralization of party organization.

Indeed, it was a complex party organization that tended to give a great deal of influence to those who have responsibility at various level in the hierarchy, which often times resulted in certain oligarchical tendencies. The socialist parties made conscious effort to control this tendency by developing democratic procedures in the choice of leaders. At every level, those in responsible positions were elected by members of the party. Every local party group would elect delegates to regional and national congresses at which party leaders and candidates would be chosen and party policy decided.

This second type, the mass parties, was primarily left wing parties that expressed the interests of the workers. These parties, which usually had a pronounced class character with its characteristic key role of ideology,

were initially focused on self-funding, and as the main source of income considered the entrance and membership fees. Another source of self-funding was the publication of party literature, the sale of goods with party symbols and paraphernalia purchased by members of these parties, as well as sympathizers. Therefore, mass political parties focused on broad membership, which was the key to their financial independence (Dolgikh 2019).

2.4 Classification of Model of Party Finance

2.4.1 Models of Public Financing

Many countries choose to use government funding to run campaigns and to finance party as well. Funding campaigns from the government budget is widespread in South America and Europe (Zamora; 2005). The mechanisms for this can be varied, ranging from direct subsidy of political parties to government matching funds for certain types of private donations to exemption from fees of government services.

Supporters of government financing party-generally believe that the system decreases corruption. In addition, many proponents of government sponsorship believe that government financing promotes other values, such as civic participation or greater faith in the political process. It should be noted that, not all government subsidies take the form of money. Some systems require campaign materials like airtime on television to be provided by government at low rate to candidate.

Critics sometimes complain of the expenses of the government financing systems. Conservative and libertarian critics of the system argue that government should not subsidize political speech. Other critics argue that government financing party, with its emphasis on equalizing money resources, merely exaggerates differences in non-monetary resources.

In some electoral systems, candidates who win an election or secure minimum number of ballots are allowed to apply for a rebate to the government. The candidates submit and audited financial report of the campaign expenses and the government issues a rebate to the candidate. This is however, subject to some caps such as the number of votes cast for the candidate or a blanket cap. For instance, in the 2008 elections, candidates for the legislative council of Hong Kong were entitled to rebate. With public financing model, there is predominant share in party budgets of funds received from the state in countries like Spain, Belgium, Portugal, Sweden, Luxembourg, Denmark, Finland, Hungary, Iceland, Norway, Poland, Slovakia, Greece, France and Ireland.

Until recently, the model of public funding predominated in Italy. But after reduction in state financing of political parties, the reform of the system of public funding of political parties was carried out in 2013 - 2014 associated with providing the taxpayer the right to decide what percentage of his tax payment were to be deposited as party funds, Italy began to gravitate towards a balanced model when individual donations were comparable to individual income tax deductions. In Spain, Belgium Portugal, Sweden and many more, the model of public financing of political parties occupies the centre stage of political party funding.

2.4.2 Model of Private Financing

Political parties are private voluntary associations which should in principle be in control of their own financial affairs, although these may be subject to some degree of state regulation. Laws governing the internal resources of parties should avoid interfering unnecessarily with the independence of political parties. Private funding of political parties becomes one of the models of party financing. The main sources of internal party financing are through membership fees, income from property, revenue from party activities such as the sales of goods and items with party symbols or party publications, fundraising activities, party festivals and other social events, and occasional contributions from private voluntary associations and individuals. The monies from all these sources is what is summed together and referred to as private model of party financing.

Historically, private donations have been a crucial source of income for political parties. However, as this traditional mode of financing is no longer sufficient for parties which face the ever increasing expense of political participation and competition, donations continue to constitute a crucial source of income for parties in most European countries. In contrast to public funds or membership fees, which are more or less fixed or depend on the performance or parliamentary strength of a party, money obtained through donation is more open to party's on capacity to raise external funds. This gives parties a greater degree of flexibility to generate their own funds. Furthermore, private funds are desirable in that they encourage citizen participation in the grassroots supporters. Private funding is therefore seen by some as more desirable and legitimate than public funding, which may produce overly bureaucratic parties governed from the top without connection to supporters on the group.

However, the lack of predictability of private contributions makes it a liability for parties, as it does not provide them with a stable source of income to rely on. In addition, the unequal access to and the unequal

distribution of private donations may have an effect on the equality of political participation and competition. Equal competition can be seriously undermined by grass financial disputes between political forces, giving a better funded parties a substantial advantage over their competitors. In 1993, for example, the governing party in the Slovak Republic raised three times as much money as all the other twenty-two parties taken together. Therefore, private financing can also be perceived as unfair, especially in societies with great disparities in wealth.

Private financing is an essential model of funding for political parties, but private donations in particular, may create unwanted opportunities for influence and corruption. Private contributions are more desirable than public subsidies provided they are donated in relatively small amounts by individual electors. It is the large private donations (especially secret ones), which give rise to problems of inequality and corruption. It is therefore important, that legislation is put in place and adopted which counteracts the imbalance in opportunities for political participation and in competition generated by unequal access to private donations, and which also curtails the potentially corrupting effect of private funding. The model of private funding, as it were, is preserved in those countries where political parties exist mainly through donations or membership fees, e.g., UK and Netherlands.

Self-Assessments Exercises 2

1. What are the three models of party financing?
2. When a country adopts the private model of party financing, what the sources of funds open to parties in that country?

1.4.3 Mix (Balanced) Party Financing

This combines elements of both the private and public models of party financing. The balanced model limits the maximum share of public funding in the structure of political parties. The amount provided by the state should not exceed the amount of revenue generated by the party. It is 50 - 50 arrangements that is tagged the balanced model of party financing.

A balanced model of party financing is adopted in Germany. What normally happens is for them to try as much as possible to scale down the amount of budgetary allocation to party received for government. This measure against what the party is capable of generating from other sources like donations, membership fees and the sales of party item and goods with party logo.



2.5 Summary

In this unit, we have examined the origin of political parties. The origin of political parties has been linked to the need for the emergent parties to be financed. This development brought about our investigations on model of political parties financing. In all, we discovered the model of public financing, the model of private financing and the model of mix (balance) financing. Whichever of these models is adopted in a country, there is a clear warning for a pragmatic legal framework that will keep the sources in constant checks, so as to avoid corruption in the parties.



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2.7 Possible Answers To Self-Assessment Exercise(S)

Answers to SAEs 1

1. *What is cadre political party? Identify the characteristics of a cadre political party.*
 - a) Cadre party was an association of notable
 - b) It was an association of influential persons
 - c) The members of cadre party have skills to organize election campaign
 - d) The party did not emphasize nor advocated for large membership
 - e) Organizers of cadre party could provide sufficient funds to sponsor the party
 - f) The party was financed through self-sponsorship of members
 - g) The main sources were through donations from sponsors
 - h) The control of the party was in the hands of the sponsors.
2. *What is the difference between a mass party and a cadre party?*
 - a) Mass party are funded by their members
Cadre party are funded by the sponsor
 - b) Mass party rely on large membership base
Cadre party has few members who are influential
 - c) Mass party prioritize the mobilization of voters
Cadre party depends on their influence and money
 - d) Mass party are centralized
Cadre party are personalized

Answers to SAEs 2

1. *What are the three models of party financing?*
 - a) Model of public financing
 - i. It is the state that provides fund to finance party through budgetary allocations
 - ii. Protagonists of the public model party financing argue that the model decreases corruption
 - iii. This is an increased civic participation in the political process
 - iv. Others see the model as an invitation to dictatorship

- b) Model of private financing
 - i. Membership fees
 - ii. Sales of items and good with party logo
 - iii. Sales of party publications
 - iv. Revenue from party activities like party festival
 - v. Voluntary donations from people
 - vi. That the model may breed corruption
 - vii. Powerful sponsors may hijack the party
 - c) Mix (Balanced) model of party financing
 - i. These combine elements of both the private and public models of party financing.
 - ii. The balanced model limits the maximum share of public funding in the structure of political parties. The amount provided by the state should not exceed the amount of revenue generated by the party. It is 50 - 50 arrangement that is tagged the balanced model of party financing.
 - d) A balanced model of party financing is adopted in Germany
 What normally happens is for them to try as much as possible to scale down the amount of budgetary allocation to party received for government. This measure against what the party is capable of generating from other sources like donations, membership fees and the sales of party item and goods with party logo.
2. *When a country adopts the private model of party financing are the sources of funds open to parties in that country?*
- a) Membership fees
 - b) Sales of party items and goods with party logo
 - c) Party publications
 - d) Revenue from party activities like festivals
 - e) Voluntary donations from individuals
 - f) Voluntary regulated donations from private organizations.

UNIT 3 Sources of Party Funding

Unit Structure

- 3.1 Introduction
- 3.2 Intended Learning Outcomes
- 3.3 Funding Political Parties
 - 3.3.1 Grassroots Support Systems
 - 3.3.2 Donations and Membership Fees
 - 3.3.3 Foreign Aid
 - 3.3.4 Foreign Interference
- 3.4 Classification of Party Financing by Finance Regimes
 - 3.4.1 Market-based regime
 - 3.4.2 Public utility regime
 - 3.4.3 State-coopted regime
 - 3.4.4 Unregulated regime
- 3.5 Summary
- 3.6 References/Further Reading/Web Resources
- 3.7 Possible Answers to Self-Assessment Exercise(s)



3.1 Introduction

In many political climates, the issue of party funding has for long posed a serious concern to political watchers. For one, funding is very crucial and central to the growth and development of political parties. At another strand, political activities can only be effectively showcased when backed by financed obligations. Political party funding is a method adopted by a political party to raise money for campaigns and to finance routine political activities. This is what obtain in most democracies.

In Nigeria's First and Second Republics, the issue of political party funding was hotly debated in the state parliaments, as well as in the National Assembly. The debate was borne out of the fear of allowing the 'moneybags' to pocket the political parties. This debate culminated into Babangida's administration in the early nineties, allowing government to be partly responsible for political party funding. Under the current political permutations in Nigeria, the political parties are not ideologically based. The political parties are mere associations of notables who control, manipulate party structures, candidates, as well as the entire political process; and consequently see political parties as an extension of their private estates. To this end, most political parties are vehicles in the hands of few 'political entrepreneurs' who invest huge amount of money and expect concurrent returns to investment in the form of public works and procurement contracts, prebanded appointments of cronies to public offices; and other forms of prebanded

activities seen and perceived as part and parcel of the dividends of democracy.

The fallout from the above political hiccup is mass electoral and political violence, political destabilization and dis-empowerment of the generality of the Nigerian electorates; the exclusion of alternative parties seeking to participate in electoral politics; and the absence of an effective system to regulate political finance, this unit seeks to explore the sources of political finance. It will attempt to concisely and succinctly analyse the extant legal framework of political regimes regulation of political finance.



3.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- know the sources of political party funding
- analyse the legal framework of political regimes regulation of political finance
- evaluate the rationale behind political finance's regulation



3.3 Funding Political Parties

3.3.1 Grassroots Support System

Political parties are funded by contributions from multiple sources. One of the largest source of funding came from party members and individual supporters through membership fees, subscriptions and small donations. This type of funding is often referred to as grassroots funding or support. When larger donations are being sourced from wealthy individuals, often referred to as plutocratic funding, it is also a common method of securing funds to finance political parties. Parties can also be funded by organizations that share their political views, such as unions, political action committees, or organizations that seek to benefit from the party's policies.

It must be stressed however, that not all political party funds are sourced through legal means. Notice must be taken of the fact that some political fundraising can occur via illegal means. Some of these illegal means could range from influence peddling, graft, extortion, kickbacks and embezzlement. In most cases, when any of the aforementioned happens, the perpetrator(s) or donors may not necessarily disclose the source of such funds. This is why a rigorously campaigned regulatory body for political finance is highly canvassed.

Self-Assessment Exercise(s) 1

1. Explain the terms, 'grassroots funding, and political party.
2. Why are political parties encouraged to disclose their Body?

3.3.2 Donations and Membership Fees

In many democracies, subsidies for party activity were introduced decades ago. Public financing for parties and candidates has several permutations and is increasingly common. Germany, Sweden, Israel, Canada, Australia, and Spain are cases in point. More recently, France, Japan, Mexico, the Netherlands, Poland, and others have followed suit. However, there are two broad categories of public funding viz: Direct-entailing a monetary transfer to a party. Indirect-including broadcasting time on media, use of mail service or supplies.

Collecting data on sources of party finance, ACE Electoral Knowledge Network, from a sample of over 180 nations; 25% of nations provide neither direct nor indirect public funding. 58% provides direct public funding and 60% provides indirect funding. Some countries, of course, provide both direct and indirect funding to political parties. Funding may be equal for all parties or dependent upon the results of previous elections or the number of candidates participating in an election. Often times however, parties rely on a mix of private and public funding and are required to disclose their finances to an Election Management Body.

3.3.4 Foreign Aid

In fledgling democracies, funding can also be provided through foreign aid. International donors provide financial help to political parties in developing countries as a means of promoting democracy and good governance. Mention should be made of the fact that, in some cases, however, such donations are meant to support preferred political parties. Support can be purely financial or otherwise. As some, support is provided in form of capacity building activities, including the development of party manifestos, party constitutions and campaign skills.

The goal of all aid types to political parties, is to provide development assistance at the international level to maintain a functioning global society. The major principles of modern forms of foreign aid were determined within the Marshall plan. The Marshall plan was aimed at supporting the reconstruction of Europe after World War II and the US Foreign Assistance Act 1961. developing ties between ideologically affiliated parties is another common feature of international support for a party. This can sometimes be perceived as direct support for the political aims of a political party, such as the support of the US

government to the Georgian party behind the Rose Revolution (Herbert; 1989).

Other donors develop a more neutral basis for their aid. Some donors provide grants in countries accessible by all parties for various purposes defined by the recipients. Some leading think tanks like the Overseas Development Institute have called to increase support for political parties as part of developing the capacity to deal with the demands of interest-driven donors to improve governance.

Self-Assessment Exercise(s) 2

1. Recount the goals of foreign aid to political funding.
2. What are the implications for foreign finance?

3.3.5 Foreign Interference

Concerns have been raised over less overt international in national political party funding make by foreign governments as it impugns the reputation of nation-states on the world stage. This issue remains controversial and fiercely debated and defended.

In August, 2021, a lawsuit charged the former fundraiser of the United States Republican Party, Elliot Braidy, accountable for accepting funds with millions of dollars from government of the United Arab Emirates. The funding was largely aimed at executing a smear campaign against the state of Qatar, a rival of the UAE, thereby influencing US foreign policy.

3.4 Classification of Political Party Finance By Finance Regimes

3.4.1 Market-Based Regime

Political “party finance regime” is defined as the configuration of rational laws and rules that regulate the finance of political parties in a state. The government efforts restrict the flow of money into electoral politics is generally viewed as a financial intervention in the market place of political funds. The assumptions underlying restriction on party funding sources are to level the playing field for competing political parties and to relieve them from their dependence upon a narrow band of private sources. This dependence is often viewed as having a corruptive influence on policy makers, or at both limits and subsidies is to alter and diffuse the sources of political money (Albert; 2018). it must be noted that many governments place constraints on party financing from a variety of funding sources. These include, bans enacted on foreign aid, corporate union and anonymous donors. Many states also

limit the amount of donations that parties receive both pre and post-election periods.

Self-Assessment Exercise 3

1. In a market-based regime, how does the political party funding?
2. What happens to political party finance under a “regime”?

3.4.1 Market-based Regime

In a market-based regime the interventions into party finance are relatively limited. States with this regime type tend to place fewer restrictions on the size and source of contributions, if any, than those with a public utility regime. Importantly, however the state has a regulatory agency in place to monitor transactions and enforce penalties. All markets are created and maintained by government, simply by acknowledging property rights or charters of existence, e.g. corporations, political parties, etc. (Polanyi 1944). What makes markets more or less “private” is the degree of control the state imposes on the choices made by the regulated entity. In the scope of party finance regimes, the state is less likely to constrain how political parties seek their funding or spend their resources. However, the essential regulatory feature is compelled disclosure of financial records. An underlying assumption is that transparency of transactions will enable the electorate to hold politicians accountable for how they raise and spend money, presumably by punishing political parties in elections when they violate norms of financing politics, such as taking large sums from corporations or wealthy donors. In this regime, parties tend to be viewed primarily as private associations with the legitimacy to manage their affairs internally. Market-based regimes include some states where policymakers choose to provide direct subsidies to parties.

However, in these instances, the parties are treated as private associations and thus afforded a wide berth to operate in an environment free of most other income interventions. The market regime appears especially representative of liberal values that focus on free speech rights for individuals or groups, while simultaneously putting faith in the capacity of enforcement agencies and the electoral system to temper regulatory violations (however few rules exist) and perceived improprieties of party finance.

3.4.2 Public Utility Regime

A public utility regime is characterized by heavy regulation of party income. Generally, public financing is made available and private contributions are restricted in size and source. Additionally, the state

may impose limits on political spending. These regimes also lend to require a high degree of transparency for political funds, though the quality of information may vary greatly. The key point is that the state endorses extensive forms of public control over party finances, with an underlying assumption that the party is providing a public good that must be monitored. Since parties have considerable power and consequence in the political system, the state needs to constrain party organizations to prevent rent-seeking and private-regarding behavior. Epstein (1986) applied the term, public utility, more broadly to explain how the state regulates political parties in a range of areas, including party nominations and organizational structure. Parties as public utilities are viewed as quasi-governmental agencies rather than private associations. While the term is not a perfect fit, because parties do not necessarily have monopolistic power (although some party systems may appear as duopolies or cartels), the claim is that the public has a compelling interest to justify state control over private associations. Since the state has a legitimate interest in avoiding corrupt politics and maintaining the equality of the vote, it has legitimate authority to regulate party financial activity.

3.4.3 State-coopted Regime

Countries with state-coopted regimes intervene in the financing of parties in a variety of ways, yet do not provide public information about party and candidate financing. The key distinction is that the state appears willing to constrict income to parties, but without any transparency about financial transactions. Parties might be subsidized by state funds and/or allowed increments of private sources of financing. The electorate, however, has little capacity to evaluate the sources and uses of political resources. This dynamic tends to make the political parties dependent on the goodwill of the state for its finances and enforcement (or lack thereof). The state can withhold funds or dole them out based on factors that may not be transparent to the wider public. At the same time, state regulators can ignore or enforce breaches of the rules when political parties seek illicit financing. Regardless, these regimes tend to put parties at the mercy of the state.

Additionally, lacking transparency while imposing party income regulations creates a high risk that incumbent politicians might rely on state resources to promote themselves - using not only funds dedicated to campaigns, but governmental resources such as mail services, government - controlled broadcasting systems, or patronage. This type of regime reflects a system with high deference to, or insulation of, political elites, often creating a situation that could be called a political cartel or oligarchy. The subsequent analysis reveals that only a handful of states in our sample and no liberal democracies fall into this category.

3.4.4 Unregulated

In an unregulated regime, there are few state interventions in party finance and few transparency requirements. At the extreme, politicians can receive political contributions in any size and from any source. In addition, the public has no way to learn about such transactions. Given that there is limited information provided about the way that politics is financed, it cannot be considered a transparent market since voters have minimal Capacity to view information that might enable them to make decisions and to hold politician accountable for potential corruption or excessive influence of donors. In this context, political parties are understood as purely private entities in which the state has few legitimate claims for intervening in organizational affairs. It is a regime in which the state must assume that parties have internal accountability mechanisms to stifle corrupt behaviour but, unlike market-based regimes, the state has few ways of auditing party affairs should parties violate public norms. In new democracies, the absence of regulations might reflect the state's weak institutional capacity or legitimacy to intervene in party affairs. In this sense, this kind of regime reflects the “Wild West” of party finance with limited or non-existent state oversight.



3.5 Summary

This unit discusses the sources of political funding. It goes further to explore the different forms of restrictions and regulations placed on the sources of political party funding. In seeking to achieve this, four different regime types are critically examined to enrich students' knowledge on political party finance.



3.6 References/Further Reading/Web Resources

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3.7 Possible Answers to Self-Assessment Exercise(s)

Answers to SAEs 1

1. *Explain the terms, “grassroots funding” and “plutocratic funding” of a political party.*
 - a) When political parties source their funding from members via membership fees, subscriptions, and small donations from party faithful, it is called “grassroots funding”.
 - b) Sometimes, the activities of political parties become massive, under such as situation, a political party may be tempted to seek larger donations from wealthy individuals. When this happens, the source of party funding via such an approach is what is called “plutocratic funding” of political party.
2. *Why are political parties encouraged to disclose their sources of finance to an Election Management Body?*
 - a) An Election Management Body (EMB) is the umpire saddled with the responsibility of election administration in a country.
 - b) Political parties are vital instruments centrally located at the heart of election contestation
 - c) Large funds are required to finance the activities of these political parties
 - d) Some sources of party funds are through illegal and illicit means. For example, graft, extortion, bribery and embezzlement.
 - e) With these illicit sources of party funds in place, the law require the political parties to submit their finances disclosing the sources to the electoral umpire.

Answers to SAEs 2

1. *Recount the goals of foreign aid to political party funding.*
 - a) Foreign aid is the funds provided by international donors in support of political parties; finance and funding
 - b) The goals of the aid includes:
 - i. To provide development assistance at international level
 - ii. To man a functioning global society
 - iii. It is to entrench democracy
 - iv. To encourage political participation
 - v. To develop ties between ideologically affiliated political parties.

2. *What are the implications for foreign interference in political party finance?*
 - a) Foreign interference refers to an act by foreign state or its proxy that is intended to influence, disrupt or subvert national interest by convert, deceptive, or threatening means. Concerns about the risks of foreign interference are growing, based on recent experience in overseas elections. For example, New Zealand intelligence agencies have advised the Justice Committee that they have seen actions taken by foreign actors in New Zealand that is of concern.
 - b) Recent global experience of foreign interference:
 - alleged interference in the US 2016 presidential Election
 - the 2019 cyber security attack that accused Australian parliamentary and political network
 - suspected information manipulation campaigns to simplify critical viewpoints against Canadian Government legislation
 When all or any of these happen (implications) it will:
 - i. Provide a channel for foreign influence to be established
 - ii. Foreign donations to political parties and candidates are a legitimate form of political participation
 - iii. There is a growing concern that foreign donors could leverage influence through donations to political parties
 - iv. It may be intended to undermine or subvert a country's sovereignty.

Answers to SAEs 3

1. *In a market-based regime, how does the government control the sources of political party funding?*
 - a) Interventions into party finance are relatively limited
 - b) Fewer restrictions on the size and source of contributions
 - c) The state has a regulatory agency
 - d) The regulatory agency monitor transactions and enforce penalties
 - e) All markets are created and maintained by the government
 - f) There is a great emphasis laid on the disclosure of financial records of all political parties.
2. *What happens to political party finance under an 'unregulated regime'?*
 - a) Only very few intervention on party finance
 - b) Few transparency requirement
 - c) Politicians can receive political contributions of any magnitude

- d) The public has no knowledge of party finance transactions
- e) Politicians cannot be held accountable for the money collected secretly.
- f) Politician cannot hold for potential corruption on an account of the magnitude of donation collected to finance the party.
- g) Political parties are regarded as purely private organizations

Unit 4 Comparative Political Party Financing

Unit Structure

- 4.1 Introduction
- 4.2 Intended Learning Outcomes
- 4.3 Principles of Funding Political Parties
 - 4.3.1 Party Funding
 - 4.3.2 Illegitimate Activity
- 4.4 Understanding Party Expenditure
 - 4.4.1 Party Spending
 - 4.4.2 Spending Pattern
- 4.5 Party Finance Regulation
 - 4.5.1 Party Finances Regulatory Mechanisms
 - 4.5.2 Changes in Party Finance Regulations
- 4.6 Summary
- 4.7 References/Further Reading/Web Resources
- 4.8 Possible Answers to Self-Assessment Exercise(s)



4.1 Introduction

The study of party finance has not been properly researched. Unlike many areas of parties and elections, the financial aspects have tended to escape extensive academic analysis. This omission is odd since party finance matters for several reasons. The study of party finance is very fundamental to the study of the working of representative democracy.

According to Alexander (1989:10-12), money is an element of political power, because it buys what is not or what cannot be volunteered. Moreover, money is the most potent constituent because finance also dominates the organizational and electoral aspects of political life. The importance of money in politics then is key, for it affects political spending (Johnson, 1985: 256-277) and contributes to debates concerning political equality (Fisher, 1999). to be sure, countries like US has a minimum requirement for fundraising is a party is be elected.

Some scholars claim that money distracts political quality and work from the premise that greater financial means will lead to greater political influence (Ademany et al, 1975). it has been argued that since all citizens have an equal right to political participation, so all interests should receive financial support in proportion to their adherents, the reality is, however, that often times, wealthy groups are represented beyond the proportion of their number. As a result, inequalities in money are greater than any other inequalities of the resources that go into political life. This is so because; money can buy virtually any of the resources that are given directly by citizens (Paltied, 1981).



4.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- know the comparative party finance research agenda
- discuss the principles of funding political parties
- analyse party expenditure pattern
- evaluate the problems associated with regulation of party finance.



4.3 Principles of Funding Political Parties

4.3.1 Party Funding

The principles of funding political parties have fostered debate for many years. Competitive political parties require funds for three purposes viz: to run election campaigns usually called campaign finance, to maintain viable inter-election organizations and to provide research and other assistance to the leadership and representatives of the party (Paltried, 1981:139). This leads to the modality of how to provide the necessary funds for such operations. It must be noted at this juncture, that different ways of funding parties present different theoretical and practical problems.

In countries without genuine mass parties, the most obvious sources of funds for political parties are groups and individuals. Yet, many have been concerned that such a relationship invites a conflict of interests for political organizations. Concerns have ranged from a perception of an undesirable dependence upon interest groups through to a view that the notion of privately funded political parties will inevitably favour those who fund them. At the very least, private contributions can generate suspicious of trading influence (Ademany et al, 1975). But some claimed that frequently, such fears are exaggerated (Fisher, 2002). In Finland for example, it was considered at a time that private donations from companies and individuals presented the least potential risk to the independence of political parties (Wiberg, 1991).

Self-Assessment Exercise(s) 1

1. What are the purposes of competitive parties 'funding'?
2. Discuss the effects of the introduction of state finance

4.3.3 Illegitimate Activity

One potential safeguard against the risk of illegitimate activity arising from donations is transparency. Disclosure can help maintain public confidence in the democratic political process. Secrecy can breed suspicion and confidence is more likely of unnecessary secrecy is removed. Transparency, however, is not a 'cost free' exercise. Both parties and public agencies may incur significant costs in providing the data required for such openness (Nassmacher; 2003:6). transparency can also have negative effects such as the creation of more suspicion on account of newly available information and as a result an increased reluctance of donors to contribute, regardless of whatever suspicions are well grounded (Fisher, 2000). The problem, however, is that all of these, have the potential to erode public confidence. Of course, however, transparency alone may not prevent scandals from occurring. For example, despite transparency regulations, political finance scandal has occurred recently in Italy, Spain, Germany and Japan.

In many political climes, state funding formulas have been introduced. This has been due in point to corruption and the fear of corruption through the practice of voluntary donations. State funding is designed to count or eliminate the potential for political party finance abuses. The introduction of state subsidies has also partly been a reflection of concerns that political parties are facing decline in terms of strength and resources. This in turn will make them less able to perform the role of intermediary between the citizens and the state. It must be stressed, however, that public subsidies have replaced private sponsorship as the norm in political finance (Nassmacher, 1993).

The effect of state funding vary from time to time and from one country to another. Certainly, it has not succeeded on wholly eliminating corruption and loophole seeking. Nevertheless, there have been some common trends. Parties have obtained more resources, though cost have increased to a corresponding degree. Dependence by parties on public money has been high and a general bureaucratization and professionalization in party organizations have taken place.

State funding has contributed to the general trends of centralization amongst parties and the importance of party memberships has declined as has the dependence upon voluntary donations. That taken, the introduction of state funding has had no discernible effect on party membership levels. Nevertheless, there has been an increase in the party activities and a greater activity to maintain activities between elections.

4.4. Understanding Party Expenditure

4.4.1 Party Spending

Many debates concerning party spending have tended to suggest that disparities in the financial endowment of parties distort electoral competition in favour of the wealthiest party. Consequently, it is argued that unregulated political finance fails to guarantee a level playing field in the competition for power, thus undermining the right to equal political participation. Notwithstanding the argument that money may not be used with equal degrees of skill (Fisher, 1999), there is some evidence to suggest that party spending does have an impact upon electoral outcomes.

According to Johnson and Johnson (1980), an increased spending in particular challenger expenditure, leads to electoral pay offs. Also, Fisher (1999) shows in the British case at least, the assumption that increased spending leads to electoral success is something of an oversimplification. Party spending, of course, consists of more than just campaign spending. It also includes the maintenance of party infrastructures and the funding of party research, especially important for opposition parties. Nevertheless, the focus of much regulation in respect of party spending has focused largely upon campaign

4.4.2 Spending Pattern

In contrast to strategies for winning votes ‘wholesome’ through platform-oriented campaign, a caveat is in order about the prevalence of ‘retail’ party spending. This retail party spending could be on vote-buying in impoverished countries. A major future of impoverished countries is ‘where the politics of the belly’ dictates that voters in rural areas may turn to immediate delivery of a sack of beans, a sheet of aluminum roof laminate, or even a pair of shoes or a T-Shirt, rather than on promotes of remote policy reforms. Here, the future of the unborn generation is mortgaged in exchange for these items. The implication for this is building and reinforcing the poverty level of the people.

Samuel (2002) provocatively suggests that in the Brazilian case, policy making is dictated by legislator’s efforts to placate campaign donors with ‘pork’ projects so that the donor will reciprocate with contributions. But differently, campaign corruption in new democracies have shown that vote buying can grossly undermine platform-driven, ideological campaigns, turning them into populist giveaways. Whenever this happens, a small concentration of private donors may acquire even more control over policy making, so long as their money can buy votes so cheaply.

4.5 Party Finance Regulation

4.5.1 Party Finance's Regulatory Mechanisms

There are regulatory mechanisms for political party finance. Mechanisms include disclosure of financial dealings to allow for public accountability. There is also the mechanism of the employment of the tax system to broaden the base of party funds. Also, there is the state subsidy of political expenditure. Another mechanism is the regulation of political broadcasting and the imposition of spending limits on both candidate and parties (Ewing: 1992:92).

Regulation has, however, often proved to be implemented. Key obstacles here included the stability or unwillingness of parties and donors to employ with the spirit of legislation and the difficulties of constructing legislation itself. One of the key pitfalls on the creation of political finance law is that drafting and enacting must be undertaken by representatives of the very organizations which will be affected by such regulation, the political parties.

Self-Assessment Exercise 2

1. Identify political party finance according to Ewing typology.
2. Why has it been so difficult to regulate party finance?

Additionally, many party finance regulations are drafted only in response to a scandal. As a consequence, regulations may simply be symbolic gestures designed to give the impression of a response when in fact, there is no support for such changes among those who are affected by it. Despite the good intentions of many politicians, political finance often remains shrouded in mystery, and subject to continual resistance for reform by the political parties themselves. In situations where there is disrespect for law and institutions are preventing attitudes, enforcing a party finance regime is almost impossible.

4.5.2 Changes in Party Finance Regulation

In recent years, there have been a spate of new party finance regulations. In the USA, for example, an effort was passed by congress in 2001. The effort was seeking to close loopholes which essentially allowed candidates unlimited funds; if these were channelled through political action committee (PACs) rather than being donated directly by individuals. The McCain-Feingold legislation of 2001 placed new reporting requirement on individual donations, limited state party contributions to federal elections, and placed new restrictions on funding for federal candidate-related individuals.

As a result of recent regulatory changes, more cooperative models are required to help us understand the paths taken by a variety of democracies. In this special case, it is better to seek to extend the gaze of constitutional engineering to the era of party finance and analyse new theoretical and comparative politics more generally. Clearly, party finance is but one several critical areas of perfectability in transparent and representative government.



4.6. Summary

This unit has examined vary critically party finance comparatively. It discusses among others, illegitimate activity that often lead to the abuses of party finance. The unit brings into focus, the various regulatory devices introduced to party finance. The approach adopted will aid learners' understanding of comparative political party finance.



4.7 References/Further Reading/Web Resources

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4.7 Possible Answers to Self-Assessment Exercise(s)

Answer to SAEs 1

1. *What the purposes of competitive political parties funding?*

Comparative political parties require funds for main purposes. They are:

- a) To run election campaigns (campaigns finance)
 - b) To maintain viable inter election organizations
 - c) To provide research and other assistance to the leadership and representatives of the party.
2. *Discuss the effects of the introduction of state funding formulas on party finance.*
 - a) There are two main instruments put forward to check abuses against party finance. They are transparency through public disclosure of donations to parties and related sources of party finance. The second one is the introduction of state funding formulas to curb corruption. Of party finance.
 - b) In other to level the financial playing field between competitive political parties as well as eliminating corruption of party finance, many countries have introduced state funding formulas through subsidies. The effects of the introduction of the state funding formulas are:
 - i. It snowballs into centralization with the heavy presence of redtapism
 - ii. Party membership will be on a declining mode
 - iii. A positive effect however, is the fact that party activities have been on increase and
 - iv. A greater ability to sustain the activities.

Answer to SAEs 2

1. *Identify political party finance mechanisms according to Ewing typology.*

According to Ewing Keith there are regulating mechanisms for political party finance. These mechanisms are:

- a) There is the mechanism of the employment of tax system to broaden the base of party funds
- b) There is the state subsidy of political expenditure
- c) There is the regulation of political broadcasting

- d) The imposition of the spending limit mechanisms.
2. *Why has it been difficult to regulate party finance?*
- a) The inability or unwillingness of parties and donors to comply with the spirit of legislation.
 - b) The difficulty of constructing legislation itself.
 - c) Drafting and enacting are legislative functions which is absolutely difficult to influence
 - d) The quality of legislation on financial regulation is not very strict.
 - e) The flexibility of the regulation law makes it prone to manipulation.
 - f) Many party finance regulations are drafted only in response to scandals making the enforcement very loose and largely uncoordinated.

UNIT 5 Problems Associated With Political Party Financing

Unit Structure

- 5.1 Introduction
- 5.2 Intended Learning Outcomes
- 5.3 Managing Political Party Financing
 - 5.3.1 The Problem
 - 5.3.2 Tackling the Problem
- 5.4 Solutions
 - 5.4.1 Development of Effective Frameworks
 - 5.4.2 Support of Electoral Commissions and Society
 - 5.4.3 State Subsidies and Support for Party Development
 - 5.4.4 Civil Education
 - 5.4.5 International Action
- 5.5 Summary
- 5.6 References/Further Reading/Web Resources
- 5.7 Possible Answers to Self-Assessment Exercise(s)



5.1 Introduction

Political parties are complex organizations that are the heart of democracy. Political parties can and do serve a wide variety of functions. These functions include, among others; aggregating and articulating interests, developing competing policy proposals that provide voice and choice, selecting candidates for elected office, organizing legislatures, coordinating the formation and activities of government, recruiting and linking leaders and supporters, and conducting electoral campaigns.

To perform the above laid out functions, political parties require financial resources. Money is the all-important oil that keeps the machinery going. Money is key, money is central to political party administration. In addition to money, non-monetary resources in form of access to state premises, media or viewdag are often required by political parties. Availability of all these can make valuable contributions to parties' ability to organize and sustain themselves. In some instances, account of their resource endowment or lack of it. In other instances, how parties practice or fail to practice intra-party democracy has some extent been influenced by the way they are financed and how these resources are allocated within the difficult parties.

The centrality of money in politics is clearly not in doubt. Periodically however, it can at the same time be a danger, if not well managed or regulated. Money can provide opportunities for abuse by the governing

party as they are in control of public assets. Situations of abuse are prevalent in emerging African democracies that are operating in contexts faced with scarce resources and where it is difficult to track the difficult sources that political parties can use to get their financing. Given the significant of political parties and the role that money plays in politics, there is an increasing consensus to regard political parties as public entities that should be subjected to some form of public law. Thus, in almost all democracies, political parties are subject to some kind of legal framework. Additionally, political parties are equally faced multifacetal problems. This unit is set to examine very critically, problems associated with political party finance.



5.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- know the problems associated with political party finance
- state the attempts made at tackling these problems
- proffer solutions to the problem of party finance
- recommend viable alternative options to redress political party finance problems



5.3 Managing Political Party Finance

5.3.1 The Problem

Political party financing can distort the electoral process and is a major motive for grand corruption. Such corruption is a significant problem in many countries including both developed and developing countries. The particular pressures for corrupt financing in developing countries are related to the lack of legitimate sources of finance, such as business, trade unions and party membership, coupled with expensive and anti-democratic party activities, such as vote buying. In many countries, both developed and developing, the policing of party financing has proved difficult even where there are regulations, independent electoral commissions and parliamentary ethics committees. The effectiveness of these watchdogs depends on the commitment of the main political parties and the electorate to more ethical behaviour. That commitment is often absent.

Corruption in party financing can occur in both multi-party and one party election systems. Under both systems the electorate can develop the expectation that their vote will be bought. Multi-party competition can also lead to a spending rat race between parties. The pressures on

parties to raise money increases the power of monied interest groups and individuals to influence party behaviour in exchange for financial support. Ruling parties may also abuse their access to state resources, putting opposition parties at a substantial disadvantage.

According to the World Bank Report (1996), analysing the Uganda general elections, which could apply to most regions of the world, there is link between corruption and political party finance. This, according to the report is the problem for politicians and democratic politics. This paper considers two links between corruption and political finance that are associated with competitive elections. The first is the demand of the electorate for payment for their votes in terms of private and public goods, which drove the high cost of campaigns. Although the country had a number of laws in place during the elections designed to prevent such payments and cap campaign expenditure, they were effectively unenforceable. These demands (from private citizens) continue as constituency service demands once candidates are in office. The second link is campaign finance corruption, in which government actors divert state resources to their own campaigns, or those of their friends, family or clients; or where candidates sell political influence. The mission estimated the average cost of campaigning for a 1996 legislative seat to be between \$40,000 and \$60,000. Many members of parliament are heavily in debt.

5.3.3 Tackling the Problem

Attempts to tackle the problem of party political financing have followed two main routes: regulation and financial subsidies. The statistics below suggest that neither approach is applied comprehensively in Commonwealth countries which are generally the countries with which DFID has the closest development partnerships.

Self-Assessment Exercise 1

1. Political parties need a lot of financial resources to be able to function well. Enumerate the functions of party finances.
2. Why is there corruption in political parties financing?

The four most common regulations in countries with populations over 2 million:

	Commonwealth	Non- Commonwealth
Disclosure	67%	90%
Ban on foreign donations	35%	63%
Candidate campaign limits	43%	32.5%
Ban on political advertising	22%	37%

Source: Michael Dushinsky: Political Financing in the Commonwealth.

The incidence of subsidies in countries with populations over two million:

	Commonwealth	Non-Commonwealth
Grants to legislators	71%	66%
Direct public subsidies	24%	86%
Tax relief and indirect subsidies	10%	69%
Free broadcasting	69%	91%
Subsidies in kind	25%	67%

Source: Michael Dushinsky: Political Financing in the Commonwealth

Public subsidies where they exist in the Commonwealth are most commonly found in African states.

There is no consensus on the measures that would be most effective in tackling the abuses of party financing. And we have not seen any reliable evidence on the relative effectiveness of measures. The measures currently in place seem to be related (but not very strongly) to the type of democratic system - countries with first past the post systems favour regulation while those with proportional voting systems favour subsidies.

Given that democracy is well rooted in countries like the UK, Germany and USA, it is surprising, not only that their own record is so poor, but that the problem has been tolerated so complacently until the last few years. The fact that developed countries have major problems makes the problems in developing countries look particularly daunting.

In their views, Michael Crick et al (1998) opine that

Support can be given to the development, where they do not exist, of effective regulatory frameworks within developing countries which include clear rules and legislation on political party funding. Regulatory frameworks might include limits to party finance, disclosure of funding sources, individual contribution limits and bans on foreign donations. Such regulations are unfortunately only a partial solution, as ways are often found of evading or exploiting loopholes in regulations. For example, if only a few direct channels of political money are subject to disclosure rules, those wishing to exert influence through secret funds will naturally seek out those channels which remain unregulated. In addition, certain types of expenditure are difficult to monitor.

5.4 Solution

5.4.1 Development of Effective Regulatory Framework

It is for governments, parliaments and civil societies of developing and transitional countries to take the lead in defining solutions for their own countries. Developed countries do have a clear responsibility as a major source of the grand corruption that funds illegal party financing. Developed countries also have an interest in curbing other illicit activities linked to party finance, such as drugs trafficking. Those developed countries that are major supporters of the development process are concerned about the impact of the corruption and distortions associated with political financing.

In the absence of a consensus on the most effective approach, a possible solution is a package of measures which look desirable in themselves and can tackle the problem from a number of angles. The most favourable environment in which to pursue these may be campaigns to combat corruption as those campaigns already have legitimacy and some momentum. We propose therefore a new strategic programme within anti-corruption activities consisting of some or all of the measures set out below.

Self-Assessment Exercise(s) 2

1. Mention and explain the two main route attempts to tackle the problems of political party finance have followed
2. Enumerate the available solutions to curb the abuses linked to party finance.

5.4.2 Support to Electoral Commissions and Civil Society

It is important therefore that there is effective and independent scrutiny of the implementation of regulations. In part in response to the criticism mentioned above the UK has belatedly created an electoral commission. Long term assistance can be given to raise the capacity and profile of such commissions so that they can monitor party activities and the electoral process. It is unlikely that support to electoral commissions on its own will significantly improve their ability to effectively enforce regulations. Only where political parties and especially the ruling party are supportive and respect their autonomy can electoral commissions play their role as champions of democratic values and improve transparency within the system.

Political parties need to agree on and set out publicly the rules of the game and their understanding what is legitimate and off-limits in their roles. DFIDSEA financed such an initiative in Indonesia before their elections using the Westminster Foundation for Democracy. Investigative and advocacy groups and the media have policing roles as well. Action on all these measures could have a greater impact if pursued simultaneously as part of an integrated package.

5.4.3 State Subsidies and Support for Party Development

Many countries have chosen to level the financial playing field between political parties through the introduction of state subsidies. Some of these measures are clearly justified in their own right. There are more controversial and their impact on illegal party financing is not clear. Clearly desirable subsidies include fair access to state media (national television remains state-controlled in most countries) or direct public funding for certain activities such as policy research. As ruling parties invariably use public vehicles and premises, these too might be shared more equitably.

On the other hand, cash payments to political parties to finance their campaigning or other political activities do not seem to guarantee probity in party financing. Even state financed parties, especially those in power, are tempted to take advantage of opportunities to corruptly acquire additional illegal contributions. Germany provides a recent example of this. State financing has other risks. For example, where poorly conceived, state funding can lead to a multiplication of small and weak parties, have a negative effect on party development and lead to a 'freezing' of the political party landscape. In South Africa for example the UDF party threatened to challenge the Public Funding of Represented Political Parties Act 1998, arguing that it was unconstitutional as it discriminated against non-represented parties.

However, do poor countries have adequate sources of legitimate financing? Certainly state funding of parties in Africa has resulted from pressure from opposition parties since the emergence of multiparty systems during the 1990's. It is argued that party members are too few in number and too poor to contribute. National business and trade unions too underdeveloped to provide support to a broad platform of opinion. In these cases state financing, like raising pay to a living wage, might be a necessary, but not a sufficient condition for replacing illegitimate sources with legitimate sources of funding.

For now, there has not been evidence to show that state funding reduces abuses. And state subsidies make little sense unless expenditure is also regulated. But State funding may level the playing field to some degree

between parties. A justifiable example was AGHCD's support with the Secretary of State's agreement through the National Elections Board in Ethiopia. A multi donor group provided support to parties other than government to campaign during the election period in 2000. The total donor contribution was £500,000; DFID's share was £100,000. The mechanism worked fairly well. And most importantly, the country began an evolution to a more pluralistic political system, even if the election was not trouble free.

In the longer term political party development is probably part of the solution. The party can get assistance through the Non-Governmental Organization (NGOs) with building party capacity to develop membership, improve management, campaign efficiently and effectively, enhance policy formulation and raise resources.

5.4.4 Civic education

People's experience of politics in developing countries owes more to informal traditions than the formal rules. Their expectations are low but include receiving favours at elections and from their elected representative on their election. The failure of state service delivery reinforces these expectations. Indeed favour seeking may seem a rational response to their predicament.

The better prospects now of improving services and tackling corruption more widely creates the possibility of changing expectations. Civic education, improved advocacy and political organization around issues could change poor people's demands of politicians. The aim should be to persuade people to explore new kinds of demands, for example, for honest and effective public services in place of vote-buying, welfare or the small investments financed by politicians.

The problem of the three main political parties exceeding the legal expenditure limits is a big problem in Parliamentary by-elections and also in many seats at the General Election. The abuse in some cases is on quite a breathtaking scale.

5.4.5 International Action

At the international front, efforts must be geared towards the formulation of policies that are vibrant enough to confront and meet the challenges of best practices in the management of political party finance. The objectives at the international level should include action to introduce constraints on bribery that originated from developed countries and goes into politics of undeveloped countries. The pressure

for action on political party finance can be increased to mobilise international organizations to support such actions. Developed countries could extend their collective commitment against corruption to cover bribes by their nationals that go towards political financing.

Self-Assessment Exercise(s) 3

1. Effective regulatory frameworks can reduce the abuses associated with political party finances. What are the components of these regulatory frameworks?
2. Discuss the role of state subsidies and support for party development stating how illicit activities attached to party finance could be curbed.



5.6 Summary

Corruption in political party financing is a central issue for the deepening of democracy and combating corruption. There is no certain prescription, but there is scope for extending self-evidently important measures more comprehensively amongst developing countries. This unit has sufficiently exposed learners to studies in the management of political party financing. It highlights the problems associated with the party financing, takes a quick look at attempts made at tackling the problems. The unit finally offers viable solutions to the identifiable problems besetting the management of party financing.



5.7 References/Further Readings/Web Resources

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5.7 Possible Answers to Self-Assessment Exercise(s)

Answers SAEs 1

1. *Political parties need a lot of financial resources to be able to function very well. Enumerate the uses of party finance.*
 - a) Aggregating and articulating interests mainly through political propaganda
 - b) Developing competing policy proposals that can produce voices and choices
 - c) Selecting candidates for elected office
 - d) Organizing the formation and activities of government
 - e) Recruiting and linking leaders and supporters
 - f) Conducting electoral campaigns
2. *Why is there corruption in political party financing?*
 - a) Corruption in party financing can occur in both multiparty and one party election systems
 - b) Under both systems, electorate can develop the expectation that their vote will be brought
 - c) Multi-party competition can lead to excessive spending as campaign finance which is an aspect of political party finance
 - d) Financial pressure on political parties can encourage illegal approach to the search for money to finance political parties
 - e) The consequent of this is individuals influence on party behaviour in exchange for financial support
 - f) Ruling party may abuse their access to state resources

Answers SAEs 2

1. *Mention and explain the two main routes attempts to tackle the problems of political finance have followed*
 - a) The attempts to tackle the problem of political party finance have followed the routes of:
 - i. Regulation
 - ii. Financial subsidies
 - b) There is no consensus among nations on the measures that would tackle effectively the abuses of party financing. The First past systems favour regulation where limits and ceiling are set to regulate how political funds could be expended. Owing to

competition for parliamentary seats, every regulation put in place to check party finance abuses are always disrespected.

- c) A lot of distortions are associated with subsidies. Although, developed countries are interested in curbing illicit activities linked to party finance, others are more concerned about the impact of the corruption and distribution of the components of subsidies between the party of government and the opposition party. Party in government in Nigeria for example, can use government vehicles for campaigns and other things, but the opposition cannot. These introduce a lot of distortion into government subsidies, and hence, constitute a major abuse to party finance.

1. *Enumerate the available solutions to curb the abuses linked to party finance*

- a) Development of effective regulatory frameworks
- b) Support to electoral commission and civil society
- c) State subsidies and support for party development
- d) Civil education
- e) International action

Answers SAEs 3

1) *Effective regulatory frameworks can reduce the abuses associated with political party finances. What are the components of these regulatory frameworks?*

- a) Regulatory frameworks contain measures put in place to check the abuses associated with party finance. The major components are:
 - i. Clear rules and legislation on political party funding
 - ii. Limit to party finance
 - iii. Disclosure of funding sources
 - iv. Individual contribution limit
 - v. Bans on foreign donations
- b) Evaluating through secret donations. Exploiting the loopholes inherent in the legislation

2) *Discuss the role of state subsidies and support for party development stating how illicit activities attached to party finances could be curbed.*

- a) Many countries have chosen to level the financial playing field between political parties through the introduction of state subsidies
- b) Subsidies include access to state media

- c) It include direct funding for certain party activities
- d) Government can refund money to successful candidates
- e) Party sometimes can submit expenditure for budgetary allocation through legislation.
To curb illicit activities associated with subsidies,
 - i. It must be regulated
 - ii. Opposition and the ruling party must benefit equally
 - iii. Participation of parties must be discouraged
 - iv. Laws approving the formation of political party must be strict

MODULE 2 ELECTION MANAGEMENT BODIES (EMBs)

Unit 1	Discussing Election Management Bodies (EMBs)
Unit 2	Types and Functions of EMBs
Unit 3	Structures and Composition of EMBs
Unit 4	EMB in Nigeria
Unit 5	Problems of EMBs

Unit1 Discussing Election Management Bodies

Unit Structure

- 1.1 Introduction
- 1.2 Intended Learning Outcomes
- 1.3 Electoral Model
 - 1.3.1 Meaning of EMBs
 - 1.3.2 Independent Model
 - 1.3.3 The Governmental Model
 - 1.3.4 The Mixed Model
- 1.4 Expectations of EMBs under the Different Electoral Management Models
 - 1.4.1 Anticipated Behaviour of an EMB
 - 1.4.1 Factors that Influence EMB behaviour
- 1.5 Summary
- 1.6 References/Further Reading/Web Resources
- 1.7 Possible Answers to Self-Assessment Exercise(s)



1.1 Introduction

A basic fundamental of democracy is periodic selection of rulers to oversee the affairs of a given society through a structured process referred to as election. The responsibility to administer and manage elections are saddled with the Election Management Bodies (EMBs). Their existence, structure and form are guaranteed by the legal frameworks and other statutes establishing them. For example, in Nigeria, the 1999 Constitution, Section 15, Part 1 of the Third Schedule (as amended), and the Electoral Act 2010, section 2 (as amended) give the power to the Independent National Electoral Commission (INEC) to organize, undertake and supervise elections to all elective positions of government except that of the chairman, vice chairman and councillors; among other functions.

Election Management Bodies (EMBs) exist principally for the conduct of elections and to perform ancillary services to aid the conduct of elections. These ancillary services range from planning, forecasting,

staffing, communicating, coordinating, implementing and evaluating elections. Others include delimiting of electoral constituencies, registration of voters, security and logistic for election (Raphael, 2009). However, the typology of the forum, structure and functions of an election management body may vary from country to country based on political, economic and sociocultural environment.

Globally therefore, election is an important aspect of democracy which must centres practice. In United States for example, periodic elections are organized by their election management agency called Federal Elections Commission to fill elective positions from the federal, state, and the local centres (Jenifer and Richard, 2009, p.12). the constitution of the United States, the Federal Campaign Act of 1973 and the National Voter Registration Act of 1993 stand as legal instruments with which the USA elections management body draws its mandates to operate. The United Kingdom has a long history of democratic practice dating back to the 18th century. Specifically, the reform Act of 1832 expanded the franchise to vote (Peter, 2007). the Electoral Commission of the United Kingdom has the responsibility for conducting elections to various public offices.



1.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- understand what Election Management Bodies are
- identify types of EMBs, their Functions and Composition
- discuss the establishment of electoral commissions in Nigeria
- discuss the mission, vision and guiding principles of INEC.



1.3 Meaning of Embs and Electoral Models

1.3.1 Meaning of EMBs

An election management body (EMB) is the body legally responsible for managing some or all essential elements of an elections. These core elements include, among others:

- Determining who is eligible to vote (voter registration)
- Receiving and validating the nominations of political parties and/or candidates and producing ballots
- Conducting polling
- Counting the votes; and
- Tabulating and announcing election results

If these essential elements are allocated to various bodies, then all the bodies sharing these responsibilities are election management bodies (EMBs). In addition to those core areas, an EMB may undertake other tasks related to the conduct of elections like boundary delimitation (Electoral Boundaries), voter education and information, campaign finance monitoring and electoral dispute resolution.

EMBs must be politically impartial as well as competent and should thus operate independently so that they are insulated from political pressure. For example, the EMBs in many countries are independent bodies, with a budget that is directly provided by the legislature. In some Latin American Countries, the bodies organizing elections are constitutionally a separate branch of government.

However, most countries have opted for independent model EMB. They typically have one of the following compositions:

- independent, nonpartisan individuals' chosen base on their expertise.
- representatives of registered political parties (i.e. partisan members)
- a combination of the two types.

It must be noted that as electoral decisions are made at different geopolitical levels (national, district, country etc) EMBs will usually have sub-units that operate at different levels as well.

1.3.2 Independent Model

In the independent model, the election commission is independent of the executive and manages its own budget. Countries with an independent election commission include Australia, Bangladesh, Canada, India, Jordan, Nigeria, Pakistan, Poland, Romania, South Africa, South Korea, Sri Lanka, Thailand and the United Kingdom. In some of these countries, the independence of the election commission is guaranteed. To be sure, section 190 of the constitution of South Africa guarantee the independence of the South Africa election body.

The Independent Model of electoral management is used in countries where elections are organized and managed by an EMB that is institutionally independent and autonomous from the executive branch of government. Member of an Independent Model of electoral body are outside the executive. Under the Independent Model, the EMB has and manages its own budget, and is not accountable to a government ministry or dependent. Although, under this arrangement, EMB may be accountable to the legislative, judiciary or the head of state. EMBs under this model may enjoy varying degrees of financial autonomy and

accountability, as well as varying levels of performance accountability. Many new and emerging democracies have chosen this model.

Self-Assessment Exercise1

1. Election Management Bodies (EMBs) perform some ancillary services. What are these ancillary services?
2. State the attributes of the Independent Model of electoral Management

In some countries operating the Independent Model, two bodies are established to manage election. Both bodies are independent of the executive and can be considered independent EMBs. One of these bodies is likely to have responsibility for policy decisions relating to the electoral process. The second one to be responsible for conducting and implementing the electoral process. There may be provisions to insulate the implementation EMB from interference by the policy EMB in staffing and operational matters. Examples of this ‘double-independent framework under the Independent Model includes Jamaica and Romania.

Attributes of an Independent Model EMB

S/N	Aspect	Essential Attributes	Possible Attributes	What it is Not
1.	Institutional Arrangement	Institutionally Independent from executive branch of government		It is not part of the government structure
2.	Implementation	Exercises full responsibility for implementation	May be a legal entity. It can sue and be sued	It is not above the constitution or law
3.	Accountability	It is subject to good governance constraints	Usually accountable to the legislative, the judiciary or head of state. Has financial autonomy	It is Not formally accountable to the executive
4.	Powers	Can make policy decisions independently	Has power to develop the electoral regulatory	

		under the legal frameworks	framework independently under the law. Has broad powers and functions for electoral implementation. Has power to hire and fire and discipline her staff. Has power or procurement and accounting procedures	
5.	Composition	Must be outside of the executive so long as the office at EMB	Members may be non-aligned 'experts' or politically affiliated	
6.	Term of office	There is security of tenure	May have a fixed term of office	Members can Not be removed/dismissed arbitrarily by the executive
7.	Budget	Has and manages her own budget independent of government control	May receive budgetary allocation from the executive and funding from donors	Not within the budget of any governmental ministry
8.	Staff	Has autonomy to determine her staff needs, rules and policies	Can access personnel from within the public service	Staff are Not necessarily public servants

Source: International Institute for Democracy and Electoral Assistance, 2006

1.3.3 The Government Model of Electoral Management

In countries with the Government Model of electoral management, elections are organized and managed by the executive branch through a ministry (such as the ministry of the Interior) and/or through local authorities. Where Election Management Bodies under this model exist at national level, they are usually led by a minister or public servant and are answerable to a cabinet minister. With very few exceptions, they have no ‘members’. Their budget falls within a government ministry and/or under local authorities.

The countries that have adopted this model are Denmark, Singapore, Switzerland, the UK (for elections, but not for referendums) and the United States. In Sweden, Switzerland, the UK and the United States, elections are implemented by local authorities. In Sweden and Switzerland, the central EMB assumes a policy coordinating role.

Self-Assessment Exercise 2

1. Under the Government Model of electoral management arrangement, election are organized and managed by the executive branch. Discuss.
2. Highlight the major differences between the Independent Model and the Government Model of electoral management under the following aspects: Institutional arrangement

Attributes of the Government Model of Election Management

S/N	Aspect	Essential Attributes	Possible Attributes	What it is Not
1.	Institutional Arrangement	Located within a department of state	It could be a department, an agency or a local authority	It is Not an institution that is independent of the executive
2.	Implementation	Subject to the direction by the executive branch	Implementation responsibility could be shared with ministries	
3.	Accountability	Accountable for policy, finance, performance and governance to		

		the executive branch		
4.	Powers	Power are limited to implementation	May share electoral implementation responsibilities with other departments	Does Not have independent regulatory powers
5.	Composition	Led by a minister or a civil servant	Has no members only a secretariat. Decision vests with the executive	
6.	Term of office		Has no members, so no term of office	
7.	Budget	Part of money budget	May receive fully from donor community	Can Not decide her own budget
8.	Staff	Primarily staffed by public servants	Can access personnel from outside	Can Not hire and fire staff

Source: International Institute for Democracy and Electoral Assistance, 2006

1.3.4 The Mixed Model Electoral Management

The Mixed Model electoral management usually involves two components. Election Management Bodies and dual structure.

- i. A policy, monitoring or supervising EMB that is independent of the executive branch (like an EMB under the Independent Model).
- ii. An implementation EMB located within a dependent of state (like an EMB under the Government Model).

Under the Mixed Model, elections are organized by the component governmental EMB, with some level of oversight provided by the component independent EMB. The Mixed Model is used in France, Japan, Spain and many former French colonies, especially in West Africa, for examples, Mali and Senegal.

The powers, functions and strength of the component independent EMB in relation to the component governmental EMB vary in different examples of the Mixed Model, and the classification of a particular country as using this model is sometimes not very clear. In the past, the component independent EMB was sometimes little more than

formalized observation operation, although this version is dying out, having been abandoned in Senegal. In other cases, the component independent EMB supervises and verifies the implementation of electoral events by the component governmental EMB, and tabulates and transmit results, as in Congo (Brazaville).

The relationship between the component EMBs in a Mixed Model is not always clearly defined in legislation or practice, and friction can result. In the 1999 elections in Guinea which used the Mixed Model at that time the majority and opposition representatives in the component independent EMB had conflicting apparatus to its role in supervising and verifying the election, thus its effectiveness was heavily disputed.

Mixed Model EMBs have a variety of structures, internal relationships, and attributed, and it is difficult to codify the essential and possible attributes of Mixed Model EMBs. The relationship between the two components in a Mixed Model EMB is significant in determining its attributes and methods of operation. Effective legal frameworks for Mixed Model EMBs clearly specify the division of powers and functions between the policy, monitoring, or supervising component and the implementing component of the EMS, and their interactions.

Attribute of EMBs under Mixed Model Electoral Management

Country	France		Japan	
Component EMBs	Component Independent EMB	Component Governmental EMB	Component Independent EMB	Component Governmental EMB
Title	Constitutional Council	Ministry of Interior Bureau of Elections	Central Election Management Council (CEMC)	Ministry of Internal Affairs and Communications – Election Division
Composition	Body defined in the constitution with 9 appointed members 3 each appointed by the president, the National Assembly and the Senate	N/A	5 members appointed by the Parliament	N/A

Structure	Permanent	Permanent	Temporary Term of office	Permanent
Relationship between component EMBs	Oversight and some dispute resolution only	Organization and politing of the electoral process, the major functions of which are the responsibility of the administration at commune level	A secretariat within the ministry gives the CEMC administrative support, the minutes of the CEMC meetings are available on the ministry's web site	Implementation of CEMC instructions and decisions and ensuring their implementation by highly decentralized EMBs at regional and local level.
District powers and functions of the component EMBs	Accepting of nominations in presidential elections. Watching over the regulatory of presidential elections and referendums , and declaration of their results Ruling on disputes over the results of parliamentary elections	Organization and administration of all elections	Exercise of general direction and supervision of the administrative conduct of national elections	Administrative conduct of all aspects of elections

Source: International Institute for Democracy and Electoral Assistance, 2006

1.4 Expectations Of EMBS Under The Different Electoral Management Models.

1.4.1 Anticipatal Behaviour of an EMB

A country's electoral management models are an important factor in EMB behaviour, but far from the only one. It is right to think of three different behavioural patterns. EMS behaviour also depends on the electoral framework, political and social expectations, as well as the cultural environment within which each EMS operates.

The demonstrable influences include the political commitment to allow an EMB to act freely and impartially, the range of members and/or staff for appointment and their terms of office, the way in which makers and/or staff are selected and appointed. Other attributes or characteristics include the oversight and accountability framework, and whether the EMS has a legal personality to sue and be sued.

To be sure, an independent EMB comprising representatives of competing political parties and an independent EMB comprising non-aligned academics or others free of political association may both follow the independent model. But they may operate differently. Similarly, an EMB under the Government Model with a sponsor department that controls local electoral management offices is likely to behave differently from one that depends on numerous local authorities to implement electoral activities.

Self-Assessment Exercises 3

1. What are the components involved in Mixed Model electoral management?
2. Account for the factors that can influence EMB behaviour.

1.4.2 Factors that Influence EMB Behaviour

- electoral management model (independent, governmental or mixed)
- the electoral framework
- political and social expectation
- the cultural environment within which each EMB exists
- political commitment to allow an EMB to act freely and impartially
- the range of powers and functions given to an EMB
- the qualifications of members or staff for appointment and their terms of office
- the way in which members and/or staff are selected and appointed
- the oversight and accountability framework

- whether the EMB has a legal personality and is can sue and be sued



1.5 Summary

This unit discussed Election Management Bodies (EMBs) from the perspectives of electoral models. The unit dwells on the attributes of the Independent Model, The Governmental Model and the Mixed Model of Election Management. The later part of the unit discussed the expectations of Electoral Management Bodies under the different models. The different factors that influence EMBs behaviour were unraveled under this unit. The learners are expected to be able to understand the models of election management after studying the lessons of the unit.



1.6 References/Further Reading/Web Resources

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1.7 Possible Answers to Self-Assessment Exercise(s)

Answers to SAEs 1

1. *Election Management Bodies (EMBs) perform some ancillary services. What are these ancillary services?*

The ancillary services range from:

- a. Planning
 - b. Forecasting
 - c. Communicating
 - d. Coordinating
 - e. Implementing
 - f. Evaluating elections. Others are:
 - g. Delimiting electoral constituencies
 - h. Registration of voters
 - i. Security and logistics for election.
2. *State the attributes of the Independent Model of electoral Management*
 - a. Elections are organized and managed by the EMB
 - b. The EMB under the independent model is institutionally independent and autonomous from the executive branch of government
 - c. Members of the Independent Model of the electoral body are outside the executive branch
 - d. Under the Independent Model, the EMS has and manages its own budget
 - e. The EMB is not accountable to a government ministry
 - f. The EMB may be accountable to the legislature, judiciary or the head of state
 - g. Under the Independent Model arrangement, the EMB enjoys varying levels of financial autonomy.

Answers to SAEs 2

1. *Under the Government Model of electoral management arrangement, election are organized and managed by the executive branch. Discuss*
- a. Usually, under the Governmental Model of electoral management, there is a ministry like the ministry on Interior that is in charge of election administration.
- b. Under this arrangement, elections are usually led by a minister or a public servant

- c. Where the elections are led by a public servant, the public servant is answerable to a cabinet minister
 - d. The budget of an EMB under the Government falls within the purview of a government minister or under a local authority.
 - e. The power of an EMB under this arrangement is limited to implementation.
2. *Highlight the major differences between the Independent Model and the Government Model of electoral management under the following aspects: Institutional arrangement*
- a. The Independent Model
 - i. Institutional arrangement: EMB under the Independent Model of electoral management are institutionally independent from the executive branch
 - ii. Accountability: usually accountable to the legislature, the judiciary or head of state. Has a mode range of financial autonomy
 - iii. Powers: Has power to make policy decisions independently under legal framework.
 - b. (i) Institutionally arrangement: EMB under the Governmental Model of electoral management are located within a department of a state.
 - (ii) Accountability: Accountability for policy, finance, performance and governance to the executive branch
 - (iii) Powers: Powers are limited to implementation

Answers to SAEs 3

1. *What are the components involved in Mixed Model electoral management?*
- a. The Mixed Model electoral management usually involves two components. These components are:
 - i. A policy, monitoring or supervising EMB that is independent of the executive branch (like and EMB under the Independent Model)
 - ii. An implementation EMB, located within a department of state (like and EMB under the Government Model)
 - b. Under the Mixed Model, elections are organized by the component governmental EMB
 - c. Some level of oversight functions are then provided by the Independent Model EMB
 - d. Examples of countries using the Mixed Model EMB are France, Japan, Spain and many former French colonies

2. *Account for the factors that can influence EMB behaviour.*

Electoral management models are made up of independent, government or mixed. The behaviour could be influenced by:

- a. The electoral framework
- b. Political and social expectation
- c. The cultural environment within which each EMB exists
- d. Political commitment to allow EMB to act freely and importantly
- e. The range of power and functions given to an EMB
- f. The qualification of members or staff for appointment and their terms of office
- g. The way in which members and/or staff are selected or appointed
- h. The oversight and accountability frameworks
- i. Whether or not the EMB has the personality to sue and be sued

UNIT 2 TYPES OF ELECTION MANAGEMENT BODIES (EMBs)

Unit Structure

- 2.1 Introduction
- 2.2 Intended Learning Outcomes
- 2.3 Classification of EMBs
 - 2.3.1 Permanent and Temporary EMBs
 - 2.3.2 Centralized and Decentralized EMBs
 - 2.3.3 EMBs in Federal Countries
 - 2.3.4 Transitional International and National EMBs
- 2.4 The Principles of Guiding Election Management Bodies (EMBs)
 - 2.4.1 Importance of Guiding Principles
 - 2.4.2 Guiding Principles
- 2.5 Challenges to Electoral Integrity
- 2.6 Summary
- 2.7 References/Further Readings/Web Resources
- 2.8 Possible Answers to Self-Assessment Exercise(s)



2.1 Introduction

As a result of the complexity and specialist skills necessary for electoral management, there is need for an institution or institution to be responsible for electoral activities. Such bodies have a variety of shapes and sizes, with a wide range of titles to match, such as Election Commission, Department of Elections, Electoral Council, Election Unit or Electoral Board. The term electoral management body (EMB) has been coined to refer to the bodies responsible for electoral management, regardless of the wider institutional framework in place.

An EMB is as organization or body that has the sole purpose of, and is legally responsible for managing some, or all of the elements that are essential for the conduct of elections, referendum or recall activities. These core elements include:

- determining who is eligible to vote
- receiving and validating nominations of electoral participants
- conducting polling
- counting the votes
- tabulating the votes

Where these essential elements are allocated to various bodies, then all bodies that share these responsibilities can be considered as EMBs. An

EMB may be a stand-alone institution, or a distinct management unit within a larger institution that may also have non-electoral desks.

Different EMBs may be established for different electoral processes. In Mexico and Poland, the EMBs are responsible for both presidential and parliamentary elections. In Australia however, the national EMB deal with national-level elections. While state level elections are the responsibility of separate state-level EMBs. In the United Kingdom (UK), the arrangement for the conduct of elections are referendums are separate.



2.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- classify Election Management Bodies (EMBs)
- discuss the principles Guiding Election Management Bodies (EMBs)
- evaluate and analyse the challenges of Electoral Integrity



2.3 Classification of Election Management Bodies (embs)

2.3.1 Permanent and Temporary EMBs

There are many phases to the electoral process. In an election, the available phases include; the design and drafting of legislation, the recruitment and training of electoral staff, electoral planning, voter registration, the registration of political parties, the nomination of party candidates, the electioneering, polling, counting, the tabulation of results, the declaration of results, the resolution of electoral disputes, reporting, auditing and archiving. After the end of the electoral process, it is desirable for work to begin on the next. The entire process is described as the electoral cycle.

Some countries have temporary EMBs that function only during the electoral period. The temporary or adhoc EMB is set up to undertake elections and thereafter it is dissolved. The board and staff of such EMBs are usually borrowed or seconded from other areas of expertise available to government. Such countries may follow any of the Independent, Government or Mixed Models. In some cases, the government EMB has to be temporary because the civil servants who ran elections have other full-time duties and are assigned to the EMB only during election periods. However, some countries with a Governmental Model of electoral management, such as Sweden, maintain a small skeleton staff to take care of electoral issues between

elections, including updating the electoral register. In countries where the Mixed Model is adopted, the component governmental EMB is permanent in order to preserve institutional memory, while the component independent EMB is temporary and it is set up only during electoral periods.

Self-Assessment Exercises 1

1. What are the identifiable phases to the electoral process?
2. State the major features of a Temporary Election Management Body (EMB)

Countries such as Bulgaria, Niger and Romania, whose electoral management follows the Independent Model, have permanent central EMBs that co-exist with temporary subordinate EMBs at her lower levels. The Russian Federation, for example, has permanent EMBs at both the federal and constituent unit levels. Similarly, Georgia has permanent EMBs at both the central and district levels. Both have temporary EMBs at the local level during the election period.

Depending on the assigned responsibilities of the subordinate EMBs, and the logistic required, these structures are usually appointed form one to six months before polling day. Permanent EMBs were created in much of Central and Eastern European Election Officials (ACEEEO), now the Association of European Election Officials (AEEO). According to the recommendation of Organization for Security and Cooperation in Europe office for Democratic Institution and Human Rights (OSCE/ODIHR), election observer missions opined that, such structures will enhance institutional memory and operational continuity.

2.3.2 Centralized or Decentralized EMBs

The level of an EMB's power concentration or devolution depends very much on the system of government in the country. In Unitary countries, a responsibility for elections will be determined at the national level. Federal countries may have separate EMBs at the national level and in each state (province, which often operate under different legal framework and may implement different electoral systems. Centralized or Decentralized EMBs are identifiable by their mode of operation. In centralized EMBs electoral functions are organized centrally, and this is practiced by the majority of the countries in the world. In the case of a decentralized system, local bodies, on behalf of the central government undertake the organization of electoral matters. Countries like the United Kingdom, New Zealand and Ireland practice such systems.

Self-Assessment Exercises 2

1. Centralized and Decentralized EMBs are identifiable by their mode of operation. Discuss
2. What are the fallout and abuses that are likely to accompany a centralized EMB that devolves some powers to local EMBs without appropriate oversight?

The nature of the EMB will usually be defined in the electoral law. It states whether this takes the form of single omnibus law, as the case of Philippines; or separate law specifically relating to electoral administration as it is case in Indonesia. The legal framework. The legal framework may distinguish between powers and functions that are given to a central national EMB and those given to regional or lower level EMBs. In Unitary country, such vertical divisions of power and functions may be between different branch levels of the one national EMB, or between national and local EMBs, as it is the case in UK.

Notice must be taken of the fact that:

Decentralized EMB structures can ensure continuity in the EMB's work, especially where it has responsibility for recurring tables such as continuous voter registration. Decentralized EMBs, even if only temporary at lower levels, can enhance management. However, decentralized EMBs may face a management challenge in maintaining constant quality in service delivery. The sustainability and relative costs of permanent versus temporary EMBs at the regional and/or lower levels need to be considered, as well as the advantages.

It must be stressed that, it is common in Unitary System of the likes of Ghana and Philippines, to have one central EMB that is responsible for all elections, which has subordinate offices at both the provincial and local levels. Countries with laws that define separate, hierarchically accountable EMBs at national, regional, administrative district and even village level often assign devolved or different powers and responsibilities to each level, some countries like Indonesia, Lithuania and Slovakia, have a central EMB that devolves responsibilities for implementing some electoral functions.

Countries that use the Government or Mixed Model may rely on local authorities to conduct all or part of the electoral activities. For instance, Sweden operates a highly decentralized electoral management structure that consists of a national EMB for policy coordination and local authorities that manage elections, while a country like Switzerland devolves some powers to local EMBs. Devolving electoral powers and responsibilities to local authorities without appropriate oversight may make it more difficult to maintain electoral consistency, service quality

and ultimately the freedom and fairness of elections. The United States is a good example of this difficulty.

2.3.3 EMBs in Federal Countries

In federal countries, the national and provincial level EMBs may have separate, devolved structures. The nature of the relationship between such EMBs, and the powers and responsibilities of each, depend very largely on the provisions of the law. There are varieties of approaches to the relationship:

- In Australia and Canada, the national EMB is responsible for national (federal) elections, while provincial EMBs are responsible for provincial and local elections
- In Brazil, the state EMBs are generally for running all elections, and the national EMB is involved in the tabulation and declaration of the results for national offices.
- In India, the national EMB exercises social superintendence, control and direction over state elections. The conduct of these elections is the direct responsibility of the state chief electoral officer, who is a senior civil servant appointed by the national EMB.
- In Nigeria, the national EMB assumes responsibility for federal and state elections and referendum, while the provincial EMBs are only responsible for local election.
- In Switzerland, a national EMB is responsible for policy coordination, while local authorities manage elections.

While there are often rivalries between EMBs at the national and provincial levels in the federal systems, there are examples of cooperation. To be sure, in Australia, state electoral laws specifically provide that the electoral registers for provincial and local elections are to be jointly maintained with the national EMB, rather than the provinces maintaining their own registers. Such coordination in electoral laws has significant cost-saving benefits.

2.3.4 Transitional International and National EMBs

Transitional EMBs are set up temporarily to facilitate transitional elections. They are normally set up under the auspices of the international community. Examples of countries where transitional EMBs were set up in the past include Cambodia (1993), Bosnia and Herzegovina (1996), and East Timor (2002). International EMBs are usually set up through the United Nations (UN), and consists of or include international experts as members.

A major advantage of transitional international EMBs is that they benefit from the presence of international election experts who have vast technical knowledge and comparative electoral experience. This type of EMB structure is useful in deep-rooted conflict situations that require consensus building through mediation and dialogue. The presence of international experts on the EMB may bolster domestic and international stakeholders' confidence in supporting the electoral process. However, local ownership of the electoral process may be significantly diminished, and the more usual approach is to provide international expertise for rather than international control of the transitional election.

Self-Assessment Exercises 3

1. Why are international transitional EMBs set up? What are the major advantages for setting up international transitional EMBs?
2. Discuss the principles guiding Electoral Management

Transitional EMBs may also consist of nationals only, often political party representatives, e.g. the 53-member EMB of Indonesia in 1999. This EMB was larger than usual in an effort to provide representation and inclusiveness. In 2001, Indonesia amended her Electoral Law to provide for an 11-member expert-based EMB, and membership was subsequently reduced to seven in 2007.

2.4 Principles Guiding Election Management Bodies (embos)

2.4.1 Importance of the Guiding Principles

Regardless of which model of election is adopted in any country, every EMB should be certain that it can ensure legitimacy and credibility of the processes for which it is responsible. This can be done if electoral management is founded on fundamental guiding principles. These guiding principles form the basis of electoral administration and are essential to ensure both the actual and perceived integrity of the electoral process. **These guiding principles are:**

2.4.2 Guiding Principles for EMBs

a. Independence

There is some level of confusion attached to the meaning of EMB independence because the term "Independent" embraces different concepts. Firstly, there is structural independence from the government like the Independent Model. Secondly, the fearless independence'

expected of all EMBs, no matter which model is used, in that they do not bend to governmental, political or other partisan influences on their decisions. While one issue is formed and the other is normative, they are both seen as Linked. However, in many parts of the world, the Independent Model is regarded as the one most likely to ensure an EMB's independence of decision and action.

Institutional or structural independence can only be formed in the constitution or the law. The simplest way to promote independence of decision and action in EMB is to create a legal framework that embeds EMB independence, as provided in some countries constitutions, examples of these countries are Mexico, South Africa and Zambia. Strong leadership is important for maintaining an EMBs independence of action. In this case, a senior member of the judiciary may fill the position of the chairman of an independent EMB or a respected public figure who is known for political non-alignment may advance the independence of the EMB.

b. Impartiality

To establish the integrity and credibility of electoral processes, and promote the widespread acceptance of election results, an EMBs must not only conduct electoral events in a fearlessly independent manner, it must also be impartial in its actions. Without impartial electoral management and independent action, the integrity of the election is likely to fail, making it difficult to instill widespread belief in the credibility of electoral processes, especially among losers.

c. Integrity

The EMB is the primary guarantor of the integrity and purity of the electoral process. Thus EMB staff members are directly responsible for ensuring these facts. Integrity may be easier to maintain if the EMB has both full independence of action and full control of an essential electoral process. This must include full control over budgets and staffing. Where other bodies have electoral functions, EMBs need to be empowered to monitor their activities closely to ensure that they meet the highest integrity standards with international best practices.

Electoral law and EMB regulations benefit from incorporating clear process for the EMB to deal with electoral officials who threaten electoral integrity by acting to benefit political interest or those who are corrupt. Ignoring such problems can create larger public issues of integrity and credibility than the public use of disciplinary powers. To the extent that it is possible, it is in the EMB's interest to ensure that breaches of electoral laws, rules and codes of conduct are followed by appropriate sanctions.

d. Transparency

Transparency in operational and financial management lays out for public scrutiny the decisions and actions of the EMB. Transparency is a basic good practice for all EMB activities. It can help an EMB combat perception of and identify actual financial or electoral fraud. It can also help an EMB to identify lack of competence or favoritism toward particular political tendencies that can jeopardizes the credibility of the electoral process. Electoral transparency may be backed by electoral law. It may be required by the EMB's code of conduct, to embark on frequent media briefings and press releases as well as stakeholders consultations. Even without such formal backing, a good EMB may adopt such transparency policies.

The absence of transparency in electoral processes invariably leads to the suspicion that fraudulent activities are taking place. To be sure, where observers and the public are able to access progressive vote count and aggregation data, and where there are significant delays in announcing and validating election results, the credibility of the election suffers.

e. Efficiency

Governments and the public expect that funds for elections will be used judiciously and services delivered efficiently. In the face of expending and ever more expensive technological solutions, and demands for increased effort in high cost areas such as voter education and information, EMBs have to be careful that their programmes sustainably serve electoral efficiency, as well as integrity and modernity.

A successful EMB is one that has displayed integrity, competence and efficiency. These qualities help generate public and political party confidence in electoral processes. The legal framework can assist by defining efficient standards for electoral and financial management. Note however, that sometimes, members of an EMB may not be familiar with electoral practices and procedures. At other times, they may not be used to dealing with contracting for equipment and materials in a cut-throat corporate environment. The resulting inefficiency in election organization may easily be perceived as corrupt and fraudulent behaviour, which may lead to more serious challenges to EMB's credibility. Where trust is lacking in the political process generally, an EMB is unlikely to be given the benefit of doubt.

f. Professionalism

Professionalism in electoral management requires accurate, service-oriented implementation of electoral procedures by suitably skilled staff.

EMBs need to ensure that all election officials, whether core staff or temporary workers, are well trained and have the necessary skills to apply high professional standards to their technical work. Professional training prompts public trust that the entire process is in good hands. However, while a continuous training and skill development programme is an essential part of creating and maintaining a professional EMB, professionalism depends just as much on the attitude of every member and secretariat staff person. A personal commitment from each individual in an EMB to equity, accuracy, diligence and service in all they do, and to self-improvement, is necessary to maintain professionalism in electoral management.

It must be stressed that, visible professionalism in an EMB also political parties, civil society, voters, donors, the media and other stakeholders the confidence that electoral managers are capable of undertaking their tasks effectively. A lacking visible professionalism in electoral management, on the other hand, will create public suspicions of inaccurate and perhaps fraudulent activity, and a lack of trust. It will make it easier for complaints from election losers to find public support, whether their complaints are valid or not

g. **Service- mindedness**

There is need for EMBs to develop and publicize service delivery yardsticks for all their activities. This will provide both internal yardsticks for EMB members and staff to provide high-quality service, and external yardsticks with which stakeholders can assess the EMB's performance. Notice must be taken of the fact that some basic service standards are often included in the electoral legal framework. Some of which are time-based standards like deadlines for announcing election results, compiling the electoral register, distributing voters identification (ID) cards, or distributing information on voting location. All of these must be carefully done with due diligence to forestall the integrity of the electoral process.

2.5 Challenges to Electoral Integrity

The credibility and legitimacy of electoral processes is inextricably linked to electoral integrity. In its 2017 Report. The Global Commission on Democracy, Elections and Security identified five major challenges to the conduct of elections with integrity.

1. Building the rule of law to substantiate claims to human rights and electoral justice
2. Developing professional and competent electoral management bodies (EMBs) with full independence of action

3. Creating institutions and norms of multiparty competition and division of power
4. Removing barriers to barriers and equal political participation
5. Regulating political finance

Each of these challenges requires multidimensional response that combines political will, effective institutional design, effective mobilization, dynamics implementation and management best practices. As electoral administration has developed through greater professionalism, it has had to respond to greater challenges.

In addition to their tasks related to implementing election laws, as well as managing electoral technicalities, some EMBs have assumed responsibilities in highly political areas. For example, the oversight of political finance, the registration and oversight of political parties, the role and activities of the media during elections, and the promotion of political participation are part and parcels of all these high political areas. In addition, the ingenuity of those who wish to undermine the integrity of elections means that electoral administrations can never rest on their laurels. Protecting electoral integrity require a continuous process for the EMB to keep ahead.



2.6 Summary

This unit has taken a look at the different types of Election Management Bodies (EMBs). Different countries adopt different names, but all EMBs are saddled with a major responsibility of conducting and managing elections. The unit discussed the principles guiding the operations of Electoral Management Bodies (EMBs). The last section of the units examined the challenges to electoral integrity. The unit equips learners with proper knowledge and the operations of Election Management Bodies (EMBs).



2.7 References/Further Reading/Web Resources

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2.8 Possible Answers To Self-Assessment Exercise(s)

Answers to SAEs 1

1. *What are the identifiable phases to the electoral process?*

There are many phases to the electoral process. They include:

- a. Design and drafting of legislation
 - b. Recruitment and training of electoral staff
 - c. Election planning
 - d. Voter registration
 - e. The registration of political parties
 - f. The nomination of party candidates
 - g. The electioneering campaigns
 - h. Polling
 - i. Counting
 - j. The tabulation of results
 - k. The resolution of electoral disputes
 - l. Reporting
 - m. Auditing
 - n. Archiving
2. *State the major features of a Temporary Election Management Body (EMB)*
- a. Temporary EMB functions only during elections
 - b. Set up only to undertake elections and are dissolved thereafter
 - c. The Board and Staff are either borrowed or seconded
 - d. The civil servants who run elections under the temporary EMB type have other full-time duties
 - e. Some Temporary EMB maintain a skeleton staff to take up issues of electoral issues in between elections
 - f. They could update electoral register
 - g. Example of a country with this type of arrangement is Sweden

Answers to SAEs 2

1. *Centralized and Decentralized EMBs are identifiable by their mode of operation. Discuss*

The reference to the centralized or decentralized EMBs being identifiable by their mode of operation is not gain saying.

- a. Under as centralized EMB, electoral functions are organized centrally. This not so with a decentralized EMB
 - b. Under a decentralized system, local bodies, on behalf of the central government undertake the organization of electoral matters
 - c. The nature of the EMB will usually be defined in the electoral law
 - d. The legal frameworks may distinguish between powers and functions that are given to a central or national EMB, and those given to regional or lower level EMBs
 - e. Decentralized EMB structures can ensure continuity in the EMB's work, especially where it has responsibility for recurring tasks such as continuous voter registration. This is lacking with a centralized EMB
 - f. Decentralized EMBs, even if only temporary at lower levels can enhance inclusiveness and transparency in electoral management. This is rarely visible under a centralized EMB. However, decentralized EMB may face a management challenge in maintaining consistent quality in service delivery
 - g. The sustainability and relative costs of permanent versus temporary EMBs at the regional/or lower levels need to be considered as well as the advantages.
2. *What are the fallout and abuses that are likely to accompany a centralized EMB that devolves some powers to local EMBs without appropriate oversight?*
 - a. Many likely unable to maintain electoral consistency
 - b. May experience poor and quality election delivery
 - c. The action may undermine freedom of staff
 - d. The freeness and fairness of electoral outcomes may become questionable
 - e. It may lead to the collapse of the system and organizational failure
 - f. It can trigger off conspiracy thereon

Answers to SAEs 3

1. *Why are international transitional EMBs set up? What are the major advantages for setting up international transitional EMBs?*
 - a. (i) International transitional EMBs are set up on temporary basis
 - (ii) They are set up to facilitate transitional elections

- (iii) They are usually set up through the United Nations (UN)
- (iv) The composition consists of the UN and international experts in electoral matters
- b. The advantages of setting up international transitional EMBs include:
 - i. They benefit from the presence of international election expert
 - ii. The experts in election will transfer put of their expertise to the people they work with during election
 - iii. It is advantageous in a deep-rooted conflict situations that requires consensus building through mediation and dialogue
 - iv. The presence of international election experts will introduce confidence in the election and its outcomes
- 2. *Discuss the principles guiding Electoral Management Bodies (EMBs)*
 - a. Independence
 - b. Impartiality
 - c. Integrity
 - d. Transparency
 - e. Efficiency
 - f. Professionalism
 - g. Service-mindedness

Unit 3 Structure And Composition Of Election Management Bodies (EMBS)

Unit Structure

- 3.1 Introduction
- 3.2 Intended Learning Outcomes
- 3.3 Composition and Functions
 - 3.3.1 Operational Principles of an EMBs
 - 3.3.2 The Duties of an EMBs
 - 3.3.3 Qualifications of Election Managers
 - 3.3.4 The Goals of an EMBs
- 3.4 Composition of EMBs in Africa
 - 3.4.1 Botswana
 - 3.4.2 South Africa
 - 3.4.3 Zimbabwe
 - 3.4.4 Nigeria
- 3.5 Summary
- 3.6 References/Further Readings/Web Resources
- 3.7 Possible Answers to Self-Assessment Exercise(s)



3.1 Introduction

An independent and impartial body charged with implementing elections is an important means of ensuring the integrity of the electoral process. An effective electoral management body (EMB), responsible for implementing much of the electoral process, can enable the participation of voters and protect the democratic process. The EMB can be responsible from among other things, voter education, voter registration, polling operations, counting and tabulating, and settlement of some electoral disputes.

The exact composition and responsibilities of an EMB vary greatly from one country to another. However, the requirement that electoral body upholds national law advance electoral rights is universal. Much of concern to an electoral management body is to ensure the implementation of an electoral process that will always fulfil and protect human rights. The electoral body must not only be independent, but must operate on the principle of impartiality. The impartiality of election management bodies should be ensured at all levels, from the national commission to the polling station. The composition of the election commission can vary from one country to the other, but principle of independence and impartiality must be upheld.



3.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- understand what election management bodies are
- discuss the functions of EMBs
- analyse the composition of EMBs
- discuss the qualifications of Election Managers



3.3 Composition and Functions

3.31 Operational Principles

The Election Management Body must be truly independent, transparent and impartial in the performance of its functions as stipulated by the law. It must also be perceived in reality by all actors in the electoral process to be neutral, objective and above board. Apart from the above, it must be competent in the discharge of its constitutionally assigned duties with minimal or no institutional, structural or financial hindrances. An electoral management body must be truly independent in every sense of the word. It will be stressed here, that without a vibrant, competent and strong electoral body, the conduct of elections will be seriously flawed and the whole democratization process thrown into disrepute or grounded to a halt (Lugman, 20009).

3.3.2 The Duties of an EMB

According to Musa (2001), and Okoh (2008), the duties of an Electoral Management Body include the following among others:

- management of all elections as may be provided for by the constitution or laws of the country
- registration of political parties in accordance with the provision of the constitution or laws of the country
- monitoring and supervising of the activities of political parties including their finances
- arrangement of annual examination and auditing of funds and accounts of political parties and publishing of a report on such examination and audit for public information
- preparation, maintenance and revision of voters register for the purpose of any election under the constitution or laws of the country
- monitoring of political campaigns and provision of rules and regulations which shall govern the political parties

- ensuring that all its agents which include permanent and adhoc staff subscribe to the oath of office prescribed by law
- delegation of its power to any of its agents, representatives, or officers, and
- execution of such other functions as may be conferred upon it by the constitution or laws of the country

3.3.3 Qualifications of Election Managers

In order to be able to carry out the above listed functions, and in order to be ensure amiable and hitch-free electoral system, the electoral body in charge of election management must be made up of men and women of proven integrity and honesty. This is a very vital factor which any electoral system must possess and it is not negotiable. The electoral body must demonstrate a good knowledge of the electoral laws and operate within the framework of these laws in concert and in synergy with political parties, security agencies. Media houses, civil society groups and other relevant stakeholders or actors in the electoral process. This is the surest way by which an electoral body can conduct a free, fair and credible election and maintain a viable and hitch-free electoral system and electoral management.

3.3.4 The Goals of an EMB

Electoral management therefore, can be seen as the process of arriving at free and fair selection of candidates to fill public positions. Such activity necessarily should involve well co-ordinated actions by men and women aimed at the goal of peaceful and orderly elections in a political system. Consequently, the overall goal of setting up an electoral body is to ensure a viable electoral system and a hitch-free electoral management (Ighodalo, 2008).

In summary, election management involves the management of the following:

- Participation of the people in the act of electing their leaders and their own participation in governance
- Activities before, during and after elections
- Legal and constitutional framework of elections
- The registration of political parties, regulations of political parties and financing of campaigns
- The authenticity of and genuineness of voters register
- The liberation or otherwise of the political parties process in the country
- The activities of electronic and media in terms of access
- The activities of security agencies and the government in power
- The independent of adjudicating bodies of elections

- The independence or lack of it if the electoral agency, organ or body

Self-Assessment Exercises 1

1. The electoral management body must always operate on the principle of impartiality. Discuss
2. Justify the choice of election managers of an electoral management body

3.4 Composition of EMBs in Africa

3.4.1 Botswana

In Botswana, the election body is known as Independent Electoral Commission of the Republic of Botswana. The IEC of Botswana came into being via a 1966 constitution of Botswana, section 65A(ADEP, 2018 p.11). The IEC is headed by a supervisor of elections who is appointed by the president. The rest of the election managers are appointed by the employing agency of the government based on the Public Service Act.

3.4.2 South Africa

The election body in South Africa is made up of five members. Of the five members, one of them must be a judge. The political head of the commission is designated the chairman, while the administrative head is the Chief Electoral Officer who is assisted by the two Deputy Chief Electoral Officer, and Directors (Koren, 2018).

3.4.3 Zimbabwe

What is obtainable in Zimbabwe is in contrast to all the situation described in Botswana and South Africa. In Zimbabwe, prior to the Electoral Act, No. 7 of 1990, there existed Electoral Commission of Zimbabwe with the acronym ZEC. The 1990 Act that unbundled election management provides for three electoral bodies. These are:

- The Electoral Supervisory Commission (ESC)
- The Election Directorate
- The Delimitation Commission

The ESC is composed of five members who are appointed by the president for a period of five year. Two of the members are appointed after consultation with the Judicial Service Commission. Two are appointed after consultation with Speakers of Parliament, and the fifth is a presidential nominee (Element, 2018).

3.4.4 Nigeria

Nigeria became an independent state in 1960, and since then, she had engaged in democratization of electoral processes at different times. Specifically, Nigeria had conducted nine (9) general elections (Ajayi, 2013), (Olorungebmi, 2020). In 1964/1965, the first election was conducted wherein called the First Republic. Other elections conducted were in 1979, 1983, 1999, 2003, 2007, 2011, 2015 and 2019 with several other bye-elections to fill certain vacant positions (Olorungebmi, 2020). In all of these elections, a body recognized by law at the time was saddled with the responsibility of administering and managing the electoral processes which generally is known as Election Management Bodies (EMBs) with different names at different times. These bodies at all times had been a creation of certain laws or decrees that establish them.

Self-Assessment Exercises 2

1. Account for the composition of Electoral Management Body (EMB) in Zimbabwe
2. How Electoral Management Body (EMB) can project in South Africa?

A key democratic instrument in Nigeria is the 1999 constitution. Section 15, Part 1 of the Third Schedule (as amended), the Electoral Act 2010, section 2 (as amended), give the powers to the Independent National Electoral Commission (INEC) to organize and conduct elections at the national and state elective positions. Thus, the critical executive institution is the Electoral Management Body (EMB) herein called Independent National Electoral Commission (INEC). Although listed under the executive arm, the 1999 constitutional provision for INEC clearly has sufficient explicit constitutional provisions to reasonably guarantee its independence in the execution of its duties and powers.

The INEC in Nigeria is comprised of a chairman, and 12 National Electoral Commissioners. They are appointed to a tenure of five years by the president subject to confirmation by the Senate and the National Assembly (1999 Constitution). The affairs of the INEC in the states are run by Resident Electoral Commissioners, who are also appointed by the president to a five year tenure subject to the confirmation of the Senate. The secretariat of the commission is headed by secretary, who until recently, was also appointed by the president. But with a recent electoral reform in place, the secretary to the commission is appointed by the commission.

The 1999 constitution of the Federal Republic of Nigeria provides for the establishment of an Independent Electoral Commission in every

state of the Federation otherwise known as State Independent Electoral Commission (SIEC). The Forth Schedule, Part 1 of the 1999 Constitution empowers SIECs to undertake the conduct of elections at the local government councils. A State Electoral Commission is made up of a chairman and five to seven members, all of whom are appointed by the State Governor subject to the confirmation of the State House of Assembly. The Independent National Electoral Commission (INEC) has a head office (Headquarters) in the Federal Capital Territory (FCT), and an office in each of the 36 states of the Federation and the FCT as well as an office in each of the 774 local government areas of the country (Nwabueze, 1999).



3.5 Summary

This unit critically examined the composition and structures of Electoral Management Bodies (EMBs) in since African countries. This is done to provide learners with adequate understanding and knowledge of comparative analysis across countries in Africa. The functions and operational principles of Electoral Management Bodies (EMBs) were adequately discussed. Men and women of proven integrity and honesty were spotted as those who are qualified as Election Managers. It is hoped that by the contents of this unit, learners will be able to understand and discuss what election management bodies are.



3.6 References/Further Reading/Web Resources

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3.7 Possible Answers To Self-Assessment Exercise(s)

Answers to SAE 1

1. *The electoral management body must always operate on the principle of impartiality. Discuss*
 - a. The impartiality of the electoral body must be made manifest at all levels, from the national commission to the polling station. To establish integrity and credibility of electoral practices, and to promote the widespread acceptance of election results, EMBs must not conduct electoral events in a fearlessly independent manner, it must also be impartial in all its actions.
 - b. Additionally, guarantee the integrity of the processes of electoral management, an EMB must be
 - i. Neutral
 - ii. Objective
 - iii. Competent
 - iv. Independent
 - v. Vibrant and strong
2. *Justify the choice of election managers of an electoral management body*
 - a. In order to carry out a viable election that will ensure hitch-free electoral systems, the body in charge of election must be made up of men and woman of proven integrity and honesty. These qualities are not negotiable
 - b. EMB staff and members must in addition possess the following qualities
 1. Demonstrate good knowledge of electoral laws.
 2. Must be willing and ready to operate within the framework of the electoral law
 3. Must be ready to work in synergy with the media, political parties, security agencies, and civil society groups as well as other relevant stakeholders

Answers to SAE 2

1. *Account for the composition of Electoral Management Body (EMB) in Zimbabwe*
 - a. Before 1990, the electoral management body in existence in Zimbabwe was designated the Electoral Commission of Zimbabwe with the acronym ZEC
 - b. Electoral No. 7 of 1990 in Zimbabwe established three electoral bodies namely
 - i. The Electoral Supervisory Commission (ESC)
 - ii. The Election Directorate
 - iii. The Delimitation Commission
 - c. The ESC has five members who are usually appointed by the president
 - i. Two of the five are appointed after due consultation with the Judicial Service
 - ii. Two others were usually appointed after due consultation with the Speaker of the Parliaments
 - iii. The fifth is a presidential nominee
2. *How Electoral Management Body (EMB) can project in South Africa?*

Election management body (EMB) in South Africa is composed of five members including one judge

- a. The political head is the chairman
- b. The Administrative head is the Chief Electoral Officer (CEO)
- c. Two Deputy Chief Electoral Officers

UNIT 4 Election Management Bodies In Nigeria

Unit Structure

- 4.1 Introduction
- 4.2 Intended Learning Outcomes
- 4.3 Electoral Commissions in Nigeria
 - 4.3.1 A Historical Perspective
 - 4.3.2 Legislative Frameworks for Elections in Nigeria
 - 4.3.3 Instructional Structure
 - 4.3.4 Mission, Vision and Guiding Principles
- 4.4 The Operations and Activities of INEC
 - 4.4.1 Powers and Functions of the Commission
 - 4.4.2 Independence of the Electoral Commission
 - 4.4.3 INEC Funding
 - 4.4.4 INEC Accountability
- 4.5 Cooperation and Collaboration Activities of INEC
 - 4.5.1 EMBs in Election and Southern Africa
 - 4.5.2 Collaboration with Other Electoral Management Bodies (EMBs)
 - 4.5.3 Relationship with Political Parties, CSOs, the Media and Government Agencies
 - 4.5.4 Opportunities and Constraints
- 4.6 Summary
- 4.7 References/Further Readings/Web Resources
- 4.8 Possible Answers to Self-Assessment Exercise(s)



4.1 Introduction

The administration of democratic elections in Nigeria dated back to the period before independence. This was the Electoral Commission of Nigeria (ECN) was inaugurated in 1958. The body (ECN) was inaugurated to conduct the 1959 federal elections. Prior to 1958 however, regional laws and government regulated and conducted elections. ECN was headed by an expatriate, Ronald Edward Wraith and four Nigerian members representing each region and the Federal Capital Territory of Lagos.

The Federal Electoral Commission (FEC) was inaugurated in 1960. The FEC conducted the immediate independence federal and regional elections of 1964 and 1965. Before the conduct of the 1964 election the

Chief Electoral Officer, Kofo Abayomi, resigned and some party officials from NCNC and Action Group doubted the credibility of a free and fair election. The electoral body was dissolved after the military coup of 1966.

In 1978, the Federal Electoral Commission (FEDECO) was constituted by the regime of General Olusegun Obasanjo. FEDECO organized and conducted the 1979 general elections. This election ushered in the Second Republic under the leadership of Alhaji Shehu Shagari. FEDECO also conducted the general elections of 1983. In December, 1995, the military government of General Abacha established the National Electoral Commission of Nigeria (NECON). NECON conducted some elections under Abacha. But the elected institutions were never inaugurated before the sudden death of General Abacha in June 1988 aborted process.

By the year 1998, General Abdusalam Abubakar's administration dissolved NECON and established Independent National Electoral Commission (INEC). INEC organized the transitional elections that ushered in the Nigerian Fourth Republic on 29 May, 1999. The Independent National Electoral Commission (INEC) has conducted 1999, 2003, 2007, 2011, 2015 and 2019 elections. The body is currently preparing to conduct the 2023 general elections under the present administration of General Muhammed Buhari.



4.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- discuss the establishment of electoral commission in Nigeria
- discuss the Mission, Vision and the Guiding Principles of INEC
- evaluate the collaborative activities of INEC and her relationships with political parties, CSOs, the Media and other Government Agencies
- analyse the opportunities and constraints of INEC



4.3 Electoral Commissions in Nigeria

4.3.1 A Historical Perspective

Nigeria became independent of Britain in 1960. Like most former British colonies, elections here been managed by a permanent EMB. Nigeria's political history is characterized by years of military rule and

four republics of civil rule. With every transition programme, an election management authority has been established.

From independence till now, and in addition to the Electoral Commission (ECN) established to conduct the 1959 federal elections, Nigeria has had five EMBs in this chronological order;

- The Electoral Commission of Nigeria (ECN). This body was inaugurated in 1958 to conduct the 1959 federal elections. This first electoral body was headed by an expatriate, Ronald Edward Wraith. Four Nigerian members representing each region and the Federal Capital Territory of Lagos were appointed to that body.
- This was followed by the Election Commission of the Federation (ECF). This body conducted the federal and regional elections in 1964 and 1965 respectively.
- Next online was the Federal Election Commission (FEDECO). FEDECO conducted the transitioned elections in 1979 and the controversial elections of 1983. The elections ended with military coup.
- The National Electoral Commission of Nigeria (NECON) was established in December 1995. NECON managed the three year transition agenda that ended in the annulment of the 1993 elections.
- The Independent National Electoral Commission (INEC). INEC, which is the focus of our studies under the unit, is the longest-serving EMB in Nigerian history. INEC has conducted six elections viz:
 - The 1999 transition election to the Second Republic
 - The 2003 historic election which was the first election conducted under a civilian regime in Nigeria.
 - The critical 2007 election which facilitated the first civilian – civilian regime change of government in Nigeria.
 - The 2011 general elections
 - The 2015 general election, and
 - The 2019 general elections in Nigeria

4.3.2 Legislative Framework for Elections in Nigeria

Nigeria has a long history of constitutional and electoral reforms dating from the period of colonial administration up to 2010, and the debate on electoral reforms has continued since the 2011 elections. It is also important to note that the major constitution-making processes that have taken place have been closely linked to Nigeria's history of transition programmes. All EMBs since independence have been appointed by the president, subject to legislative ratification. EMBs established during the military regime were appointed by the Federal Executive Council. It

is also important to mention that since the introduction of the Federal Character Principle (principle of regional or state representation) in the 1979 constitution, it has remained one of the criteria for the appointment of members of the electoral commissions (Olorungbemi et al, 2019).

Elections in Nigeria are currently regulated by the 1999 constitution (as amended) and the Electoral Act of 2010 (as amended). As in previous constitutions, INEC was established as a federal executive body. The constitution broadly defines the scope of the commission's powers and responsibilities, and provides for its independence and funding. The 1999 constitution introduced the establishment of 36 Independent Electoral Commissions (SIECs) in each state of the federation, which are mandated to conduct local government elections. The constitution also provided for the appointment of the chairman and members of the commissions by the president, subject to confirmation by the senate. At the state level, the governors appoint the chairman and members of the SIECs with confirmation from the State House of Assembly. The constitution also stipulates the criteria for registering political parties.

The Electoral Act provides further detail on the structure of the commission, its powers and guidelines for registering voters, procedures for the conduct of elections, the registration and regulation of political parties, electoral offences and the determination of election offences.

Self-Assessment Exercises 1

1. In a chronological order, account for the establishment of electoral management bodies (EMBs) in Nigeria.
2. What are the major highlights of the legislative framework for elections in Nigeria

The legal framework for elections in Nigeria has undergone a number of reforms since 1999. The Electoral Act was passed in 2001, and three other pieces of legislation have since been passed, in 2002, 2006 and 2010. Recently, another Electoral Act was signed into law by President Muhammadu Buhari. It is the Electoral Act, 2020. Among many other changes introduced by the 2006 act, it empowered the commission to appoint its secretary, to undertake voter education and to prosecute offenders. The law also addressed the ambiguities surrounding the appointment and dismissal of resident electoral commissioners (RECs). The 2010 Electoral act was passed to address the shortcomings of the 2006 act and harmonize the act with the amended constitution. It is important to note that the debates on the passage of the act coincided with the debates on constitutional reforms ahead of the 2011 elections. The 2010 Electoral Act therefore concentrated on certain issues that previous electoral reform efforts could not address because they required the amendment of the 1999 constitution. The act was also

amended once before the 2011 elections to increase the time for voter registration and to postpone the elections from January to April 2011, and further streamline its powers to regulate political parties' activities - especially the process of nominating candidates through party primaries. The 2010 act also prohibits parties from changing the names of persons nominated as candidates, provides new ceilings on campaign expenditures, empowers INEC to deregister political parties on the basis of conditions provided in the law, and limits the powers of an election petition tribunal to nullify the results of an election, but restrains tribunals from declaring candidates as winners of an election. The act mandates the announcement and posting of election results at polling stations, introduces penal provisions for electoral offences, and empowers INEC to prosecute offenders.

President Muhammadu Buhari signed into law the amended Electoral Bill 2020. This Electoral Act 2020 was meant to improve on the provision of previous Electoral Acts. The provisions of the New Electoral Act centres on the followings:

- i. **Clause 29(1)** stipulated that parties must conduct primaries and submit their list of candidates at least 180 days before the general elections.
- ii. **Clause 65** states that INEC can review results declared under duress.
- iii. **Clause 3(3)** states that funds for general elections must be released at least one year before the election.
- iv. **Clause 511** says that the total number of accredited voters will become a factor in determining over voting at election tribunals.
- v. **Clause 54(2)** makes provisions for people with disabilities and special needs.
- vi. **Clause 47** gives legislative backing for smart card readers and any other voter accreditation technology that the Independent National Electoral Commission (INEC) deploys.
- vii. **Clause 34** gives political parties power to conduct a primary election to replace a candidate who died during an election.
- viii. **Clause 50** gives INEC the legal backing for electronic transmission of election results.
- ix. **Clause 94** allows for early commencement of the campaign season. By this provision, the campaign season will now start 150 days to Election Day and 24 hours before the election.
- x. **Clause 84** stipulates that anyone holding a political office viz: ministers, commissioners, special advisers, and others; must relinquish the position before they can be eligible to participate in the electoral process either as a candidate or as a delegate

The 1999 constitution was amended twice in 2010, after over ten years of national discourse on constitutional reforms. Following the conduct of the 2007 elections, which were reported as the worst in the country's history, the late President Yar'Adua set up the Electoral Reform Committee (ERC) to review the electoral history of Nigeria and the legal and institutional framework for the conduct of elections, and make proposals for reforms. The ERC undertook wide consultations and received 1,466 memoranda. Its report, submitted in 2008, was widely accepted as reflecting Nigerians' thoughts on electoral reform. The report also greatly contributed to the constitutional and electoral reforms that preceded the 2011 elections. In its extensive analysis of the challenges of electoral governance in Nigeria, the ERC noted that INEC is an overburdened institution and proposed the creation of three other institutions to undertake its responsibilities. The ERC also proposed to transfer the powers of appointment of the INEC from the president to the National Judicial Council, and recommended that the commission be recruited through an open process. As part of its report, the ERC proposed five bills for reforming different aspects of the electoral process in Nigeria, three of which were focused on unbundling and restructuring INEC. Though the executive did not fully adopt the content of the ERC report, it did set the tone for the national deliberations on constitutional and electoral reforms prior to the 2011 elections. In 2010, the executive drafted and submitted to the National Assembly a bill for amending the 1999 constitution. While there was a list of pressing national issues to address in a constitutional review process, priority was given to electoral matters. The first amendment of the 1999 constitution provided for the financial autonomy of INEC by charging its budget and the salaries of its chair and members to the Consolidated Revenue Fund. The neutrality and nonpartisanship of commission members was also addressed in the amendments, in addition to the timing of elections, the jurisdiction of the courts in determining election petitions, the composition of election petition tribunals and the time limits for determining election petitions. The second bill for amendment of the 1999 constitution involved re-examining the new timelines for the conduct of national elections.

4.3.3 Institutional Structure

Nigeria has a three-tiered federal system of government, with a bicameral legislature. The first tier is the federal level, the second is state level. There are 36 states and a Federal Capital Territory (FCT). The third tier of government consists of 774 local government areas. Each tier of government has an executive and legislative branch. At the state level there are State Houses of Assembly, and at the local level there are Local Government Councils. Federal and state-level elections are conducted by INEC, while local government elections are conducted

by the SIECs. For administrative purposes, the country is divided into six geo-political zones. These administrative divisions are central and very critical to Nigeria's politics.

INEC has offices in all 36 states and the FCT, and has a presence in the 774 local government areas of the federation (either in separate offices or shared with the local government authority). Though the commission has a decentralized structure, policy-making is centralized at the national level through a committee system, while policy implementation is decentralized. The INEC chairman is the chief executive officer at the national level, while at the state level the REC serves as the chief executive officer, supported by an administrative secretary who is a permanent staff member as chief accounting officer and head of administration. At the local government level, an electoral officer serves as the representative of the commission.

The commission consists of the chairman, who is the chief electoral commissioner, and 12 members, the national electoral commissioners. The commission has offices in the 36 states and the FCT, which are headed by RECs, who are also appointed by the president and subject to senate confirmation. While two national commissioners are appointed from each geo-political zone, one REC is appointed from each state of the federation and deployed to INEC offices outside their states of origin. For presidential elections, the chairman of the commission is the returning officer, while RECs are the returning officers for governorship and state assembly elections. Members of the commission and the RECs are appointed to serve a five-year term, which is renewable.

It is important to note that prior to the passage of the 2006 Electoral Act and the 2010 amendment to the 1999 constitution, the chain of command between the commission and the RECs was ambiguous, and the legal framework was silent on the procedures for their removal from office. This was viewed as a challenge because RECs were not answerable to the commission, but rather to the president who appointed them. This issue was addressed in the reform process by providing for the tenure of RECs and their accountability to the commission. The amendment of the constitution also took into account the need to stipulate procedures for removing RECs from office (Guobadia, 2009).

The secretary of the commission is the head of the commission secretariat and head of administration. Prior to the 2006 Electoral Act, the secretary of the commission was seconded to the commission from the pool of permanent secretaries by the head of the civil service. As part of the structural reforms of the commission that took place before the 2007 elections, the power to appoint the secretary was transferred to the commission. By virtue of its establishment as a federal executive

body, the commission has the status of an agency of government, which is independent of the federal civil service. It has the power to appoint and exercise disciplinary control over its staff.

The heads of administration in INEC state offices are the administrative secretaries, who are senior staff of the commission. At the local government level, electoral officers who are permanent employees of INEC are responsible for the operations of INEC offices, and they report to the RECs.

INEC is the second-largest government agency, in terms of its staff strength. It ranked second to the Nigerian Police Force. As at December 2013, the commission's staff strength was approximately 14,000 full time staff members across the country (INEC Report, 2019). The commission also appoints ad hoc staff for election duty (about 300,000 were recruited during the 2011 elections) (INEC Report, 2019). The size of the commission's permanent and ad hoc staff base has raised concerns about the efficiency of its administrative system and the professionalization of its staff. It is important to mention that permanent INEC staffs are recruited in line with civil service rules. In June 2005, the Electoral Institute was established as part of the commission's efforts to develop the capacity of its staff and professionalize the administration of elections in Nigeria. The institute is headquartered in Abuja and has learning centres that offer diploma and certificate courses in election administration. These trainings have contributed to the development of a pool of election administration professional across the country and ad hoc staffs are drawn from this pool during election periods.

For the purpose of efficiency, the commission's administrative structure has been restructured several times since 1999, in line with the leadership policy at different times. At its inception in 1999, the commission had eight departments and three units. At some point, the leadership decided to streamline the number of departments to six; that is three directorates and three units. After the 2003 elections it was restructured to create more departments and a longer reporting chain. As of July 2010, when there was change of leadership at the commission, it had 16 departments and an Electoral Institute that comprised four departments. A more recent restructuring took place under new leadership that took office in June 2010. The process took place in April 2013; the commission currently has 20 departments and an Electoral Institute with three departments.

4.3.4 Mission, Vision and Guiding Principles

(a) Constitutionality

INEC is a permanent election management body established by Decree No. 17 of 1998, now an Act of the National Assembly. The commission is one of the 14 Federal executive bodies listed at section 153 of the 1999 constitution. Section 158 of the same constitution provides for the Independence of the Commission, conferring it with power to appoint and exercise disciplinary control over staff. The functions of the Commission are as listed at section 15, part 1 of the third schedule to the constitution and additionally, delimitation of electoral constituencies (listed elsewhere in the same constitution) and conduct and regulation of voters education and civil education, conferred on the Commission by the Electoral Act 2006.

(b) Mission Statement

INEC as an EMB, recognizes its responsibilities in a democracy especially in the light of the functions ascribed to it constitutionally and statutorily. It has accordingly, identified its mission, which is summarized in a mission statement. The Mission Statement of INEC is: “To provide credible and efficient electoral services consistent with the principles of equity, justice and fair play for the building of a strong and viable democracy in Nigeria”.

(c) Vision Statement

The Vision Statement of INEC expresses the vision of the Commission. It states inter alia; “The Vision of INEC is one of a dynamic, formidable and independent organization committed to the institutionalization of an enduring democracy which allows for effective and smooth political change”.

(d) Guiding Principles of INEC

Every organization must operate under certain norms and values. This ensures that the organization does not derail from her objectives. The international standards for free and fair elections for instance, guide and regulate electoral legislation and operation. INEC has clearly spelt out principles that will guide its operations always.

The Guiding Principles include:

- **Autonomy:** being to act independently without influence
- **Transparency:** being open in its dealings and not having any ‘secret agenda’

- **Declaration:** being hardworking and committed to one's given tasks
- **Equity:** giving equal treatment to everyone involved in the process
- **Credibility:** being trustworthy
- **Integrity:** being honest and having strong moral values
- **Impartiality:** being neutral and unbiased
- **Excellence:** being the best at one does

Self-Assessment Exercises 2

1. Expatriate on the Mission and Vision Statement of INEC.
2. Discuss the main focus in terms of amended clauses contained in the Electoral Act, 2020.

4.4 The Operations and Activities of INEC

4.4.1 Powers and Functions of the Commission

The 1999 constitution mandates the commission to organize elections into executive and legislative offices at the federal and state levels; to register, monitor and regulate political party operations; to monitor party finance and campaigns; to create and maintain a register of qualified voters; to delimit constituencies for representation in the National Assembly according to the number of seats provided in the constitution to delegate its powers to RECs; and to carry out other functions conferred on it by an act of the National Assembly. The Electoral Act adds the conduct of voter education and the prosecution of electoral offences to the INEC's responsibilities. The commission is also empowered to recruit its staff and issue guidelines and regulations to guide the conduct of elections.

4.4.2 Independence of the Electoral Commission

The mode of appointment of the commission remains an issue of concern for its independence, as many believe it may be biased toward the appointing authority. The amendment of the 1999 constitution strengthened the commission's independence by guaranteeing its financial autonomy, it is funded from the Consolidated Revenue Fund, which ensures that it is not hindered in its operations by the many bureaucratic processes of budgeting and disbursement of funds.

Beyond its financial independence, the constitution also provides security of tenure for the commission by providing for the removal of its members and RECs (on the basis of misconduct or an inability to perform the duties of office) by the president, supported by a two-thirds majority of the senate.

The amendment also addressed the concerns raised by the previous qualifications for membership of the commission. Prior to the amendment, members of the commission were required to hold the same qualifications as members of the House of Representatives. This could be interpreted to mean that they were expected to be members of a political party. The amendment of the constitution clarified this issue by stating that persons appointed into the commission should not be members of political parties.

The Electoral Act also protects the commission from undue influence from the executive by making RECs accountable to the commission and empowering the commission to appoint and discipline its staff and secretary.

4.4.3 INEC Funding

INEC is now funded directly by a federation account. This was not always the case before the amendment of the 1999 constitution, when NEC was funded like any other government agency - i.e. it was expected to submit its budget for approval by the National Assembly, and it would await the bureaucratic processes of fund disbursement. During the 1999, 2003 and 2007 elections, disbursement of funds for the conduct of elections was a major challenge that led to substantial delays in the electoral process. For instance, voter registration was delayed in 2003 and 2007 because of the delayed disbursement of funds.

Under the current procedure of funding the commission directly from the Consolidated Revenue Fund, the commission is able to prepare its budget for approval, and thereafter it is disbursed directly to the commission through the Independent National Electoral commission Fund (INEC fund), which was introduced in the 2006 and 2010 Electoral Acts. The establishment of the fund enables the Commission to directly manage the disbursement of its funds.

4.4.4 INEC Accountability

The National Assembly has oversight functions over the commission in the performance of its mandate. While there is no mandatory reporting chain between the commission and the relevant committees of the National Assembly, it reports to these committees when it is requested to do so. As part of its public accountability procedures, the commission also issues periodic reports of its activities to the public.

In terms of financial accountability, the commission's budget is presented to the relevant committees of the National Assembly. It is also mandated to report to the office of the auditor general at the end of the year. In the procurement of election materials, it is expected to comply

with due process requirements through the Bureau of Monitoring, Prices and Intelligence Unit (I3MPIU).

4.5 Cooperation And Collaboration Activities of INEC

4.5.1 EMBs in Election and Southern Africa

It is generally recognized that election management bodies (EMBs) constitute one of the most important institutions needed to sustain Africa's fledging transition to democratic and constitutional governance. They are needed to ensure that all political actors adhere to the rules of the electoral contest and that the outcome of elections are not predetermined and are based on free and fair processes that reflect the genuine will of the people. However, frequent incidents of post-election violence in which citizens question the role played by the EMBs in the last few years have raised many questions about their role, which has been systematically and thoroughly investigated.

4.5.2 Collaboration with Other Election Management Bodies (EMBs)

In recent times, INEC has made effort to establish and maintain close working relationship with other Electoral Management Bodies, especially in Africa. The aim is to identify areas of common interest, encourage collaborations and exchange to enhance the work of the various EMBs. These collaborations have served as a basis for different organized programmes which have been of mutual benefits to the collaborating EMBs. The programmes focus on areas related to technical supports, capacity building of staff, exchange of knowledge and experiences, etc in specific area of interests.

Emanating from strengthened relations with similar institutions from other countries, INEC has received and sent out invitations to participate in inter-national technical assistance programmes, exchange programmes and electoral activities promoted by electoral authorities with the purpose of exchanging technical information. To this end, INEC is always willing to collaborate and explore every opportunity by participating in these programmes which help in strengthening INEC's capacity in the discharge of its statutory duties.

To be sure, in March 2012, INEC in particular with UNDP organized and hosted a two day conference on knowledge sharing among EMBs in Abuja, Nigeria (Afolabi, et al, 2012). Sixteen countries were in attendance, namely; Liberia, South Africa, Ethiopia, Gabon, Ghana, Siera Leone, Mali, Chad, Zimbabwe, Kenya, Niger, DR Congo, Burkina Faso, Cameroon, Zambia and Uganda. Others notable stakeholders included the Academia, CSOs, Development Partners, Representatives

of Foreign Mission etc. between 2012 and now, INEC officials have also participated in over 50 election observation missions in more than 20 countries. Some of these countries include France, USA, Ghana, Kenya, Sierra Leone, Liberia, Pakistan, Venezuela, Mexico, Bulgaria, Ireland, Argentina, Ukraine, Jordan etc. The main objective of these collaborative efforts is to strengthen the capacity of INEC to respond adequately and be proactive to embark on good election conducts guided by international standard reforms and international best practices in election administration.

Self-Assessment Exercises 3

1. Give reasons why it is necessary for INEC to collaborate with other Electoral Management Bodies (EMBs) outside Nigeria
2. Reflect on opportunities and Constraints of INEC

4.5.3 Relationship with Political Parties, CSOs, the Media and Other Government Agencies

The conduct of elections in Nigeria is an enormous task that requires efforts from all stakeholders and agencies of government. Considering the country's long history of fraudulent and violent elections, security agencies play an important role in the conduct of elections. Since its inception, the commission has worked closely with the police and armed forces to guarantee the security of the electoral process. While the military is not deployed around voting areas, it plays a role in securing interstate borders during elections. The naval and air forces also provide support for the distribution of election materials to locations with difficult terrains. An Inter-Agency Consultative Committee on Elections Security was set up to coordinate the efforts of the different security agencies involved in securing the 2011 elections. These contributed to the success of the 2011 elections and the containment of the postelection violence that broke out in the northern part of the country.

During election periods, INEC establishes a dialogue mechanism through which it meets with political parties and civil society groups to update them on preparations for the elections. The relationship between INEC and political parties has not been particularly cordial, as there has been a high level of distrust and the commission is not perceived as independent. The 2011 elections, however, proved to be different as the new leadership of the commission increased its efforts to improve the transparency of the commission's work. Fifty- two political parties signed the code of conduct ahead of the elections, and the commission reassured stakeholders of its commitment to sanitize the electoral process by prosecuting offenders, including election personnel. The

current commission enjoys a high level of public trust, as evidenced by the acceptance of the results of the 2011 elections.

The success of the 2011 elections can be attributed to the openness and transparency of the commission. This transparency came into play when the decision to postpone the National Assembly elections by a week was taken after polling had started in some places. This decision did not degenerate into violence because the stakeholders had come to trust the commission, and they were made aware of the logistical challenges involved. The Inter-Party Advisory Council was also established, which further improved the dialogue between the commission and political parties.

The commission's relationship with the media is another important aspect of its interactions. The responsibility for regulating the media is assigned to the Broadcasting Organization of Nigeria (BON). Section 100 of the 2010 Electoral Act, however, stipulates regulations on media coverage of candidates during an election. The BON and INEC therefore work together to ensure that the media complies with the general broadcasting and election-related codes. The commission also works with the National Youth Service Corps Scheme to recruit youth corps members as ad hoc staff in the electoral process. In 2007 and 2011 this proved to be a success.

International donor agencies and technical assistance groups play an important role in the conduct of elections in Nigeria. INEC therefore has a long-standing relationship with these groups. Over the years, technical assistance groups such as IFES and UNDP have been involved in recruiting experts to work in the commission. Donor agencies also engage with the commission to provide funds for specific aspects of the elections for which support is recruited.

4.5.4 Opportunities and Constraints

The tenure and stability of the commission have been a challenge in previous years, because every chairman of INEC has conducted only one election. However, the timing of the commission in charge of the 2011 elections created an opportunity for continuity as it allowed the commission to conduct two elections. This will be the first in the history of the commission. It is also important to note that the renewal of the tenure of some national commissioners, and the appointment of some RECs and national commissioners, also provides an increased opportunity for stability and continuity of policies.

The large size of the commission's manpower could serve as both an opportunity and a constraint. The commission is able to deploy more permanent staff while depending on ad hoc staff for the conduct of

national elections, yet its large staff numbers can be considered a constraint given the level of supervision required. In the absence of effective modernized administrative structures, the large staff could be inefficient.

The establishment of the Electoral Institute and the support of technical partners such as International IDEA, IJNDP and IFES create an opportunity to professionalize the commission and develop the capacity of its staff, for example via BRIDGE trainings. The very high level of trust that the current commission enjoys also creates an opportunity for it to plan toward future elections in an atmosphere of trust and transparency.



4.6 Summary

The talking point of this unit as discussed, centred on the establishment, activities, mission, vision and transparent management of electoral bodies in Nigeria. The establishment of the Independent Electoral Commission was put into historical perspective, bringing out the commission's working dynamics since 1999. The unit evaluates the collaboration efforts of INEC with other EMBs aimed at facetracking the preactivitiness of INEC and the building in election administration. INEC has a crucial role to play in deepening Nigerian democracy. The credibility of the commission can only be guaranteed, only when the commission gains the confidence of the electorate, and this can be achieved when things are done right.



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4.8 Possible Answers to Self-Assessment Exercise(S)

Answers to SAEs 1

1. *In a chronological order, account for the establishment of electoral management bodies (EMBs) in Nigeria.*
 - a. The first electoral management body, Electoral Commission of Nigeria (ECN) was inaugurated in 1958. The ECN conducted the federal Elections of 1959. This electoral body was headed by an expatriate, Ronald Edward. Four Nigerians representing the regions, and the Federal Capital Territory City Lagos were on board.
 - b. In 1960, the Electoral Commission of Nigeria (ECF) was inaugurated. The body (ECF), conducted the federal elections of 1964 as well as the regional elections of 1965.
 - c. The Federal Electoral Commission (FEDECO) followed suit in 1978. It conducted the 1979 transition elections that ushered the country into the Second Republic.
 - d. The Electoral Commission of Nigeria (NECON) existed to manage a 3 years transition programme that ended in the annulment of 1993 elections.
 - e. The Independent National Electoral Commission (INEC) was established by the administration of General Abdulsalam Abubakar in 1998. It is the longest-service EMB in Nigerian political history. INEC has conducted six elections vis:
 - i. The 1999 transition elections
 - ii. The historic 2003 elections
 - iii. The critical 2007 elections
 - iv. The 2011 general elections
 - v. The 2015 general elections
 - vi. The 2015 general elections
 - vii. The 2019 general elections

INEC is currently preparing grounds for the 2023 general elections. Parties have conducted primaries and candidate names are currently being processed for the 2003 general elections.

2. *What are the major highlights of the legislative framework for elections in Nigeria*
 - a. The major contribution making processes that have taken place have been closely linked to Nigeria's history of transition programmes
 - b. All EMBs since independence have been appointed by the president, subject to legislative confirmation.
 - c. EMBs established under the military were appointed by the Federal Executive Council.
 - d. Appointment of members has been based on the principle of federal character. The principle of federal character was given constitutional backing since the promulgation of the 1999 constitution
 - e. Recent development has seen elections in Nigeria today, being regulated by the 1999 constitution (as amended) the Electoral Act 2010 (as amended), and until recently, the 2020 Electoral Act.
 - f. INEC was established as a federal body.
 - g. The constitution defines the scope of the commission's powers and responsibilities. It in addition, provides for its independence and its funding.
 - h. The 1999 constitution (as amended) introduced the establishment of 36 Independent Electoral Commission (SIECs) in each state of the federation.
 - i. The SIECs are mandated to conduct local government election.

Answers to SAEs 2

1. *Expatriate on the Mission and Vision Statement of INEC.*
 - a. The mission statement of INEC is; "To provide credible and efficient electoral services commencement with principles of equity, justice and fair play for the building of a strong and viable democracy in Nigeria". This mission statement dwells on the essential features of democracy. These features are:
 - i. Conducting election with principle of freeness and fairness in forms.
 - ii. The election must be periodic and regular to five room for assessment and performance of hitherto electoral people.
 - iii. The election must follow credible processes.
 - iv. The electoral services must be efficient.
 - v. It must dwell on building a formidable and enduring democracy.

- b. The vision statement of INEC is; “The vision of INEC is one of a dynamic, formidable and independent organization committed to the institutionalization of an enduring democracy which allows for effective and smooth political change”. This means that:
 - i. The electoral body must be transparent.
 - ii. Must operate with the principle of impartiality
 - iii. It must be independent
 - iv. Must institutionalize democracy.
 - v. It must follow regular democratic change of government
2. *Discuss the main focus in terms of amended clauses contained in the Electoral Act, 2020.*

With regard to the amended clauses of the Electoral Act as contained in 2020 Electoral Act, 10 Clauses are affected. They are:

- i. Clause 29(1) stipulated that parties must conduct primaries and submit their list of candidates at least 180 days before the general elections.
- ii. Clause 65 states that INEC can review results declared under duress.
- iii. Clause 3(3) states that funds for general elections must be released at least one year before the election.
- iv. Clause 511 says that the total number of accredited voters will become a factor in determining over voting at election tribunals.
- v. Clause 54(2) makes provisions for people with disabilities and special needs.
- vi. Clause 47 gives legislative backing for smart card readers and any other voter accreditation technology that the Independent National Electoral Commission (INEC) deploys.
- vii. Clause 34 gives political parties power to conduct a primary election to replace a candidate who died during an election.
- viii. Clause 50 gives INEC the legal backing for electronic transmission of election results.
- ix. Clause 94 allows for early commencement of the campaign season. By this provision, the campaign season will now start 150 days to Election Day and 24 hours before the election.
- x. Clause 84 stipulates that anyone holding a political office viz: ministers, commissioners, special advisers, and others; must relinquish the position before they can be eligible to participate in the electoral process either as a candidate or as a delegate

Answers to SAEs 3

1. *Give reasons why it is necessary for INEC to collaborate with other Electoral Management Bodies (EMBs) outside Nigeria*
 - a. To identify areas of common interest
 - b. To exchange knowledge that will enhance the performance of those EMBs
 - c. To serve as bases for different organized programmes
 - d. To provide technical support
 - e. To enhance staff capacity building
 - f. To exchange experiences
 - g. To achieve internal best practices
2. *Reflect on opportunities and Constraints of INEC*
 - a. The tenure and stability of the body has been a challenge since different administration has always dissolved the body. However, there is a great opportunity for the electoral body to grow and develop since democracy is fast taking its root in Nigeria.
 - b. The large size of the commissions manpower could serve as both opportunity and constraint
 - c. The establishment of the Electoral institute to train staff is a great opportunity
 - d. The support of technical partners at international level such as IDEA, UNDP and IFES create massive opportunities to professionalize the commission
 - e. The high level of trust that the current commission enjoys creates a very great opportunity to plan towards future elections in an atmosphere of trust and transparency.

Unit 5 Problems of Electoral Commission in Nigeria

Unit Structure

- 5.1 Introduction
- 5.2 Intended Learning Outcomes
- 5.3 About Electoral Commission
 - 5.3.1 Responsibilities of Electoral Management Body (EMB)
- 5.4 Major Problems Which Confront EMB
 - 5.4.1 Lack of Confidence in the Commission
 - 5.4.2 Partnership of Electoral Officers
 - 5.4.3 The uses of violence and Intimidation by Party Officials
 - 5.4.4 Lack of Funds
 - 5.4.5 Poor Logistics
 - 5.4.6 Lack of Independence
 - 5.4.7 Lack of Party Internal Democracy
- 5.5 Summary
- 5.6 References/Further Readings/Web Resources
- 5.7 Possible Answers to Self-Assessment Exercise(s)



5.1 Introduction

Electoral management Bodies (EMBs) have become a keystone of the democratization in the countries of West Africa. Their composition, mandate and activities have attracted increasing public attention. In some countries, the EMBs and the rules of the electoral game are the focus of passionate interest and debate each time elections come around. In others, the debates around EMBs are semi-permanent and attract attention even outside the electoral cycle.

The lack of a clear understanding of the issues at stake in the design of these bodies has often led to the generation of more heat than light, while leading to the proposals that do not address the real challenges at stake studies in this unit respond to the evident need for more knowledge about an institution that occupies a more and more important place in the political process in West Africa in general, and in Nigeria in particular. This unit situates EMBs in the broader context, taking account of their states as a product of the struggle for democracy. Be that as it may, many are the problems of electoral management bodies (EMBs) in Nigeria.



5.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- discuss a recap of the functions of EMBs
- analyse the problems of EMBs in Nigeria



5.3 About Electoral Commission

5.3.1 Responsibilities of Electoral Management Body (EMB) in Nigeria

In order to ensure that elections are conducted freely and in an orderly manner, an electoral commission is usually established. The electoral commission is the body charged with the responsibility of conducting an election. The commission is expected to be an independent and impartial body, that is, it should not be under the control or influence of the government or any political party. It is also the responsibility of the commission to register political parties and delimit the country into constituencies.

The other responsibilities of the electoral commission includes the printing of ballot papers, the appointment of electoral officials of various grades and cadre, the compilation of voters list, the construction of polling stations and the declaration of election results. In performing these functions, what are the problems confronting electoral management bodies? The major problems confronting electoral commissions are largely political and managerial.

5.4 Major Problems Which Confront EMBS

5.5.1 Lack of Confidence in the Commission

The success or failure of the Electoral Commission depends, to a very large extent, on the confidence which people and various parties and stakeholders have in the ability to discharge its duties efficiently and effectively. Where the body is seen by the opposition as an appendage or surrogate of the ruling party, then its activities are likely to be viewed with suspicion. If the commission is however seen as an impartial arbiter, the parties will likely have confidence in the body to deliver good election management, and by extension, election administration.

In Nigeria, the appointments of members of EMBs are usually done by the government of the day. In view of the inability of some elected officials to rise above position considerations, the activities of the electoral commission are often viewed with scepticism especially in

developing countries. This suspicious and scepticism therefore constitute a major problem to EMB in Nigeria.

5.5.2 Partnership of Electoral Official

Electoral officials are sometimes biased in favour of one party or the other. Despite the rejection of electronic voting by the National Assembly and most political parties in Nigeria, the electoral commission still insisted on its use for the conduct of the 2007 elections until the government prevailed on it to drop the idea. The divergent view of the government of the day as against the view of the opposition on matters of commissions policy is yet a problem.

5.5.3 The use of Violence and Intimidation by Party Officials

The ability of electoral commission to discharge their duties is usually impaired by the use of thuggery, arson and other instrument of violence by party officials.

Self-Assessment Exercises 1

1. Account for the rising political violence as a major problem of electoral management body (EMB) in Nigeria.
2. The opposition party often views electoral management body with suspicion and scepticism. Discuss

5.5.4 Lack of Funds

Funds to procure electoral materials, pay polling officials and carry out all logistics are usually not released in good time. Sometimes, the commission is deliberately starved of funds so that they may compromise their independence. This has been a major problem of electoral commission in Nigeria. However, release of funds to electoral commission at least one year before the commencement of general elections is one of the major amended clauses in the Electoral Act 2020.

5.5.5 Poor Logistics

Bad administration is another common problem of electoral bodies. Sometimes, the basic equipment and facilities are not available or are grossly inadequate whenever they are provided. The commission has also been unable to overcome its historical lack of capacity to distribute election materials to polling stations before the scheduled time for the commencement of an election. Delay in polling is therefore a major feature of Nigeria's electoral process. Often times, delay in polling impact electoral outcomes.

Self-Assessment Exercises 2

1. In what ways is lack of funds a problem to electoral management body?
2. Delay in polling impacts on electoral outcomes. Discuss.

5.5.6 Lack of Independence

The electoral commission, especially in developing countries, generally lack independence. This should not be a surprise since the members of the commission are usually government appointees. Many times, the members of the commission are known to have party affiliation. But more worrisome, especially in African countries is the predilection of the electoral commission to do the bidding of the ruling party or government in power.

5.5.7 Lack of Party Internal Democracy

Electoral commissions deal with political parties which are largely undemocratic to their mode of operation and particularly in the nomination of candidates for general elections. Party primaries are usually manipulated by political leaders in order to impose their preferred candidates on the people. Consequently the commission is begged down by numerous litigations.

**5.6 Summary**

INEC alone cannot resolve all the problems and challenges facing the electoral management body (EMB) and political system. A lot will depend on the collaboration and support of other key stakeholders in the electoral process. These stakeholders include political parties, security agencies, media, and civil society organizations. Rather unfortunately, INEC does not exercise control over these actors. The political parties, for example hardly respect their own regulations governing the party. Unlaps members of the political class moderate their desperation to win elections using all means at their disposal and act within the law, the aforementioned problems will continue to pose real danger to the electoral management body, and by extension, to democratic consolidation in Nigeria. This unit captures and discusses the problems associated with electoral management body in Nigeria



5.7 References/Further Reading/Web Resources

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5.8 Possible Answers to Self-Assessment Exercises

Answers to SAEs 1

1. *Account for the rising political violence as a major problem of electoral management body (EMB) in Nigeria.*
 - a. The poverty level in Nigeria is high.
 - b. Creed and corruption made manifest during elections have eaten very deeply into the fabrics of our society.
 - c. During elections or electoral processes, elections commissions are target of thuggery.
 - d. This has often resulted into political and electoral violence.
 - e. It sometimes snowball to assassinations and political killings.
 - f. This a major challenge faced by election management body in Nigeria.
2. *The opposition party often views electoral management body with suspicion and scepticism. Discuss*
 - a. Members of the electoral management body (EMB) are usually appointed by government of the day.
 - b. It is logical for such members to be loyal to the government that appointed them.
 - c. Loyalty of electoral management body members to the government is frowned at by the opposition party.
 - d. This development often breeds suspicion and skepticism.
 - e. The opposition party therefore, often lack confidence in the decision of the electoral management body. This constitutes a danger and poses a threat to the electoral management body.

Answers to SAEs 2

1. *In what ways is lack of funds a problem to electoral management body?*
 - a. Electoral management body maintains a large size of workforce. The body's workforce size is second to the Nigerian police force. The body therefore requires large sum of money to pay these staffers.
 - b. During elections, election materials needed to be pointed. This is as many times as elections are conducted. This is so because many of the pointed items are consumed in one electoral process. Large sum of money is required to accomplish this.

- c. INEC rely very largely on adhoc staff to prosecute elections. While the staff strength if INEC is said to be about 148,000, the adhoc staff to procure the 2019 elections were 300,000 (INEC Report 2019). This again require a large sum of money.
- d. However, in order to compromise their independence, the government often fails o release money to the electoral body on time for them to meet these challenges. At times, the body is at the mercy of the government to get the require funds for the herculean task of managing and conducting election. This is a major challenge faced by Electoral Management Body (EMB).

2. *Delay in polling impacts on electoral outcomes. Discuss.*

- a. Delay in polling is recurrent issue of election administration in Nigeria.
- b. There are very difficult terrains that cannot be assessed by road.
- c. The distances the electoral management body needs to cover to distribute elections materials sometimes is very far thereby causing late arrival of materials and the consignment result of delay in polling.
- d. INEC have no sufficient funds to procure enough vehicles, at times planes to distribute election materials.
- e. All of these introduce delays in polling.
- f. At times, some of these materials do not arrive their polling units at all.
- g. At times, electoral officers are manipulated or cajoled to thumb print those ballot papers in favour of the highest bidders. This is a gross manipulation of the electoral process.
- h. With delays, manipulation, politics of the highest bidders, electoral outcomes are impacted upon.

MODULE 3 ELECTION PLANNING

Unit 1	Basic Elements of Election Planning
Unit 2	Types and Forms of Election
Unit 3	Legal Framework for Elections
Unit 4	Ethical Principles of Election Administration
Unit 5	Election Logistics

Unit 1 Basic Elements of Election Planning

Unit Structure

- 1.1 Introduction
- 1.2 Intended Learning Outcomes
- 1.3 Elements of Election Planning
 - 1.3.1 The Needs for Strategic Planning
 - 1.3.2 Approach and Duration of a Strategic Planning Exercises
 - 1.3.3 Strategic and Operational Planning
 - 1.3.4 Benefits of Strategic Planning
- 1.4 Risk Analysis and Contingency Planning
 - 1.4.1 Appraising Potential Risks
 - 1.4.1 The Planning Cycle
- 1.5 Summary
- 1.6 References/Further Readings/Web Resources
- 1.7 Possible Answers to Self-Assessment Exercise(s)



1.1 Introduction

Increasingly, governments are requiring ministries and independent bodies to engage in multiyear planning. This type of planning allows governments to better allocate scarce resources and engage in more long term development programmes. Moreover, “He who fails to plan plans to fail”. Strategic planning therefore, is a management tool to help in election authority (EMB) do better job of administering elections. Strategic planning helps ensure that the organizations employees are all working towards the same goals.

Strategic election planning is a focused effort to produce decisions and actions that shape and guide what the election authority does, how it does it and where it will be in the future. Election planning describes the process by which an election management body determines its major goals and objectives and identifies all the tasks or activities and methods of accomplishing each of these tasks or activities towards the overall realization of the goals and objectives. The planning process considers

the following items and provides answers to them: What, When, How, Who, Whom, Why and Which?



1.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- discuss the basic elements of election planning
- understand the planning cycle
- discuss the benefits of election planning
- evaluate the potential risk
- analyse contingency planning



1.3 Elements of Election Planning

1.3.1 The Need for Strategic Planning

There are several positive reasons why an electoral authority should develop a strategic plan. **Strategic planning empowers an election authority to:**

Manage for results: In the administration of the political and technical process of elections, election authorities must produce result against very stringent timeframes and often in a charged political environment. Strategic planning is a process of examination, objective setting and strategy building. This process is an essential part of the results-driven management that election administration requires. It relies on careful consideration of an election authority's organizational capacities and political and cultural environment and leads to resource allocation and decisions.

Plan for change: Increasing demands for services, shrinking resources and greater expectations by the public about what an election authority should do all combine to create an environment that is constantly changing. Most election authorities react to situation without having real input in creating that change. Strategic planning encourages the organization to seek change rather than react to situation.

Adapt: Even though strategic planning takes a large-range approach, the use of milestones, regular updates, and powers to determine progress and reassess the plan allows for flexible planning. The plan can be updated on new information and/or change political, financial or cultural environments. It sets target for performance, incorporates ways

to check progress and provides the election administrators with guidance for on-going operations and budgets.

Promotes communication: Strategic planning facilitates communication and participation. It fosters timely and orderly decision-making and successful implementation of programmes, goals and objectives. It improves communication not only among the authority's top election administrators, but also among its lower level employees. Strategic planning is a disciplined effort to shape and guide the future of an election authority, what it does and why it does it. It requires effective information gathering, the exploration of alternative ways of accomplishing tasks and emphasizes future implications of present decisions.

Election administration is about achieving and improving outcomes each year and each election cycle. Strategic planning enables election authorities to develop a system of institutionalized continuous improvement at all levels of the organization. However, it is not a quick fix. Strategic planning is a long-term management tool that pays off overtime. In order to be effective, the executive management of the electoral authority and all of the authority's employees must be committed to the plan and pay another attention to implementation of the goals and objectives.

Self-Assessment Exercises 1

1. Give reasons why an electoral authority must develop a strategic plan.
2. How does strategic planning help to shape the organization and focuses the leaders towards goal attainment?

Strategic planning also helps to focus the organization and its leaders towards common goals. **Strategic planning:**

- Provides a framework and focus for improvement efforts within the organization.
- Optimizes the organizational systems within the election authority.
- Provides guidance to managers for the day-to-day decisions.
- Provides a means to assess progress in meeting goals and objective.

1.3.2 Approach and Duration of a Strategic Planning Exercise

In electoral management, the choice of an EMB of a specific planning approach, methodology, sequence of steps and duration of related activities vary. Possible choices taken depend on the combination of diverse internal factors that influence the context and realities in which the EMB operates. These internal and external factors may vary for each case and generally include but not limited to the following:

- Complexity of the social, political, economic and democratic environment of a given country
- Legal electoral framework in the country
- Model of the EMB (e.g. governmental, independent or mixed)
- Nature of the EMB's mandate and type of services it is entrusted to deliver
- Approach of EMB leadership\EMB'S hierarchical and organizational culture
- Level of administrative performance
- Level of institutional development
- Staff size and EMB's infrastructure
- Level of professionalism (expertise and ethical behaviour)
- Overall reputation and credibility of the EMB among its key electoral stakeholders
- Source and availability of funding

The duration of a single strategic planning effort may also vary depending on the election calendar of the country in which the EMB operates. An important distinction should be made between a long-range strategic planning process and the duration of the specific stages that comprise this process.

To clearly understand in broad times, the approximate duration of each stage of the process, it may be useful to look at strategic planning effort starting as soon as the previous one has concluded.

Strategy definition stage: In this initial stage, the EMB defines its strategic direction by establishing its current position, envisioning its desired future and designing strategy of how to get there. The segment could encompass a period ranging from a few weeks to several months.

Strategy deployment stage: In this stage, the EMB translates the vision for its strategic direction into a debated plan of action, determining in detail each step through which the organization will reach its desired future. The segment could encompass a period of a few weeks.

Strategy execution stage: In this concluding stage, the EMB implements, monitors and evaluates all activities comprising its plan of action. This segment could encompass a period several years, depending on the timeframe the EMB has established for the strategic planning process. Having defined these key three stages, a second important distinction needs to be made between the two first segments and the third.

The first two segments represent the core of the EMB's strategic planning effort, where strategy is defined and translated into an implementation plan. The third segment is the execution of the EMB's implementation plan. The implementation plan determines the way in which the EMB performs and fulfils its mandated functions in the long term. This plan, in terms of time and commitment, lists all the functions of the EMB which will be executed regardless of the first two s strategic planning segments.

In other words, the first two stages shape and guide the way in which the third sage is implemented. This means that while strategic planning has a multi-year duration and represents a long-term commitment, in reality the actual strategic planning activities (stages one and two) are relatively short term. Nonetheless, they determine the way in which the EMB defines, plans, delivers, monitors and valuate all activities in the long term.

Ultimately, the choice of a strategic planning methodology and the approach to be used rest upon the EMB itself. Numerous considerations must be carefully evaluated by the EMB before embarking on the long-term, disciplinary planning process. The EMB can best define its own preferred strategic planning methodology; after adequately familiarizing itself with the process, what levels of sustained commitment and dedication are required from its staff, what resources are needed to execute it and what the EMB can or cannot realistically achieve by engaging in such a long range strategic effort.

1.3.3 Strategic and Operational Planning

Emanating from the rather complicated nature of electoral process as a result of the numerous events or activities contained therein, election management bodies often approach planning from two perspectives. They are strategic and operational planning. The key tasks in managing the election process are identified firstly and then each can be the subject of strategic and operational planning. Strategic planning identifies the overall goals and objectives and major tasks to be accomplished, and draws up action scheme or regime with broad timelines to cover a predetermined period of time.

Operational planning on the other hand, involves expanding or breaking down major tasks identified in the strategic plan into smaller tasks or activities and setting out clearly the implementation of each task or activity against specific objectives and shorter timelines. Operational planning sets out the details of implementation of the process such as voter registration, logistics, delimitation of electoral constituencies or the actual election as a series of operations to be carried out within specific timelines and in compliance with the electoral law and regulation.

1.3.4 Benefits of Strategic Planning

Planning is regarded as an investment in success. The benefits of planning are summarized by the Pareto principle: “That 80% of the work is completed in 20% of time”. Logically, fairly to plan or by not planning, the outcome is the reverse of the Pareto principle that is 80% of the effort will achieve only 20% result. While many organizations understood the importance of strategic planning and spend a great deal of time and money coming up with strategic plan, it still remains something that is review all just once a year or worse, a glossy document that sits on the shelf.

There are many benefits that go with strategic planning. The key to successful strategic planning.

Is to build in measures and implementation steps that allow an organization to engage her staff and monitor the results at regular intervals. The work of strategic planning doesn't stop at the strategic plan, but it is star. The following are the benefits of strategic planning.

Self-Assessment Exercises 2

1. What internal and external factors influence the choice of planning approach, methodology or sequence of steps adopted by an EMB in arriving at a strategic plan for her organization?
2. Define; strategy definition stage and strategy development stage of a strategic plan. Highlight their differences.

It allows EMBs to be proactive rather than reactive.

A strategic plan allows an electoral management body (EMB) to forge their future and prepare accordingly. Through strategic planning Organizations can anticipate certain unfavourable scenarios before they happen and take necessary precautions to avoid them. With a strong strategic plan, organizations can be proactive rather than reacting to situation as they arise.

Planning sets the tone for direction.

A strategic plan helps to define direction in an EMB must trend. It also aids in establishing realistic objectives and goal that are in line with the vision and mission charted out for it. A strategic plan offers a much-needed function form which an EMB can grow, evaluate its success, compensate its employees and establish boundaries for efficient decision-making.

It increases operational efficiency

A strategic plan provides electoral management body (EMB) the roadmap to align the organizations functional activities to achieve set goals. It guides body's discussions and decision making in determining resource and budget requirements to accomplish set objectives, thereby increasing operational efficiency.

It eliminate fire brigade approach

An election harbours a set of complex issues that must be resolved. People are always in a hurry to manipulate the processes of election. Most of these things cannot be achieved through a fire brigade approach. It needs careful planning that will go ahead of time to eliminate fire brigade approach.

Strategic planning save cost

Planning eliminate or reduce emergencies and unforeseen exigencies to the barest minimum. Be that as it may, the amount charge during emergencies can easily be avoided with strategic planning in place.

Self-Assessment Exercises 3

1. What are the benefits of strategic planning?
2. The planning cycle of a strategic plan usually run through a sequence of steps or stages. Outline these stages.

1.4 Risk And Contingency Planning

1.4.1 Appraising Potential Risks

All plans have risks. A risk is anything or circumstance that can be wrong in the course of planning. Owing to the versatility and sensitivity of the election process, anything can go wrong in the course of implementation. In election planning, potential problems or problem areas or things or situations that can go wrong are identified or

preempted and possible remedies for prevention or solutions are preferred.

In election planning therefore, the act of considering potential problems or things that can go wrong with a view to planning possible solutions or prevention is described as risk analysis. In a succinct manner, contingency planning is evolving and providing alternative court of action in the implementation schedule of a strategic plan. contingencies are an important element in election plans. Risk analysis and contingency planning coupled with cost analysis provide an effective tool for plan evaluation.

1.4.2 Planning Cycle

The election process is a chain of numerous electoral tasks, events or activities that must be carried out under serially ordered timelines. The planning process usually runs through a sequence of steps or stages often thought to proceed in circular terms rather than in a straight line. The different steps or stages of planning can therefore be arranged or described in a circle. Such a circle commences and end at a particular step or stage, usually the current position.

The planning cycle therefore, refers to the circular description or arrangement of the steps or stages of the planning process. The steps or stages of planning include: **(cut from the body)**



1.5 Summary

Unit 1 of this module explicitly dealt with basic elements of election planning. The unit discussed the need for a strategic plan for electoral management and election administration. It draws out the critical issues of the risks and the nature of risks involved in preparing a strategic plan. The last segment of the unit examined the whole issue of a planning cycle. With the knowledge of the basic elements of election planning, learners who later have reasons to participate in planning an election, will find such knowledge very useful.



1.6 References/Further Reading/Web Resources

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1.7 Possible Answers to Self-Assessment Exercises

Answer SAEs 1

1. Give reasons why an electoral authority must develop a strategic plan.

Strategic plan empowers an electoral management body (EMB) to:

- a. Manage for results
 - b. Plan for change
 - c. Adapt
 - d. Promotes communication
 - e. Shape and guide future for EMB as to what it does and why it does it.
2. *How does strategic planning help to shape the organization and focuses the leaders towards goal attainment?*
 - a. Strategic planning provides a framework and focus for improvement efforts within the organization
 - b. It optimizes the organizational system within the election authority
 - c. It provides guidance to manages for their day-to-day decisions
 - d. Provide a means to assess progress in meeting goals and objectives.

Answer SAEs 2

1. *What internal and external factors influence the choice of planning approach, methodology or sequence of steps adopted by an EMB in arriving at a strategic plan for her organization?*
 - a. Complexity of the social, political, economic and democratic environment of a given country
 - b. Legal framework of electoral management in the country
 - c. Model of the EMB (e.g. governmental, independent and mixed)
 - d. Nature of the EMB mandate and type of service it is entrusted to deliver
 - e. Approach of the EMB leadership
 - f. Level of institutional development
2. *Define; strategy definition stage and strategy development stage of a strategic plan. Highlight their differences.*
 - a. Strategy definition stage is an initial stage

- b. It is a stage when the EMB defines its strategic direction
- c. It defines the present position of an EMB
- d. It envisions its desired future
- e. It designs strategy to move from the present position to the envisioned future position
- f. It takes into account a short time duration e.g. few weeks to several months
- g. Strategy development stage
- h. At this stage, the EMB translates the vision for its strategic direction in a details plan of action
- i. It determines in detail each step through which the organization will reach its desired future
- j. It could take a duration of a few weeks

Differentiating between the two

- i. While strategy definition stage defines direction strategy development translates the defined direction detailed action plan
- ii. Strategy designs strategy to move from the present position to the future position. While strategy development transforms that design to a work tool to achieving the desired goal
- iii. Both strategies are designed for short term duration

Answer SAEs 3

1. *What are the benefits of strategic planning?*
 - a. Strategic planning allows EMBs to be proactive
 - b. Planning sets tone for direction
 - c. Strategic planning increases operational efficiency
 - d. It eliminates fire brigade approach
 - e. Strategic planning saves costs
2. The planning cycle of a strategic plan usually run through a sequence of steps or stages. Outline these stages.
 - a. The steps or stages of planning include:
 - b. Analysing current position
 - c. Identifying the aim
 - d. Exploring options
 - e. Detailed planning
 - f. Plan evaluation
 - g. Plan implementation
 - h. Plan closure
 - i. Feedback on the plan.

UNIT 2 Types and Forms of Elections

Unit Structure

- 2.1 Introduction
- 2.2 Intended Learning Outcomes
- 2.3 Categorizing Elections
 - 2.3.1 Primary Election
 - 2.3.2 General Election
 - 2.3.3 Local Election
- 2.4 Other Categories of Elections
 - 2.4.1 Special Election
 - 2.4.2 Direct Election
 - 2.4.3 Indirect Election
- 2.5 Summary
- 2.6 References/Further Readings/Web Resources
- 2.7 Possible Answers to Self-Assessment Exercise(s)



2.1 Introduction

Election is a means of choosing and electing choice representatives to the Nigeria federal government and the various states in Nigeria. During the electoral process, Nigerians for instance, elect a representative to the office of the President at the federal level as a head of state, a Governor is elected across the 36 states in Nigeria and representatives for the legislature (the National Assembly).

The President (head of state) is elected by the people. The House of Representatives and Senate are the two chambers of the National Assembly. Note that the House Representatives has 360 members which are elected for a four-year term in single-seat constituencies and there are 109 members in the Senate as members elected as Senators.

Nigeria operates a multi-party system. Often, two or three parties dominate the political landscape. The election in Nigeria is held every four years and often hold in the month of February. Handling over of the old government to the newly elected government takes place in the month of May.



2.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- discuss the types and forms of elections in Nigeria
- analyse how elections are administered vis-avis election typologies
- evaluate the process of election administration in Nigeria



2.3 Categorizing Elections

2.3.1 Primary Election

A primary election is the process by which voters. Either the general public (open primary) or members of a political party (closed primary), can indicate their preference for a candidate in an upcoming general election or by- election, thus narrowing the field of candidates

Primaries are used in various countries throughout the world. Its origin can be traced to the progressive movement in the United States, which aimed to take the power of candidate nomination from party leaders to the people. Political parties control the method of nomination of candidates for office in the name of the party. Other methods of selecting candidates include caucus, conventions, and nomination meetings.

In a situation whereby primary elections are organized by parties, two types of primaries can generally be distinguished:

Closed primary: (synonyms: internal primaries, party primaries). In the case of closed primaries, internal primaries, or party primaries, only party members can vote

Open primary: All voters can take part in an open primary and may cast votes on a ballot of any party. The party may require them to express their support to the party's values and pay a small contribution to the cost of the primary.

Self-Assessment Exercises 1

1. What is primary election? Under primary election, identify other methods that can be used for candidates' selection.
2. Differentiate between open and closed forms of election

The primary election is organized by all the individual political parties to select each party's nominee or representative for general election. In the United State, when the primary elections are ongoing, separate party ballots are printed. Ballot boxes are provided and the voter must choose between the ballot with interested Democratic or the one on which Republican run against other Republicans. For example, if three or more candidates vying for a position with none receiving majority votes at first balloting, a second primary election or runoff election is held between the two candidates with the highest number of votes in the first primary election held. The winners of this runoff election become the party nominee. In Nigeria, the state inside primary election is held in June of even numbered years on the first Tuesday after the first Monday.

2.3.2 General Election

A general election is an election in which all or most members of a given political body are chosen. These are usually held for a nations legislative body, as distinguished from by- elections and local elections.

In presidential systems, a general election is a regularly scheduled election where both the president, and either "a class" of or all members of the national legislature are elected at the same time, but can also involve special elections held to fill prematurely vacated positions. A general election day may also include elections of local officials.

In U.S. politics, general elections are elections held at any level (e.g. city, country, congressional, district, state) that typically involve competition between at least, two parties. General elections occur every two to six years (depending on the positions being filled with most positions good for four years) which include the presidential election. Unlike the parliamentary systems, the term can also refer to special elections that fill out positions prematurely vacated by the previous office holder (e.g. through death, resignation, etc).

In Nigeria, the general election is held to determine and decide which political party, or candidates will occupy each office that are open for election. In addition, an eligible voter may split the ballot paper or select candidates from all parties n the ballot. However, a voter may choose only one candidate per office in the general election.

2.3.3 Local Election

In many parts of the world, local elections take place to select office holders in local government. The office comes with different names like mayors, councillors and local government chairman. Elections to positions within a city or town are often known as "municipal

elections”. Their form and conduct vary widely across jurisdictions. The essence of local elections is to give voice to people on the smaller seats of government. Such issues as water supply, power, and sewer systems shall be overseen by local councils. This is how confidence will be built at local levels to instil confidence in them, thereby reforming higher levels of government.

In the UK, the local election refers to country, unitary authority, borough, district, city, town and parish elections. These take place on the first Thursday of May every year. Councillors generally sit for four years. The number independent (non-party) councillors has declined over the past forty years. Nowadays, the overwhelming majority of local councillors belong to one of the parties.

2.4 Other Categories Of Elections

2.4.1 Special Election

Special elections are held in extraordinary situations such as the necessity to fill a vacancy that occurs during the term for which a person was elected, or when a referendum is held on particular question or proposition such as the issuance of bond

Self-Assessment Exercises 2

1. Describe the conduct of a general election under the presidential system of government
2. Why are elections held at local government level?

A bye- election is a type of special election. A general election is the name of an election for all members of an elected body. A bye- election could be needed if a member dies or resigns while in political office. They are also used if a person is removed from office for some reason e.g. being guilty of a crime.

In most cases, these elections occur after the incumbent dies or resigns. They also occur when the incumbent becomes ineligible to continue in office, may be as a result of recall, ennoblement, criminal conviction, or failure to maintain a minimum attendance. Less commonly, these elections have been called when a constituency election is invalidated by voting irregularities. In the United States, these type of have been called “special election” because they do not always occur on Election Day like regular congressional elections.

2.4.2 Direct Election

Direct election is a system of choosing political officeholders in which the voters directly cast ballots for the person, persons, or political party that they desire to see elected. The method by which the winners of direct election are chosen depends upon the electoral system used. For example, the European Parliament since 1979, and United States House of Representatives are elected directly. The Members of Parliament and the Members of Legislature of the local bodies are elected by direct election.

Self-Assessment Exercises 3

1. Bye- election is a type of special election. Discuss
2. Differentiate between Direct and Indirect forms of elections.

2.4.3 Indirect Election

An indirect election is an election in which voters do not choose between candidates for an office. Rather, they elect people who then chose. It is one of oldest form of elections, and is still used today for many presidents, cabinets, upper houses, and supranational legislatures. Presidents and prime ministers can be indirectly elected by parliaments or by a special body convened solely for that purpose. The election of the executive government in most parliamentary systems is indirect. Upper houses, especially of federal republics, can be indirectly elected by state legislatures or state governments.

The election of the United States President and the Vice President is by indirect election. Voters elect Electoral College, which then elects the presidents. The Electoral College is a controversial issue in American politics, as the Electoral College vote may not agree with the popular vote. Also, the President of Germany is similarly elected through indirect election by a Federal Convention.



2.5 Summary

This unit discussed the different types and form of elections we have. In some levels of discussions, the unit embarked on comparative analysis of the different types of elections across countries. The unit has deepened learners' knowledge on types and forms of election.



2.6 References/Further Readings/Web Resources

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2.7 Possible Answers to Self-Assessment Exercise(s)

Answers to SAEs 1

1. *What is primary election? Under primary election, identify other methods that can be used for candidates' selection.*
 - a. Primary election is a process mean to choose or nominate party's flag bearers
 - b. It is adopted to narrow the field of candidates
 - c. Its origin is traceable to the United States
 - d. It is designed to take the power of candidates' nomination from party leaders to the people.
Other methods are:
 - a. Caucus
 - b. Conventions
 - c. Nomination meetings
2. *Differentiate between open and closed forms of election*
 - a. Elections can be organized by political parties. All elections organized by political parties are called primary elections. The election originating from a political party tagged 'primary election' could either be open or closed
 - b. Open primary election: This defines a situation when all voters (party card carrying voters) cast vote on a ballot of any party. In the United States, voters cast for the ballot of the party since there are only two political parties. In Nigeria however, individual candidates stand in a primary election to be elected or voted for by card carrying members of his/her party.
 - c. It must however, be stressed that the processes of party nomination, that is the freeness and fairness of party nomination defines the degree of internal democracy. Where the internal democracy is poorly recognized, the quality of candidates chosen may not represent the wishes and aspiration of the people.

Answers to SAEs 2

1. *Describe the conduct of a general election under the presidential system of government*
 - a. A general election is where all the people who form government of a particular country are voted for
 - b. All voters vote in a general election

- c. General elections are normally held to vote for a nation's legislature body
 - d. Under the presidential system, a general election is regularly scheduled.
 - e. Under this arrangement both the president and national assembly members are elected the same date and the same time
 - f. It can also involve special elections to fill prematurely vacated positions
 - g. A general election day may also include elections of local officials
 - h. In the US, general elections can be held at the level of a city, country, congressional district or state. The emphasis however, is that it must involve at least two parties
 - i. In Nigeria, a general election is conducted to determine which party or candidate will occupy each office open for election
2. *Why are elections held at local government level?*
- a. Elections to local councils vary from one country to the other
 - b. Some see election within the city as mayoral elections. In Nigeria, it is called council elections normally held and managed by State Independent Electoral Commission (SIECs)
 - c. The essence of local elections is to give voice to the people at the grassroots level
 - d. At the local level, local initiatives are tapped for the administration of the people
 - e. Local elections is democracy at the door steps of the local people
 - f. Small scale of government receives boosts with elections at the local level e.g. water supply, sewer systems are overseen by local officials of government
 - g. Elections at local level is building confidence in then at the local government level of governance

Answers to SAEs 3

1. *Bye- election is a type of special election. Discuss*
- a. Bye- elections are conducted specially to fill vacant position in between two general elections. This is why a bye- election qualifies as a special election
 - b. Bye- election are also used when a person dies or resigns while occupying a political office
 - c. It is used when the instrument of impeachment or a vote of no confidence that led to the removal of a person from office is used. Bye- elections (special election) are then held to fill the lacuna created by the absence from office of such political office

- holder. The vacant offices must be filled within the framework of the law.
- d. An office can become vacant when a holder becomes ineligible, or recalled or as a result of sickness. The attention of a bye-election is always called to fill such vacancies in political offices
 - e. Elections of this nature are called 'special elections' because they occur outside the authentic Election Day
2. Differentiate between Direct and Indirect forms of elections.
- a. A Direct form of election is a system of choosing political office holders in which voters cast ballots directly for candidates that they desire to see elected
 - b. The use of Direct form of election is dependent on the system of government in operation
 - c. European parliament since 1979 adopts it. US House of Representatives are elected directly
 - d. Indirect election is a form of election where voters do not choose between candidates for an election
 - e. Voters elect people who choose between candidates
 - f. Elections of executive government in most parliament systems is indirect
 - g. Upper houses, especially of federal republics can be indirectly elected by state legislators
 - h. The election of the United States president and vice president is by indirect election
 - i. Voters elect Electoral College, which then, elects the president
 - j. The Electoral College is controversial political contention in American politics. Proponents argued that the Electoral College vote may not represent the popular vote

UNIT 3 The Legal Framework For Elections

Unit Structure

- 3.1 Introduction
- 3.2 Intended Learning Outcomes
- 3.3 The Role of the Law in Elections
 - 3.3.1 Administration Management of Elections
- 3.4 Elements of the Legal Framework for Elections
 - 3.4.1 The Contents of the Legal Framework for Elections
 - 3.4.2 The Constitution
 - 3.4.3 The Electoral Act
- 3.5 The Coverage of the Legal Framework
 - 3.5.1 Administrative Regulations
 - 3.5.2 Codes of Conduct
 - 3.5.3 Ancillary Legislations
- 3.6 Election Calendar
 - 3.6.1 Crucial Element in Election Planning
 - 3.6.2 Tips for Drawing up An Election Calendar
- 3.7 Summary
- 3.8 References/Further Reading/Web Resources
- 3.9 Possible Answers to Self-Assessment Exercise(s)



3.1 Introduction

The term “legal framework for election” generally refers to the combination of legislation and rules related to elections in a given country. A legal framework for elections includes the applicable provisions in the constitution, the electoral law and other laws that affect elections, such as a law on political parties. It also includes any regulations attached to the electoral law and other relevant laws, as well as relevant instructions and regulations by the responsible electoral management body (EMB).

The makeup of legal framework for elections varies considerably across different countries. The framework determines the “rules of the game” for different phases of all election process. Thus, it is in the interest of electoral contestants and citizens to ensure that the rules for electoral competition, as well as the way those rules are enforced, guarantee that a genuine democratic election takes place. Information about the legal framework, and any changes to it, should be open to citizens. Opportunities for public input into reform processes is also important.

In assessing or reforming the legal framework for electing actors and stakeholders like EMBs, government bodies, civil society groups or

political parties, should consider what the framework means for the transparency, inclusiveness and accountability of each part of the electoral cycle. The goal of the legal framework is to provide a guide to promote democratic elections.



3.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- define the legal framework for elections
- discuss the Elements of the Legal Framework for Elections
- analyse the Administrative Regulations for elections
- provide tips for drawing up an election calendar.



3.3 The Role of the Law in Elections

3.3.1 Administrative and Management of Elections

The law plays a vital role in elections. Most if not all of election planning is dependent on the law. The law provides the legal framework for elections, which determines the level and scope of electoral or democratic participation; sets the rules, criteria and procedures for electoral activities; and prescribes the codes of conduct for the contenders. The law provides the basis for planning and scheduling electoral activities. The law is especially important in formulating an election calendar or election time table which usually highlights the electoral activities with their specific timelines and deadlines; and provides election administrators with a guide to their work.

The administration and management of elections therefore require knowledge of the law and understanding the administrative implications of the law in relation to elections, to be able to apply the legal provisions. Election administration must demonstrate respect for the law and apply the law to all participants equitably and fairly, to achieve free and fair elections. The election administrator's ability to interpret the law at least administratively (without a lawyer) can be very helpful in the process of planning for implementation.

Self-Assessment Exercises 1

1. What major role does the law play in Elections?
2. Itemize the content of the legal framework for elections

3.4 Elements of the Legal Framework for Election

3.4.1 The Contents of the Legal Framework for Elections

The legal framework for elections covers issues specific to the laws and regulations that are an essential element for free and fair electoral processes, for electoral administration to be effective and for election results to be accepted as fully legitimate. It may be described as the embodiment of the provisions of the electoral law governing the organization and execution of and participation in the elections.

The legal framework for elections comprises:

- The electoral provisions of the Constitution.
- The electoral legislation or Electoral Act
- The administrative regulations otherwise called Guidelines.
- codes of conduct
- Ancillary legislations that impact on the elections.

3.4.2 The Constitution

A constitution is a collection of the fundamental principles or rules agreed amongst a people in a society, organization or institution, which regulate the manner in which the people's affairs are conducted and governed. A constitution may be written or unwritten.

Importance of the Constitution

The constitution is the highest law in the land and the source of all legitimate authority. It sets out the standards that other laws should follow establishes the key institutions and organs of governance, and defines their powers and responsibilities describes how these institutions and organs of governance can be established and abolished specifies the government's powers and prescribes the manner in which the powers are to be exercised provides guarantees for fundamental human rights prescribes the basic elements or features of the electoral system.

The 1999 Constitution of the Federal Republic of Nigeria has been designed for the overall purpose of promoting the good governance and welfare of all persons in the country on the principles of freedom, equality and justice and consolidating the unity of the people. It is the

foundation of the laws, rules and regulations or guidelines governing the management and administration of the electoral process in the country. The provisions are structured into the following chapters:

Chapter I - affirms the supremacy of the constitution; declares Nigeria a sovereign federal republic and provides for the organs and structure of the Nigerian State.

Chapter II - provides the fundamental objectives and directive principles of State policy, covering the social, political and economic obligations of government and the citizen.

Chapter III - deals with citizenship.

Chapter IV details the fundamental rights of individuals.

Chapter V — deals with the composition, structure, functions and powers of, and elections into the legislature at the federal and state levels.

Chapter VI — provides for the establishment, composition, structure, functions, powers of, and elections into the executive at the federal and state levels; and the establishment of certain federal and state executive bodies such as the INEC. It also provides for the formation and registration of political parties.

Chapter VII — covers the Judicature, providing for the establishment, composition, structure, functions, powers, jurisdiction and appointment to the judiciary and election tribunals at national and state levels.

Part II of the Third schedule — provides for the establishment, composition and functions of the State Independent Electoral Commissions (SIECs).

3.4.3 The Electoral Act

The electoral legislation or Electoral Act is the main regulatory instrument; or the main electoral law. It is a product of parliamentary legislation which requires widespread agreement on its contents and a reasonable degree of permanence. The electoral Act sets out the elements of the electoral system contained in the constitution in such a way that they are directly applicable; for example the electoral law has to be specific as to how the First-Past-the-Post system established in the constitution is defined in practice; and develop procedural guarantees that will make the constitutional principles of the right to active and passive suffrage fully effective. In other words, the electoral Act sets out:

- The elements of basic right to active and passive universal suffrage; i.e. an accurate determination of who may vote and be voted for, how one becomes a voter and how one becomes a candidate.
- The conditions of the elections, which include a specific definition of the constituency, the electoral formula or principle and the form of expression of the vote i.e. the ballot structure.
- Organizational, procedural and territorial criteria, i.e. how and where voting takes place.
- Control mechanisms of the different procedural phases.

Self-Assessment Exercises 2

1. Why is the constitution an important element for the legal framework for elections:
2. The Electoral Act is a regulatory instrument that sets out the elements of the electoral system. Identify these elements.

3.5 The Coverage of the Legal Framework

3.5.1 Administrative Regulations

No electoral act or law however comprehensive or detailed it may be, can regulate up to the very last aspects of the electoral process like the determination of the various material elements used; such as the design of ballot boxes, ballot paper, voting booths, the wide range of forms, the specific rules for the display and correction of the voters register and the hearing of claims and objections etc. These aspects which are essential for the smooth operation of the elections are often regulated administratively. The administrative regulations, also called guidelines are invariably drafted and released by the election authority in conformity with the provisions of the electoral law; and do not require any further parliamentary approval. The regulations or guidelines may be administrative; they are however binding on all stakeholders and have the backing of the law in that the election authority is legally and statutorily empowered to formulate them.

3.5.2 A Codes of Conduct

Electoral Codes of Conduct like electoral regulations or guidelines are non-legal in status and are generally voluntary; but are however binding to the subscribers to the codes. The codes may be drawn up by the election authority or the political parties, or jointly between the election authority and the political parties in consultation or by the election authority in the consultation with civil society organizations; and in

some cases may involve some type of international organizations. The codes of conduct generally contain rules aimed at:

- Guiding And Regulating The Election Administration
- Regulating The Behaviour Of Parties And Candidates During election Campaigns
- Preventing The Use Of Intimidation And Violence In Elections
- preventing Parties In Power From Abuse Of Office
- Regulating The Activities Of Election Observers And Monitors; Etc.

Electoral codes of conduct generally fall into three main scenarios:

- Agreed codes of conduct may be incorporated into the electoral law by parliament; as happened in Cambodia 1992. In this case the code loses its status and becomes part of the electoral act.
- Cases where an agreement among contenders include certain sanctions for non-compliance in their provisions e.g. South Africa 1992
- Majority of codes are voluntary in nature and do not stipulate any sanction for non-compliance.

Some of the common codes of conduct include:

- Code of Conduct for Elections
- Code of Conduct for Political Parties
- Code of Conduct for Election Observers
- Code of Conduct for Security Agents
- Ethics for Election Officials.

3.5.3 Ancillary Legislations

Ins Laws are generally made to regulate and control societal behaviour. There are a number of laws which though are not part of the Electoral Law, directly impact on the electoral process. These ancillary laws include:

State Enactments on Local Government Council Elections

As mentioned earlier, Part II of the Third Schedule to the 1999 Constitution establishes a State Independent Electoral Commission (SIEC) for each State of the Federation. The SIECs have powers to organize and conduct elections into Local Government Councils. To this extent, State Governments are empowered to make laws governing the council polls and the tenure of the local government councils. These

State election laws form part of the legal framework for elections in the country.

Code of Conduct for Public Officers

The Fifth Schedule to the 1999 Constitution establishes the Code of Conduct for Public Officers and the Code of Conduct Bureau. The provisions of the Code apply to the Chairman and Members of INEC as well as the entire staff of the Commission, including those ad-hoc staff who are public officers. The code prescribes the rules that must be obeyed by all public officers in the course of doing their official work; and empowers the Bureau to enforce the provisions.

The Corrupt Practices (and other related) Offences Act, 2000

This anti-corruption legislation seeks to prohibit corrupt practices and other related offences; and prescribes punishment for committing them. It establishes an Independent Corrupt Practices (and other related offences) Commission (ICPC), vesting it with powers to investigate and prosecute offenders who transgress the Act.

The Act applies to the private and public sectors. In its definition of “an official”, it covers the employees of INEC. The definition describes an official as “...any director, functionary, officer, agent, servant, privy or employee serving in any capacity whatsoever in the public service or other public body or in any private institution, corporate body, political party, institution or other employment...” The Act describes various offences such as corruption, dealing, false pretence and gratification etc.

The Economic and Financial Crimes Commission Act, 2002

This is also an anti-corruption legislation designed to prohibit economic and financial crimes. The Act establishes the Economic and Financial Crimes Commission (EFCC) charging it with powers to investigate and prosecute all forms of corruption. The Act also applies to all officials of INEC.

The Public Order Act

This Act seeks to regulate individual and corporate or organizational behaviour in public places. The Act details acceptable and non-acceptable behaviour in public gatherings, social or political rallies, electioneering and other campaigns, conferences, etc without infringing on the fundamental human rights of the citizens guaranteed by the Constitution. It also empowers the Security Agencies particularly the Nigeria Police to implement its provisions. This Act has however been

declared unconstitutional by a High Court but has not been repealed and is currently the subject of legal controversy and debate.

Self-Assessment Exercises 3

1. The codes of conduct generally contain rules. What are these rules meant to achieve?
2. Discuss the tips for drawing up an election calendar

3.6 Election Calendar

3.6.1 Crucial Element in Election Planning

Forward planning, i.e. planning well ahead of time is a crucial element in election planning. The necessity for forward planning is often dictated by the election laws and the regulations or guidelines. As earlier noted, the election process is a chain of numerous electoral activities that must be carried out under specific and ordered timelines. The electoral law and guidelines /regulations often stipulate the number of days or the dates and deadlines within which certain activities must be done, as well as the sequence in which they should be done.

It is the responsibility of the election management body in the course of election planning to identify and list all the vital or major activities that lead up to and after the election, arranging them sequentially against specific dates and deadlines and making this public. The list showing all major or vital electoral activities or tasks against specific dates, timelines and deadlines is often referred to as an election calendar. An election calendar may therefore be described as a timetable of all major or vital electoral activities. Election calendars are an essential tool in election planning. They are usually compiled well ahead of time and well publicized so that all stakeholders such as political parties, security agencies and the media are well aware of the election processes and their timelines to enable them plan for the elections as well.

3.6.2 Tips for Drawing up an Election Calendar

To compile an election calendar requires:

- Considering election calendars as a general survey or overview of legally stipulated dates, deadlines and timelines or periods for election activities and then reading and understanding the relevant laws; and
- Administratively interpreting the laws and calculating backwards or around the possible dates for each activity or task or event.



3.7 Summary

This unit has dealt with various aspects of the legal framework for Elections. The unit examines the role of the law in Elections hinging on the elements of legal framework for elections. The administrative regulations spelling out the codes of conduct, ancillary legislations, corrupt practices and other related offences that can prevent free and fair elections and guarantee the integrity of the elections are treated under this unit. The unit concludes by providing tips for drawing up an election calendar.



3.8 References/Further Reading/Web Resources

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3.9 Possible Answers to Self-Assessment Exercises

Answers to SAEs 1

1. *What major role does the law play in Elections?*
 - a. The law play vital role in election
 - b. All election planning is dependent on the law
 - c. The provide the legal framework for elections
 - d. The law determines the scope of election democratic participation
 - e. The law sets the rules
 - f. It sets the criteria and procedure for electoral activities
 - g. The law prescribes the code of conduct\the law is important in formulating election calendar.
2. *Itemize the content of the legal framework for elections*
 - a. The electoral provisions of the constitution
 - b. The electoral legislation or Electoral Act
 - c. The administrative regulations otherwise called Guidelines
 - d. Codes of Conduct
 - e. Ancillary legislations that impact on the elections

Answers to SAEs 2

1. *Why is the constitution an important element for the legal framework for elections:*

The constitution is an important element for the legal framework for election because:

- a. It is the highest law in the land
 - b. It is the source of all legitimate authority
 - c. It sets out the standards that other laws follow
 - d. It establishes the key institutions
 - e. It defines the powers of the organs of government
 - f. It describes the operational base of all established institution of states
 - g. It provides guarantees for fundamental human rights
 - h. It prescribes the basic elements or features of the electoral system
2. *The Electoral Act is a regulatory instrument that sets out the elements of the electoral system. Identify these elements.*

- a. The elements of basic right to active or passive universal adult suffrage i.e. accurate determination of who can vote and be voted for
- b. The conditions of the election
- c. The specific definition of the constituency
- d. The electoral formula or principle
- e. Control mechanisms of the different procedural phases

Answers to SAEs 3

1. *The codes of conduct generally contain rules. What are these rules meant to achieve?*
 - a. The rules are meant to guide and regulate the election administration
 - b. To regulate the behavior of parties and candidates during election campaigns
 - c. To prevent the use of intimidation and violence in elections
 - d. To prevent the party in power from abuse of office
 - e. To regulate the activities of election observers and monitors
2. *Discuss the tips for drawing up an election calendar*

To complete an election calendar requires

- a. Considering election calendars as a general survey or overview of legally stipulated Dates
- b. Deadlines
- c. Timelines
- d. Periods for election activities and understanding the relevant law
- e. Administratively interpreting the laws and calculating backwards or around possible dates for each activity or task or event in an election

Unit 4 Ethical Principles of Election Administration

Unit Structure

- 4.1 Introduction
- 4.2 Intended Learning Outcomes
- 4.3 Electoral Integrity
 - 4.3.1 Determining Elections Credibility
 - 4.3.2 Fundamental Ethical Principles of Election Administration
- 4.4 Rights and Responsibilities of Party Agents and Other Stakeholder
 - 4.4.1 Rights and Responsibilities of Party Agents
 - 4.4.2 Rights and Responsibilities of Security Agents
 - 4.4.3 Rights and Responsibilities of Election Observers
- 4.5 Summary
- 4.6 References/Further Reading/Web Resources
- 4.7 Possible Answers to Self-Assessment Exercise(s)



4.1 Introduction

The success of an election depends, to a very large extent, on the extent to which it is accepted as legitimate and binding by the participants in the political process. The expression of major policy decision in a clear legal form, provides the degree of certainty that is required for the development of a common understanding by all participants in the process, of how it will be administered. If the election administration is not effective of the law, and if it does not equitably and clearly explain the legal rationale of its decision, the common understanding of the participants may be affected. This situation may weaken the support base of the electoral process.

An election administration should therefore, as matter of voluntary compulsion, comply with the laws of the country. Within the legal framework of the country, administration of election must ensure that the laws relating and governing elections must be fully implemented. In a related development, and within the same framework of the country, every party, candidate, voter and other participant in the electoral process is treated in a way that is fair and just, considering all circumstances.



4.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- analyse, from a comparative perspective, separate issues related to legal and Administrative Regulations
- discuss issues that are fundamental for any election which aspire to be free and fair
- promote better understanding of what an electoral legal framework is and can aspire to be
- evaluate how electoral legal framework can be reformed and improved



4.3 Electoral Integrity

4.3.1 Determining Election Credibility

The success of an election depends on the extent to which it is accepted as credible. The integrity of the administration of an election is one of the most vital factors on which the overall credibility and acceptability of the election depends. The public will measure the credibility and acceptability of an election on the basis of both the actual integrity of its administration, and the appearance of integrity of the election process.

To ensure both the appearance and the actual integrity of the electoral process, election administration must conform to the following fundamental ethical principles published by the International Institute for Democracy and Electoral Assistance (Int. IDEA).

4.3.2 Fundamental Ethical Principles of Election Administration

Non-partisan and Neutrality or Impartiality

Public trust is key to the success of an election. If participants in the election process are not able to trust that election officials and the administration will carry out their functions in a politically neutral or impartial manner; or are perceived to have any interest in a particular political party or candidate, the public rating or credibility of the election process will be so seriously compromised that it will be difficult to restore faith in the process and have an acceptable or credible election. Election administration must therefore perform all their tasks in a manner that is strictly non-partisan, impartial or politically neutral.

Respect for the law

Election administrators must demonstrate respect for the law. They must comply with the laws of the country and ensure that elections are conducted in accordance with the law, the rules and regulations. They must also ensure that election laws are implemented in an impartial and equitable manner and that all parties, candidates, voters and other participants in the election process are treated in a way that is fair and just.

Transparency and Openness

The electoral process is supposed to be undertaken in a transparent and open manner. Participants in an election are likely to accept the decision of an election official if they know the basis for the decision and can satisfy themselves that the decision was made appropriately. Election officials should therefore take time and care to explain things especially in times of controversy. Election administration should consult with stakeholders on a regular basis.

Credibility and Accuracy

Election administrators must perform every task on the basis of the highest standards of accuracy. Mistakes or errors should be avoided as much as possible. Inaccurate or unreliable information can undermine public confidence in the election administrators' decisions and competence. Election officials must avoid being seen with people or in situations that cause their impartiality to be in doubt. They must avoid the appearance of impropriety.

Respect for Secrecy for the Ballot

Secrecy of the ballot is one of the fundamental elements of free and fair elections. Election administrators particularly poll officials must observe the requirements for secrecy of the ballot. They must therefore ensure that voters are able to cast their votes freely without fear or intimidation and in secret.

Service to voters

Voters are the primary and ultimate target of the services rendered by election administration. Election administration must therefore be designed to serve voters. Within the legal framework, election administration must make it as convenient as possible for voters to participate in the process and ensure that voters adequately understand the election process.

Self-Assessment Exercises 1

1. Mention five (5) fundamental ethical principles of election administration
2. Explain service as an ethical principle of election administration

4.4 Rights and Responsibilities of Party Agents and Other Stakeholders

4.4.1 Rights and Responsibilities of Party Polling Agents

Polling Agents are representatives of Political Parties and Candidates appointed by the political parties or candidates to oversee their interests at specific polling stations during elections. Polling agents together with election officials form a team charged with the responsibility to ensure that the elections are conducted in strict adherence to the rules and regulations.

Polling agents are expected to arrive at the polling stations in time to observe the pre-poll arrangements; and like other voters, they have the right to be registered as voters and to vote undisturbed. Section 50 of the Electoral Act empowers them to check underage voting and impersonation. They also have the right to check double or multiple voting; and call the attention of the presiding officer to any other irregularity. They are free to closely observe the ballot count and ensure that each ballot is counted in favour of the party or candidate for whom it was cast; and where they are not satisfied, Section 55 of the Act entitles them to demand for a recount but only once. Polling agents are also empowered to countersign the election result form at the polling station if they agree with the entry after the presiding officer has entered the results and signed the form (Section 52 (2) of the Act). Failure or refusal of a polling agent to sign a result form however will not invalidate the results of the poll. They are also entitled to a copy of the completed and endorsed election result form from the presiding officer (Section 54 (3) of the Electoral Act).

Political Parties and Candidates may as well appoint their representatives at collation centres. These Party or Candidate Agents ensure that the tabulation and summation (i.e. collation) and declaration of election results are done in accordance with the rules and regulations and without fraud. They are also entitled to countersign the collated result forms with the Collation/Returning Officers for all levels of collation and collect a copy of each form (Section 65 of the Act). They are however not empowered to countersign election result Declaration form.

Polling or Party Agents have the responsibility or obligation to: be properly accredited to a particular polling station or collation centre by their parties; not to interfere or take part in the actual administration of the election; not wear or display the symbol of any political party or candidate during the election at the polling station or collation centre; not confront or assist any voter in the polling station — any objection should be made through the presiding officer; and comply with any lawful directive issued by or under the authority of the INEC.

Self-Assessment Exercises 2

1. Who are party polling agents?
2. What useful duties party polling agents perform in an election?

4.4.2 Rights and Responsibilities of Security Agents

The electoral process and indeed elections must be secured, especially in the wake of the attitudes of our people and the prevailing circumstances of our environment in this Country. It is thus imperative to engage and deploy police men and other security agents to polling stations, collation centres and the Commission's offices nationwide during elections and even after elections to provide security and maintain law and order; and to escort or guard election materials where necessary.

Security agents as citizens of the Country, have the right to be registered as voters and to vote unhindered and their votes accorded equivalent weight to the votes of others. Section 50 of the Electoral Act 2002 empowers them to check underage voting and impersonation at the polling station. They are to take all necessary measures to prevent violence or any threat to disrupt the elections and as poll orderlies, prevent entry of persons into the polling station after the close of poll.

Security agents are under obligation during elections: not to take part in the actual administration of the elections: not to take part in the counting of votes; not to harass or intimidate any voter or candidate: not to assist any voter to vote or do anything that suggests that they favour a particular party or candidate: to comply with any lawful instruction or directive issued by the presiding officer, returning officer or under the authority of the INEC including the arrest of persons.

Self-Assessment Exercises 3

1. Account for the heavy presence of security agents around voting areas during elections
2. Election observation is a demonstration of the transparency and openness of the election process.

4.4.3 Rights and Responsibilities of Election Observers

Election observation is a demonstration of the transparency and openness of the election process. It serves to confer credibility on the process and enhance the acceptability of the results. Election Observers who are citizens of the Country have the right to be registered as voters and to vote unrestricted and their votes accorded equal weight as others. All election observers have the right of access to the polling stations and collation centres to observe the proceedings and to call the attention of the presiding officer or returning officer to any irregularity.

The Election Authority must duly accredit election observers before they can officially participate in the election process. Election observers must not take part in the actual administration of the elections. However they must comply with any lawful directive issued by or under the authority of the INEC.

**4.5 Summary**

Focusing on the ethical principles of election administration entails an outright conceptualization of the integrity of an election and by extension, the credibility of the processes. The unit discussed the all important ethical principles and their applications to election administration. The rights and responsibilities of critical stakeholders and party agents are elaborately discussed in this unit. A good understanding of the presentations in this unit will go a long way in preserving the sanctity of an election administration.



4.6 References/Further Reading/Web Resources

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4.7 Possible Answers To Self-Assessment Exercises

Answer to SAEs 1

1. *Mention five (5) fundamental ethical principles of election administration*
 - a. The principle of neutrality
 - b. Respect for the law
 - c. Transparency and openness
 - d. Credibility and Accuracy
 - e. Respect for the secrecy of the Ballot
2. *Explain service as an ethical principle of election administration*
 - a. Service is one of the ethical principle of election administration
 - b. The ultimate targets of the services rendered by election administration are voters
 - c. Election administration must therefore be designed to serve voter
 - d. Election administration must make it convenient for voters to participate in the process
 - e. The design of election administration must be simple and easy to understand by participants

Answer to SAEs 2

1. *Who are party polling agents?*
 - a. Party polling agents are representative of political parties in a particular polling station
 - b. They are also representative of the party's candidates
 - c. They are usually appointed by political parties
 - d. They are to oversee the interest of the party and its candidates at specific polling stations during elections.
 - e. Polling agents combine together with election officials to form a team charged with the responsibility of conducting election with strict compliance to the rules and regulations of the electoral law.
2. *What useful duties party polling agents perform in an election?*
 - a. It is the duty of a polling agent as a representative of the political party and candidates to team up with the election officials to work to administer elections
 - b. It is their duty to see that electoral laws are complied with
 - c. It is their duty to arrive at the polling station on time
 - d. They must observe the pre-polling arrangement

- e. They can also vote in that election provided they are registered
- f. They are to check underage voting and impersonation
- g. To check multiple voting by drawing the attention of the presiding official
- h. The law empowers them to counter sign election results.

Answer to SAEs 3

1. *Account for the heavy presence of security agents around voting areas during elections*

- a. The electoral process and indeed, elections must be secured
- b. It is imperative to deploy security during elections to polling stations, collating centres and all election voting areas.
- c. The heavy presence of security agents is to provide security
- d. They are to maintain law and order
- e. They are to protect the ballot box against thurgery
- f. They are meant to secure the election team
- g. They are however, under obligation not to harass, intimidate and must not favour any political party.

2. *Election observation is a demonstration of the transparency and openness of the election process. Discuss*

- a. Election observation serves to confer credibility on the process
- b. It enhances the acceptability of the results
- c. Observers have access to all polling stations as well as all collating centres to observe the proceedings of election
- d. Observers point out irregularity, and non-conformity to the electoral laws appropriately
- e. They are under obligation to comply with lawful directive issued by or under the authority of the electoral umpire.

Unit 5 Election Logistics

Unit Structure

- 5.1 Introduction
- 5.2 Intended Learning Outcomes
- 5.3 The Elements of Logistics
 - 5.3.1 The Origin of the Concept
- 5.4 Areas where Logistics May Be Deployed
 - 5.4.1 Staff Support
 - 5.4.2 Communications
 - 5.4.3 Party and Candidates Agents
 - 5.4.4 Observers
- 5.5 Logistic Planning
 - 5.5.1 Relevance of Logistics Planning to Electoral Success
 - 5.5.2 Calculation of Materials
- 5.6 Procurement and Distribution of Materials
 - 5.6.1 Ensuring Uniformity and Security of Sensitive Election Materials
 - 5.6.2 Distribution
- 5.7 Summary
- 5.8 References/Further Reading/Web Resources
- 5.9 Possible Answers to Self-Assessment Exercise(s)



5.1 Introduction

Logistics has been variously described as the engine electoral activities. This may not be unconnected with the prevailing logistics requirement in virtually all sections of administration of the electoral process. An election can hardly hold without materials.

Logistics planning therefore, is the essential support functioning for ensuring that equipment, staff, and communications methods are in place in time for successful conduct of voting, logistics planning has to be flexible and thorough in its consideration of possible contingency arrangements. Logistics has to ensure delivery from supplies to meet an election calendar that stipulates unalterable dates.



5.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- discuss the elements of logistics
- analyze needs for an electoral activity

- evaluate the procurement and distributions of materials



5.3 The Elements of Logistics

5.3.1 The Origin of the Concept of Logistic

The concept of logistics has its root in military references. It was used to describe planning and executing. The details of military operations. Logistics refers to and involves procurement, storage or distribution, trailing and retrieval or recovery of materials or supplies. It also involves deployment and movement of men (personnel), and the establishment of communication as well as the provision of security in addition to inter-agency support and cooperation.

The elements of logistics touch on almost all aspects of elections from the planning stages to the actual conduct of elections and the recovery and storage of materials thereafter. And owing to the magnitude of the financial costs and the intricacies of providing the services involved, logistics support is often sourced from various quarters such as the election management body, rentals from service providers, government and other government agencies including the military and donor agencies at both local and international levels.

5.4 Areas Where Logistics May Be Deployed

5.4.1 Staff Support

Transportation may be required for voting station officials to attend and return from their voting stations. These may be officials who need to be mobile due to the nature of their duties, such as those assigned to mobile voting stations or as assistant voting station supervisors. They may be staff from normal voting station who, due to the unavailability of other reliable transportation services, considerations of personal safety or veroteness of their assigned station, will not otherwise be able to attend to their duties.

Self-Assessment Exercises 1

1. Logistics is the engine of electoral activities. Discuss
2. Logistics involves many activities. Highlight the major ones.

5.4.2 Communications

The extent and intensity of communication during election period requires that a thorough assessment be made of communication needs.

Apart from the heightened flow of information within the electoral management body's offices and the need to provide facilities for communication with voters, political parties, security forces, and other governmental agencies, there will be a large number of dispersed voting sites that will need to be in communication with electoral district managers offices.

Effective communications methods for these voting station will need to take account of voting station's communications requirements. These include areas such as security, procedural process of progress reporting and counting centres. This will be effectively managed vis-à-vis the available communications infrastructure.

5.4.3 Party and Candidate Agents

The electoral management body may be required to assist parties and candidates in logistics of deploying their representatives. This may require providing lists of voting stations to the parties and candidates as well as the routes of mobile voting stations and the departing times of electoral officials who are conducting special votes away from voting.

Self-Assessment Exercises 2

1. Identify the necessary areas where election logistics may be deployed
2. Why is communication necessary and so important to the success of an election?

5.4.4 Observers

Independent observers, particularly if they are participating in international observers mission in a country with which they are not familiar, will require carefully planned logistical support.

5.5 Logistics Planning

5.5.1 Relevance of Logistics Planning to Electoral Success

Logistics planning is central and key to the success of an electoral event. It involves understanding the environment and the local conditions in which the electoral activity is to take place. That is, the terrain whether urban, rural, literate or illiterate communities. Logistics planning also involves gathering adequate data or statistics on the activity and identifying the distinct tasks of the activity.

Another major involvement of logistics planning is assessing the logistics needs to achieve success in each task, determining the number of personnel to be used, specifying and calculating the quantities of

materials required and deciding the means of movement or transaction. In seeking to achieve the above however, there is need to ascertain timelines considering the fact that everything may not be needed at once. The main objective of logistics planning however, is to deliver supplies for an electoral activity on schedule in the shortest time and at the least cost possible. This translated to mean, the quickest and cost effective delivery of material and personnel to their duty posts during elections.

5.5.2 Calculation of Materials

In logistics planning, calculation of materials needed for an election must be done accurately on unit or polling station basis both for procurement and distribution. The calculations can be put together on registration area (RA), or constituency basis, then on state basis and nationwide. Wastages must be avoided. Procurements of consumables such as ballot papers and forms should include extras to avoid shortage. In distribution to polling stations however, extras or contingencies on consumables are not advisable.

Self-Assessment Exercises 3

1. In an election, why must logistics be planned?
2. Should contingencies on sensitive election materials be allowed?

5.6 Procurement and Distribution of Materials

5.6.1 Ensuring Uniformity and Security of Sensitive Election Materials

After specifications have been determined and producers and suppliers identified, sensitive election material such as ballot papers and result forms, which have security implications, are usually centrally produced by the headquarters of the electoral commission. This is to ensure security and uniformity of quality. The procurement of non-sensitive materials, which do not have any security implication, may be decentralized to the states or required offices.

5.6.2 Distribution

Distribution usually proceeds in a clon-like manner from the headquarters to the states or regional offices. It is from the states or regional offices that materials will be distributed to the local government areas/constituencies, then into the registration areas/wards and finally to the polling stations.

Effective distribution of materials and equipment requires:

- Detailed planning of delivery and retrieval schedules, methods of transportation to be used and shipping routes
- Efficient means of splitting bulk deliveries of supplies into separate shipments for each voting location, avoiding wastage, yet ensuring that all voting stations have sufficient supplies to serve the voters.
- Adequate security for specific environment
- Storage appropriate for maintaining stocks for election materials and equipment in good condition
- Comprehensive tracking of the movements of all election materials and equipments as they go through the distribution and return chain.

Accountability and probity considerations, as well as operational needs must be considered and the state readiness for voting, and later of the successful retrieval of supplies, are served by carefully tracking all slipping and distribution of supplies.



5.7 Summary

Establishment and well planned election logistics has provided succor for good election administration. With effective election logistics planning and distribution, and with security in place to monitor these distributions, great electoral outing with good successes are guaranteed. This unit dealt with elements of logistics, logistics planning, procurement and distribution of materials during elections.



5.8 References/Further Reading/Web Resources

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- Andel, T. (1995). There's power in numbers. *Transportation and Distribution*, 36(8), 67-68.



5.8 Possible Answers To Self-Assessment Exercise((S)

Answers to SAEs 1

1. *Logistics is the engine of electoral activities. Discuss*
 - a. To prosecute election successfully, it requires huge material as well as personnel
 - b. These materials and human capacity added together are what is known as logistics
 - c. They provide support for the successful administration of an election
 - d. Logistics must have consideration for a short time delivery in order to meet up the election calendar
 - e. Without logistics, election cannot hold.
2. *Logistics involves many activities. Highlight the major ones.*
 - a. Procurement of materials
 - b. Storage of material
 - c. Distribution of materials
 - d. Trailing and retrieval of materials
 - e. Deployment and movement of men (personnel)
 - f. Establishment of communication
 - g. Provision of security
 - h. Inter-agency support cooperation

Answers SAEs 2

1. *Identify the necessary areas where election logistics may be deployed*
 - a. Staff support
 - b. Communication
 - c. Party and candidate agents
 - d. Observers
2. *Why is communication necessary and so important to the success of an election?*
 - a. During elections, a thorough assessment of areas where communication is needed must be made
 - b. Communication provides life and coverage for electoral activities
 - c. It provide illumination to the hidden activity going on and around the electoral process

- d. Communication provides a link between the party, voters and the security architect put in place during elections
- e. It also provides a link with electoral district managers
- f. Communication takes care of procedural advice
- g. Communication gives progress reporting of an election

Answers to SAEs 3

1. *In an election, why must logistics be planned?*
 - a. Logistics must be planned in order to understand the environment and the locality where electoral activity will take place
 - b. To understand the terrain in order to know how best materials can be deployed
 - c. Logistics planning helps in gathering adequate data and statistics to know the district requirement of a place because a place could be literate or illiterate
 - d. The need for logistics planning arises from the need to be adequate about the calculation of election materials
 - e. To enable the number of personnel required. All of these are the functions of logistics planning.
2. *Should contingencies on sensitive election materials be allowed?*
 - a. Sensitive elections materials are consumables like ballot papers, the various forms used to enter results and collate proceedings during election
 - b. All of these have security implications
 - c. If they sneak out to wrong hands, they could be used to falsify election results
 - d. If ballot papers sneak out, it can bring about over voting or serial voting
 - e. This may infiltrated and trigger up series legal battles following declaration of election results
 - f. A situation of contingency is when extras are provided to voting venues. If any extra gets to the voting venue, the electoral team may trade with them. It is not healthy to good election administration
 - g. Sensitive materials have security implications. Allowing contingencies on sensitive materials may undermine the security arrangement and this could impact on the electoral outcome.

MODULE 4 UNDERSTANDING ELECTION MONITORING

- Unit 1 The History And Politics of Election Monitoring
- Unit 2 Why Monitoring Election?
- Unit3 Who Monitors Elections?
- Unit 4 Media and Election Monitoring
- Unit 5 Election Monitoring and Technology

Unit 1 The History And Politics Of Election Monitoring

Unit Structure

- 1.1 Introduction
- 1.2 Intended Learning Outcomes
- 1.3 History of Election Monitoring
 - 1.3.1 First Monitored Election
 - 1.3.2 The Art of Election Monitoring
- 1.4 The Principle of Election Monitoring
 - 1.4.1 The Declaration
 - 1.4.2 Achieving Democratic Elections
- 1.5 The Politics of Election Monitoring
 - 1.5.1 The principle of impartiality
 - 1.5.2 The Principle of Transparency
 - 1.5.3 Conditions under Which an International Election Observer Mission May Conduct its Affairs
- 1.6 Summary
- 1.7 References/Further Readings/Web Resources
- 1.8 Possible Answers to Self-Assessment Exercise(s)



1.1 Introduction

Election monitoring involves the observation of an election by one or more independent parties. It is the act of overseeing the electoral process in order to ensure that the election is held in strict compliance with the electoral laws. The monitors are typically from another country or from a non-governmental parties aim principally to assess the conduct of an election process in the basis of national legislation and in conformity with international election standards.

Usually, there are national and international election monitors. Monitors do not directly prevent electoral fraud, but rather record and report instances of suspicious practices. Election monitoring increasingly looks at the entire process over a long period of time, rather than election-day proceedings only. The legitimacy of an election can be affected by the

criticism of monitors, unless they are themselves seen as biased. A notable individual is often appointed honorary leader of a monitoring organization in an effort to enhance legitimacy of the monitoring process.



1.2 Intended Learning Outcomes

By the end of this unit, you will be able to

- define election monitoring
- discuss election observation
- understand who monitors?
- evaluate the contributions of technology to election monitoring



1.3 History of Election Monitoring

1.3.1 First Monitored Election

The first monitored election was that of an 1857 plesicite in Moldavia and Wallachia (present day Romania). This plesicite was monitored by most of the major European powers. Election monitoring was uncommon until after World War II. During the 1960s less than 10% of elections were monitored.

However, election monitoring activities have expanded significantly following the end of the Cold War, the development of international standards on the conduct of democratic elections and the process of monitoring elections by both international and domestic observing organizations have combined to greatly increase the pace of election monitoring. Consequently, by the 2005, about 80% of all elections were monitored (Hyde et al; 2014).

1.3.2 The Art of Election Monitoring

Monitoring of elections in Nigeria and other developing countries has become a well-accepted feature in attempting to put a stamp of credibility on the elections of such emerging and fragile democracies. These monitors are in general both local and foreign. Typically, these observers fan across the nation before, during and after polling, observing the creation of polling stations, the accreditation of registered voters, the poll themselves and the counting at the polling level, monitoring the collation of the results at ward and local government area centres, each using its own method.

To be sure, in the 1999 Nigerian elections, the electoral commission (EMB), used 111,430 polling stations nationwide, while the number of wards in the 774 local councils was 8,692. These numbers are essentially the same with a slight difference with the creation of “baby voting units”. The number of polling units as at the 2019 elections is 120,000. For those elections, there were over 12,000 each monitors in Nigeria, particularly during presidential elections. Of these 12,000 monitors, only about 2,000 of them were foreign.

The main local one was the Transition Monitoring Group (TMG), a coalition of about 70 human rights and civil liberty (NGOs). the foreign ones included the European Union, EU (100 observers). commonwealth Observer Group, COG (23 Observers); the Carter Centre in collaboration with the National Democratic Institute for International Affairs, NDI, based in Washington, DC, had president Jimmy Carter and General Colin Powell in its large size delegations; the International Rights Watch, HRN, as well as other observers groups from Carala, Norway and some African countries.

1.4 The Principles Of Election Monitoring

1.4.1 The Declaration

The declaration of principles of international election observation and the code of conduct for International Election observers establish the basis for credible international election observation. The Declaration was developed through a multi-year process involving more than 20 intergovernmental and international non-governmental organizations concerned with election observation around the world. The declaration was communicated at the UN on October 27, 2005. The Declaration is now endorsed by 55 intergovernmental and international organizations, which are engaged in the process of improving international election observation.

Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country. The expression of this people will provide the basis for the authority and legitimacy of government. The right of citizens to vote and to be elected at periodic, genuine democratic elections are internally recognized human rights. Genuine democratic elections serve to resolve peacefully, the competition of political power within a country and thus, are central to the maintenance of peace and stability. Where governments are legitimized through genuine democratic elections, the scope for non-democratic challenges to power is reduced.

Self-Assessment Exercises 1

1. Election monitoring involves what?
2. What are the main contents of the UN October 27, 2005 declaration code of conduct for election monitoring?

Genuine democratic elections are a requisite condition for democratic governance, because they are the vehicle through which the people of a country freely express their will, on a basis established by law. The freely expressed will give legitimacy and backing to the people who shall govern and in their names and in their interests. Achieving democratic elections is a part of establishing broader processes and institutions of democratic governance. Therefore, while all elections processes should reflect universal principles for genuine democratic elections, no election can be separated from the political, cultural and historical context in which it takes place.

1.4.2 Achieving Democratic Election

Genuine democratic elections cannot be achieved unless a wide range of other human rights and fundamental freedoms can be exercised on an ongoing basis. The basis must be without discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property birth or other status including among others, disabilities, and without arbitrary and unreasonable restrictions. They like other human rights and democracy more broadly, cannot be achieved without the protections of the rule of law.

These precepts are recognized by human rights and other international instruments and by the documents of numerous intergovernmental organizations. Achieving genuine democratic elections therefore, has become a matter of concern for international organizations, just as it is the concern of national institutions; political competitions, citizens and their civic organizations.

1.5 The Politics of Election Monitoring**1.5.1 The Principle of Impartiality**

International election observation expresses the interest of the international community in the achievement of democratic elections, as part of democratic development, including respect for human rights and the rule of law. International election observation, which focuses on civil and political rights, is part of international human rights monitoring. It must be conducted on the basis of the highest standards for impartiality concerning national political competitions. It must be

free from any bilateral or multilateral considerations that could conflict with impartiality. It assesses election processes in accordance with international principles for genuine democratic elections and domestic law. International election observation must recognize that it is the people of a country that ultimately determine credibility and legitimacy of an electoral process.

International election observation therefore, has the potential to enhance the integrity of election process. This is achieved by determining and exposing in regularities and fraud, and by providing recommendations for improving electoral processes. It can promote public confidence, as warranted, promote electoral participation and mitigate the potential for election-related conflict. It also serves to enhance international understanding through the sharing of experiences and information about domestic development.

Self-Assessment Exercises 2

1. Under what conditions can genuine democratic election be achieved?
2. Account for the main argument under the politics of international election observation?

International election has become widely accepted around the world and plays an important role in providing accurate and impartial assessment about the nature of electoral processes. Accurate and impartial international election observation requires credible methodologies and consideration with national authorities, the national political competitors (political parties, candidates and supporters of positions in referenda), domestic elections monitoring organizations and other credible international election observers organization, among others.

1.5.2 The Principle of Transparency

International election observation is conducted for the benefit of the people of the country holding the elections and for the benefit of the international community. It is a process oriented, not concerned with any particular electoral result, and is concerned with result only to the degree that they are reported honestly and accurately in a transparent and timely manner. No one should be allowed to be a members of an international election observer mission unless the person is free from any political, economic or other conflicts of interest that would interfere with conducting observations accurately and impartially and/or drawing conclusions about the character of the election process accurately and impartially. These criteria must be met effectively over extended period by long-term observers, as well as during the more limited period of election day observation.

International election observation missions should not accept funding or infrastructural support from the government whose elections are being observed. This may raise a significant conflict of interest and undermine confidence in the integrity of the mission findings. International election observation delegations should be prepared to disclose the sources of their funding upon appropriate and reasonable requests. Wherefore is done within this cycle must be transparently done to guarantee the integrity of the process.

Self-Assessment Exercises 3

1. State three conditions under which the international election observation mission must conduct its affairs.
2. The movement of members of the international election observation mission on Election Day is restricted to certain areas of the country where election is holding. Discuss.

1.5.3 Conditions Under Which An International Election Observer Mission May Conduct its Affairs

In order for an International election observation mission to effectively and credibly conduct its work, some basic conditions must be met. An international mission therefore should not be organized unless the country holding elections takes the following actions:

- Issues an invitation or otherwise indicates its willingness to accept international election observation missions in accordance with each organization's requirements sufficiently in advance of elections to allow analysis of all the processes that are important to organizing genuine democratic elections
- Guarantees unimpeded access of the international election observation mission to all stages of the election process and all election technologies, including electronic and the certification processes for electronic voting and other technologies, without requiring election observation missions to enter into confidentiality or other nondisclosure agreements concerning technologies or election processes, and recognizes that international election observation missions may not certify technologies as acceptable.
- Guarantees unimpeded access to all persons concerned with election processes, including electoral officials at all levels, upon reasonable requests;
- Members of legislative bodies and government and security officials whose functions are relevant to organizing genuine democratic elections;

- All of the political parties, organizations and persons that have sought to compete in elections (including those that qualified, those that were disqualified, those that withdraw from participating) and those that abstained from participating;
- News media personnel
- All organizations and person that are interested in achieving genuine democratic elections in the country
- Guarantees freedom of movement around the country for all members of the international election observation mission
- Guarantees the international election observation missions freedom to issue without interference, public statements and reports concerning its findings and recommendations about related processes and development
- Guarantees that no governmental, security or electoral authority will interfere in the selection of individual observers or other members of the international election observation mission or attempt to limit members
- Guarantees full, country wide accreditation (that is, the issuing of any identification or document required to conduct election observation, for all persons selected to be observers or other participants by the international election observation mission as long as the mission complies with clearly defined, reasonable and non-discriminatory requirements for accreditation.
- Guarantees that no governmental, security or electoral authority will interfere in the activities of the international election mission
- Guarantees that no governmental authority will pressure, threaten action against or take any reprisal against any national or foreign citizen who works for, assists or provides information to the international election observation mission in accordance with international principles for election observation



1.6 Summary

The Declaration of Global Principles for Nonpartisan Election Monitoring and Observation sets standards for self awareness and accountability among nonpartisan election monitoring organizations. The Declaration of Global Principles sets forth the basis and rationale for citizens action to monitor and promote the integrity of elections. It defines the activities and delineate ethical obligations concerning impartiality, independence, accuracy, transparency, nondiscrimination, respect for the rule of law and cooperation with other electoral stakeholders and international election observers. This unit dealt with understanding election monitoring.



1.7 References/Further Reading/Web Resources

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1.8 Possible Answers to Self-Assessment Exercise(s)

Answers to SAEs 1

1. *Election monitoring involves what?*
 - a. Observation of an election
 - b. It is by one or more independent parties
 - c. It is an act of overseeing the electoral process
 - d. It is to make sure that the elections is held in strict compliance with national and electoral laws
 - e. The monitors are typically from another country
 - f. Some are from non-governmental organizations
 - g. Election monitoring is not limited to election day
2. *What are the main contents of the UN October 27, 2005 declaration code of conduct for election monitoring?*
 - a. The code of conduct established the basis for credible international election observation
 - b. The expression of the people will provide the basis for the authority and legitimacy of government
 - c. The right of people to vote is guaranteed
 - d. The people also reserve the right to be voted for
 - e. Election monitoring provides a leadway to peace and stability

Answers to SAEs 2

1. *Under what conditions can genuine democratic election be achieved?*
 - a. Under a wide range of other human rights and fundamental freedoms on an ongoing basis. The basis are: Without discrimination to (i) Race (ii) Colour (iii) Sex (iv) Language (v) Religion (vi) Political opinion (vii) National or social origin (viii) Property birth (ix) Other status
Where there is absence of the rule of law
 - b. It has become a matter of serious concern to the international community and intergovernmental organizations
 - c. It is contained in the October 27, 2005 UN declaration

2. *Account for the main argument under the politics of international election observation?*
 - a. The politics of international election observation has two main arguments. That at the international level of observation, the observation must be conducted based on the principle of impartiality
 - b. The conduct of international election observation must be conducted on the basis of highest standards for impartiality concerning neutral political competitors
 - c. It must be free from any bilateral and multilateral considerations that could conflict with impartiality
 - d. It must recognize that credibility and legitimacy of the electoral process rests ultimately with the people
 - e. International observation must have potential to enhance election integrity
 - f. Member of international election observation mission must be free from political and economic and other conflict of interests. They must serve transparently
 - g. Observations must be reported accurately devoid of political inclinations
 - h. The observer mission must not accept funding or other infrastructural support from the government whose elections is being observed. This is to avoid unnecessary political influence on their observation mission.

Answers to SAEs 3

1. *State three conditions under which the international election observation mission must conduct its affairs.*
 - a. The country holding elections must be willing to accept international election observation mission
 - b. The country must guarantee unimpeded access of the international election observation mission to all stages of the election
 - c. The country holding election must guarantee the international election observation mission unimpeded access to all persons, including all officials at all levels, upon reasonable requests.
2. *The movement of members of the international election observation mission on Election Day is restricted to certain areas of the country where election is holding. Discuss.*
 - a. International election observation have come to monitor elections where elections are holding

- b. They monitor according to international laws governing their operations
- c. They monitor according to the electoral laws of the country where election is holding
- d. The aim of monitoring is to ensure the integrity of the electoral process
- e. On elections day therefore, members of international election observation mission are guaranteed full, unrestricted movement to all the corners of the country where elections is holding. The country holding election guarantees full, country wide accreditation. This includes the issuing of any identification or document required to conduct election observation. There is no restriction of movement whatsoever, in so much that the mission complies with clearly defined, reasonable and non-discriminatory requirements for accreditation.

Unit 2 Why Monitoring Elections?

Unit Structure

- 2.1 Introduction
- 2.2 Intended Learning Outcomes
- 2.3 Importance of Election Monitoring
 - 2.3.1 Contribution to Peace-Building
 - 2.3.2 Contribution to Participation
- 2.4 Monitoring Timing
 - 2.4.1 When to Monitor
 - 2.4.2 Composition of Monitoring Team
 - 2.4.3 Function of Monitoring Team
- 2.5 Election Monitoring Promoter Democracy
 - 2.5.1 Election Monitoring and Democracy Progress
 - 2.5.2 Election Monitoring - A Powerful Tool
- 2.6 Summary
- 2.7 References/Further Reading/Web Resources
- 2.8 Possible Answers to Self-Assessment Exercise(s)



2.1 Introduction

Election monitoring is a valuable tool for improving the quality of elections. Monitors help build public confidence in the honesty of electoral processes. Monitoring can help promote and protect the civil and political rights of participants in an election. It can lead to correction of errors or weak practices, it can deter manipulation and fraud, or expose such problems if they occur.

As election monitors issue positive reports, such reports build trust in the democratic process and enhance the legitimacy of the governments that emerge from that elections. Election monitoring by domestic groups encourages civil involvement in the political process. Adopting reports and recommendations from election monitoring groups can lead to changes and improvements in national law and international best practices.



2.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- discuss why elections are monitored
- discuss the composition and fractions of the Election Monitoring Team
- evaluate the contribution of election Monitoring to Democratic Progress
- analyze Election Monitoring as a Powerful Tool



2.3 Importance of Election Monitoring

2.3.1 Contribution of Peace Building

Election monitoring takes on heightened importance in post-conflict countries. This is as a result of the fact that groups that have been contesting on the battlefield may harbour string suspicions of the political system and the election process. In such cases, election monitoring makes an important contribution to peace building. This is more so, since creating confidence in elections can help promote national reconciliation and sound democratic practices.

Election monitoring by the United Nations or other intergovernmental organizations can be especially helpful when domestic monitoring organizations do not have sufficient strength or resources to organize effective monitoring efforts. It is also helpful when the impartiality of domestic monitors is in question, as may often be the case in post-conflict countries or new democracies. However, international monitors are typically less knowledgeable about the country they are monitoring. In extra-ordinary circumstances, international monitors or supervisors in post-conflict countries may even be given the authority to certify or invalidate results. Generally however, monitors have no power to interfere in the election process, but may only monitor, assess and report.

2.3.2 Contribution to Participation

It is a fact that, carefully designed and conducted election monitoring can improve the implementation of the human rights of women and help to enhance their participation in electoral processes. Comprehensive election monitoring should include an assessment of how all elements of an election process affect the people. Targeted monitoring efforts can

focus specifically on aspects of women participation in elections. Since women should have the opportunity to participate in election monitoring, monitoring itself can serve to bring more women into the political process.

2.4 Monitoring Timing

2.4.1 When to Monitor?

Election can be enhanced by monitoring. Nonetheless, comprehensive monitoring is particularly helpful in countries where a significant proportion of the population may lack trust in the electoral system. Post conflict countries are among the best examples of this, but same may be true of countries holding their first democratic elections. Other countries that may have lost confidence in their electoral systems are, new democracies that have held very few elections, countries with weak human rights records, or countries with extremely strong executive powers and long-time rulers. It is however, a good practice for all countries to welcome international and domestic monitors.

In planning for election monitoring, it is important to remember that elections are a process, not a one day event. Comprehensive monitoring therefore requires careful look at the entire pre-election period and post-election developments. Such planning must also take cognizance of what happens on election day. However, election monitoring does not have to be comprehensive as it can also be designed to focus on specific region or on a particular aspect of an election. For example, election monitoring can be planned entirely around the question of women participation and how the various elements of the process affect women? Alternatively, it might focus on minority groups or displaced persons, or on particular thematic aspects of an election such as voter registration, media coverage or the accuracy of the vote tabulation.

Self-Assessment Exercises 1

1. Election monitoring is a valuable tool for improving the quality of elections. Discuss.
2. How does election monitoring help in peace building?

2.4.2 Composition of Monitoring Team

The moment a decision has been taken to monitor an election and clear objectives for the mission have set, appropriate personnel must be recruited to ensure mission goals are met. For comprehensive monitoring, this mean assembling a team that includes experts in election administration, law political affairs, human rights including women's rights, media statistics and logistics. In post-conflict countries,

it may be necessary for the monitoring team to have one or more security experts. Additional experts might be needed to deal with specific issues or problems such as minority groups, dispute resolutions and electronic voting.

It is stimulating and interesting for the mission team to include a gender expert who can focus exclusively on how election procedures will affect women's participation. In general, however, gender issues should be mainstreamed into the work of the monitoring team. All members of the team should participate in assessing how elections affect both men and women. Monitoring team, and particularly national team, should include equal numbers of men and women. All the monitoring team should be gender sensitive and should receive some basic training on how election procedures can affect men and women differently.

Self-Assessment Exercises 2

1. Election monitoring covers the pre, during and post election periods. For what reasons may the long-term monitors be replaced with short-term monitors?
2. Account for the functions of Election Monitoring Team

The composition of the core monitoring team may vary, depending on whether the monitoring is being organized by an international organization, a non-partisan domestic group, or a political party. Monitoring by any of these types of groups can be helpful in building confidence. However, election monitors from the United Nations or other international organizations will often be perceived as more impartial than domestic groups. Political party monitors will be perceived as the least impartial and objective monitors.

International monitoring teams usually keep themselves separate from domestic groups in order to preserve their image of impartiality. Notice must be taken of the fact that the credibility of their assessment and conclusions will depend to a very large extent, on whether they are perceived as neutral and impartial. At the same time however, there are advantages to a certain level of cooperation between international and domestic monitoring teams, and the very presence of international monitors can, in itself, be seen as supportive of the domestic monitoring process

2.4.3 Functions of Monitoring Team

Ideally, a monitoring team should start its work months before election day, receiving the legal framework, monitoring voter registration and candidate registration, evaluating the work of election management

bodies, assessing the political campaign, and following media coverage of the election. The group should monitor development around the country, not just in the capital city.

On election day, the long-term monitoring team should be supplemented by a large number of short-term monitors whose task is to follow up on development at polling stations and monitor the vote count. Domestic monitoring teams are always better able than international monitor to organize such large missions. When it is not possible to cover all or most of the polling stations, a representative sample should be monitored, including urban and rural polling stations in all parts of the country. The larger the sample, the more accurate the results, provided the sample is truly representative. Monitoring of several hundred representative polling stations can produce an excellent statistical sample.

Polling station monitors should be trained on what to look out for and asked to fill out standard forms or checklists that can be used to assess national trends. Some domestic monitoring teams success organizing parallel vote tabulations, sometimes called “quick counts”, on election night. This is a process through which monitors report actual polling station results to a central point where they are tabulated. If the process is properly organized, it can provide valuable means of checking whether the officially announced results accurately reflect what happened at the polling stations.

At the end of the monitoring process, the monitoring team should issue a report conveying its findings and assessments of the election process. It is particularly important to assess whether an election was held in accordance with domestic law and with international standards for democratic elections. Monitoring reports should highlight any weakness in the election process and should provide recommendations for improvement.

2.5 Election Monitoring Promotes Democracy

2.5.1 Election Monitoring and Democratic Progress

Election monitoring defends and promotes a broad range of electoral related rights. It is based on the right to participate in government and public affairs, which is integral to the right to genuine elections. Election monitors not only shine a light on fraud and lesser electoral deficiencies or deter fraud and abuse, they also offer recommendations, where appropriate, on how to improve elections and broader political processes.

In all these senses, election monitoring both international, and more so, domestic contributions to democratic progress international election observers often can help domestic actors to improve processes by offering recommendations based on international principles and comparative practices for democratic elections. Follow up recommendations in pre and post-election periods is a challenge for international observation in terms of striking a proper balance between respect for sovereignty and rights promotion and defence. It also presents challenge in developing relationship with a range of domestic actors, who are ultimately the ones who promote reform and domestic progress. A third challenge for international observation is how to sustain long-term engagements to monitor follow up.

The relationship between election monitoring and promoting democratic progress is much stronger for domestic nonpartisan election monitors, genuine elections are a fundamental part of democracy, but are only a part of it. Mobilizing thousands of citizens to participate in election monitoring builds broader civil society capacities to conduct government and political accountability efforts.

Advocacy for genuine elections frequently leads to advocacy for public policy, how and regulatory improvements in the electoral arena. This is what build experience and skills that flows to other topics. There are scores of examples of this around the world. Where domestic election monitors have championed improvement in electoral frameworks, opened parliaments to citizen observation, to promote forums and other dialogue between citizens and elected officials.

These developments also have led to groups and group members taking up quality of life issues in economic, social and cultural areas that demonstrate benefits of domestic processes. Election monitoring is not a panacea for democratic progress or even for ensuring electoral integrity. It has however, contributed beyond elections though and promises to continue to do so. In countries where election monitoring becomes less than an urgent need, human rights and democracy activities can carry lessons to other important activities.

2.5.2 Election Monitoring as a Powerful Tool

Genuine democratic elections serve two fundamental and interrelated purposes in any country. They resolve peacefully the competition for political and governmental power. They also serve as the vehicle through which the people freely express their will as to who is to hold the authority and legitimacy to govern. Election monitoring, when done properly, can contribute to each of these purposes by promoting electoral integrity and the warranted degree of public confidence in the electoral process. Election monitoring can also expose violations of

election-related rights. The violations of these election related rights can subvert electoral integrity and deny legitimacy to those who falsely claim electoral victory. That is why election monitoring, when done properly, is a powerful tool.

It must be noted that, nonpartisan election monitoring is carried out by domestic election monitors. These monitors are active in the thousands and tens-of thousands in over 80 countries around the globe, as well as by international election observers. These citizens are “watchdogs” that promote governmental and political accountability, encourage citizens to exercise broader civil and political rights. They also advocate for electoral reforms and other types of democratic progress. Such election monitors fall among the ranks of human rights defenders.

Self-Assessment Exercises 3

1. Election monitoring depends and promotes a broad range of electoral - related rights. Identify these rights.
2. What is comprehensive election monitoring planning? What are deviations or exemptions from the rules of comprehensive election monitoring planning?

The findings and recommendations of election monitors, domestic and international, can therefore touch on a wide range of institutions and processes in a country. If acted upon in good faith, the findings and recommendations can have significant positive impact on promoting democratic progress, the rule of law and human rights. It can also help citizens increase their participation in government and public affairs. This in turn, can result in more responsive and open governance. Where good faith is lacking, election monitoring can reveal democratic deficits.



2.6 Summary

This unit investigated the reasons behind election monitoring. In doing this, it examined the time to monitor, what to monitor and how to monitor. The unit took a look on how election monitoring promotes if women participation in the political process. The impact of election monitoring on promotion of democratic elections was clearly spelt out in the unit. The unit summarizes the election monitoring as a powerful tool that peacefully resolves competition for political or governmental power. A careful study of the unit will enable learners to understand why elections are monitored, will enable learners to discuss the composition and functions of Election Monitoring Team. The student will be able to evaluate the contributions of Election Monitoring be

Democratic progress as well as being able to analyze election as a powerful tool.



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2.8 Possible Answers to Self-Assessment Exercise(S)

Answers to SAEs 1

1. *Election monitoring is a valuable tool for improving the quality of elections. Discuss.*
 - a. Monitoring helps to build public confidence in the honesty of the electoral process
 - b. It helps to promote and protect civil and political rights of participants in an election
 - c. It leads to correct past mistakes and errors
 - d. Positive reports emanating from the monitors send signals of trust and legitimacy for the democratic processes
 - e. The presence of monitors deter manipulation and electoral fraud
 - f. Their presence exposes such problems as they occur
2. *How does election monitoring help in peace building?*
 - a. By promoting national reconciliation in post conflict situations
 - b. By promoting sound democratic practices
 - c. International monitoring groups replaces the domestic ones who may be financially weak to handle the monitoring activity properly
 - d. The international monitors restores confidence in the system wherever the impartiality of the domestic monitors is in question
 - e. In extra-ordinary situations, international monitors may be mandated to invalidate election, this can only be done with permission as international monitor is only to assess and report.

Answers to SAEs 2

1. *Election monitoring covers the pre, during and post election periods. For what reasons may the long-term monitors be replaced with short-term monitors?*
 - a. The long-term monitoring team must have stayed in the country where election is holding long before the election day. They stay to monitor the preparedness of the EMB vis-a-vis monitoring of voter registration, voter register, distribution of election materials and all of that
 - b. On election day, the long-term monitoring team should be supplemented by a large number of short-term monitors,
 - c. The short-term monitors have capacity to follow up on developments at polling stations

- d. They should monitor the vote count
- e. Domestic monitoring team are better for the job of short-term monitoring because of the considerably large size of the mission
- f. Where it is not possible to cover all the polling stations a representative sample shall be monitored. The larger the size of the representative sampling, the more accurate the report of the monitoring team

2. *Account for the functions of Election Monitoring Team*

Ideally, a monitoring team should start its work months before the election day. The functions of a monitoring team are as follows:

- ✓ Reviewing the legal framework
- ✓ Monitoring voter registration
- ✓ Evaluating the work and the preparedness of the EMBs
- ✓ Assessing political campaigns
- ✓ Following media coverage
- ✓ Monitor developments around the country
- ✓ Not restricting their monitoring to the city

Answers to SAEs 3

1. *Election monitoring depends and promotes a broad range of electoral - related rights. Identify these rights.*
 - a. The right to participate in government
 - b. The right to participate in public affairs
 - c. Rights to vote
 - d. Rights to be voted for
 - e. Freedom of association
 - f. Freedom of movement
2. *What is comprehensive election monitoring planning? What are deviations or exemptions from the rules of comprehensive election monitoring planning?*
 - a. Comprehensive election monitoring requires a careful look at the entire pre-election period and post election developments. The planning must take cognizance of what happens on election day.
 - b. The deviation from the comprehensive planning as explained above is when monitoring is designed to focus on specific region on a popular aspect of an election. For example, monitoring in an election could be designed to:

- i. Around the question of women participation and how the whole electoral process impact on women development.
- ii. The planning may focus on minority group or displaced persons, or on particular thematic aspects of an election as voter registration, media coverage or the accuracy of the vote tabulation. When election monitoring is designed or planned to focus on thematic issues of election this way, comprehensive monitoring plan may deviate from its focus on the entire process of covering activities on pre, during and post election activities. Therefore, there is a comprehensive election monitoring plan as well as thematic election monitoring planning designed to number an aspect of the election as exemplified above.

Unit 3 who monitors elections?

Unit Structure

- 3.1 Introduction
- 3.2 Intended Learning Outcomes
- 3.3 Importance of Election Monitoring
 - 3.3.1 Assists Democratic Consolidation
 - 3.3.2 Enhances Credibility
- 3.4 The Roaster of Election Monitors
 - 3.4.1 The Nigerian Angle
 - 3.4.2 The UN Technical Team
 - 3.4.3 Inter-Governmental Organization (IGOs)
 - 3.4.4 Domestic Non-Governmental Organizations (NGOs)
- 3.5 Problems Associated with Election Monitoring
 - 3.5.1 Lack of Language and Cultural Training
 - 3.5.2 Refusal of IGOs to Cooperate with NGOs
 - 3.5.3 Lack of Independence of IGOs
 - 3.5.4 Lack of NGOs' Independence
 - 3.5.5 Affiliation with Political Parties and Religious-Related Organization
- 3.6 Summary
- 3.7 References/Further Readings/Web Resources
- 3.8 Possible Answers to Self-Assessment Exercise(s)



3.1 Introduction

In all circumstance, and on a general note, democracy has been taken as the best political system. The moment a warring side ceases fire, democracy is seen as uniquely suited to provide a peaceful means of competition for power and influence. However, opting to go the electoral route is not without some risks. An important advantage can go to those who win foundational elections. The stakes may seem extremely high in future elections as well, providing strong incentive to opt for extra-legal means to ensure victory. It is these delicate situations that election monitors can play an important role



3.2 Intended Learning Outcomes

By the end of this unit, you will be able to

- discuss the importance of Election Monitoring
- analyze who serves as Electoral Monitor

- evaluate the problems associated with Election Monitoring



3.3 Importance of Election Monitoring

3.3.1 Assists Democratic Consolidation

Monitoring is important because, elections are the cornerstone of creating a democratic political system. As such, monitoring can assist democratic consolidation by installing domestic and international legitimacy. Peaceful elections may also promote reconciliation between former adversaries. Post-conflict societies, however, are often poorly equipped to conduct elections. Despite a formal ending to the conflict, instability often persists.

It should be pointed out with great emphasis, that in countries where conflict or war has just ended, institutions needed to conduct elections are often nonexistent, or damaged by the conflict. Where contentious elections present fears of vote tempering and other irregularities, the presence of election monitors may serve to prevent shenanigans and give parties greater confidence that the vote was free and fair. The key to achieving this outcome is monitors who are seen by sides as neutral. Because of this, monitors are often foreigners that arrive prior to the vote at the invitation of a sovereign state.

3.3.2 Enhances Credibility

Monitoring can enhance the credibility and legitimacy of elections. This automatically reduces electoral violence. It can help maintain a working agreement because losers lack the ability to shout “fraud” and disrupt a country’s democratization. One way in which monitors do this is by taking independent vote tallies, which prevents governments from manipulating the vote. Even before this, some monitors arrive long before the vote to observe campaign and voter registration efforts.

Added to the above, is the foreign funding which contributes to planning and conducting the vote. What is more, it can provide technical expert and training for locals who may never have conducted an election before. As such, in the long-term, monitoring can assist in building and strengthening domestic electoral institutions. To be sure, over 50,000 Cambodians were trained as election officials by UN Transitional Authority for the 1993 elections. Finally, it can also help in the long range development of political parties and civil society.

3.4 The Roaster of Election Monitors

3.4.1 The Nigerian Angle

Election monitoring is the act of overseeing the electoral process in order to ensure that the election is held according to the laws of the land and in compliance with the rules and regulations guiding the process. As far as the commission (INEC) is concern, Deputy Governor, Senate, House of Representatives, as well as member of the state legislature (see Section E of Part 1 of The Third Schedule to the 1999 Constitution of the Federal Republic of Nigeria). put differently, the Commission has the responsibility of ensuring that about 400,000 adhoc or temporary staff posted to the 120,000 polling units or registration centres scattered all over the country have complied with the rules and regulations governing the administration of the elections as they were faught. It is in this regard that monitors become essential tools in the election process as they could intervene where necessary to address infractions to the rules and address any other forms of irregularities appropriately.

From this foregoing, it is clear that the Commission has the responsibility of monitoring elections. It is certain that it is the Commission that will ultimately be held responsible for any failures in organizing and conducting elections. Therefore, it behooves the commission to set up, as a matter of duty, an internal machinery that would ensure that elections and other related activities are conducted strictly in accordance with the laid down rules and regulations and the extant laws. The Commission largely carries out this important responsibility by itself and through the use of its competent and tested senior staff, a resource the Commission is endowed with in abundance.

Self-Assessment Exercises 1

1. Why is election monitoring important?
2. Apart from direct finding, which other ways can international monitoring be useful to countries holding elections?

The Commission sets out to achieve two purposes through monitoring of election. The first purpose is to oversee the whole election procedure and address any infraction on rules and regulations guiding the process. This is achieved by dealing with any wrong doing and inappropriate conduct thereby ensuring the conduct of smooth and successful elections. The second and equally important purpose is to document the events as they occur during elections and record results at the end of the elections. Report arising from the exercise forms the basis of the review of the process which an important post-election activity of the commission in the election planning circle.

3.4.2 The UN Technical Team

Many international actors have taken on the challenge of monitoring elections in these difficult circumstances. State, both bilaterally and through International Organization (IGOs), have been frequent participants as have a growing number of non-governmental organizations (NGOs) with an interest in spreading democratic and human rights.

Building on its historical participation in election monitoring, the UN has accelerated its important contribution since 1989. In that period, it had received over 140 requests for electoral assistance from member states. The UN maintains a roster of election experts that can be called upon on relatively short notice. It provides not only technical assistance to help governments conduct their elections, it in addition, provides a leeway to major operations to essentially conduct the elections as part of a broader peacekeeping operation.

Under this sophisticated operations, the UN takes on roles normally fulfilled by national electoral authorities. It offers requires creating an entire system of laws, procedures and administrative measure in order to hold the election and then actually conducting the entire process. This more extensive mission is, of course, costly and has only been applied to perceived “unique” circumstances. For example, the United Nations Transitional Authority in Cambodia (UNTAC) was responsible for the organization and execution of national elections there in May, 1993 as part of a comprehensive peace plan. In the Balkans, the United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) was asked to organize elections for all local government bodies in April 1997 in cooperation with Croatian authorities.

Self-Assessment Exercises 2

1. Which constitutional provision qualifies INEC, Nigeria an election monitor?
2. What are the problems associated with election monitoring

3.4.3 International Organizations (IGOs)

Other IGOs have become actively involved in election monitoring as well. The Commonwealth Secretariat, European Union (EU), Organization of African Unity (OAU), Organization of American States (OAS), the Organization for Security and Cooperation in Europe (OSCE), and the Council of Europe, amongst others, have all been involved in election monitoring in recent years. The OSCE, for

example, offers its members Needs Assessment Missions, long-term observation in the weeks prior to the election and a coordinating office.

Long-term observers are sent into the field several weeks before an election, in order for OSCE to properly evaluate development leading up to the election. Then, the OSCE Parliamentary Assembly sends parliamentarian, general for short-term mission at critical points to provide political leadership to the monitoring operation. It seems likely that countries prefer the UN to regional bodies, as it is more likely to be seen as imperial and detached from regional and local politics.

3.4.4 Domestic and Non-Governmental Organizations (NGOs)

NGOs have rapidly expounded their scope of work in domestic assistance and possess a number of advantages. Their independence leaves them relatively free from political pressure. They are seen as unbiased. Because they typically have more limited resources, they are often more shrewd in using funds. They are smaller and more flexible to meet the unique challenges presented by each election. They also often have more connections with grassroots organizations helping to increase the long-term benefits of monitoring.

Some of the importance NGOs involved in election monitoring are:

- International Human Rights Law Group
- National Endowment for Democracy
- National Democratic Institute for International Affairs
- International Republican Institute
- International Institute for Democracy and Electoral Assistance (International IDEA)
- The Carter Centre
- International Foundation for Electoral Systems
- La Federation Internationale des Droits de l'Homme
- International Commission of Jurists
- Inter-Parliamentary Union
- Centre for Democracy
- Centre for Electoral Promotion and Advice (CAPEL)

3.5 Problems Associated With Election Monitoring

3.5.1 Lack of Language and Cultural Training

Outsiders are often ignorant of local circumstances related to history, culture and the like. Monitors often arrive shortly before the vote and usually lack language or cultural training to allow them effectively evaluate the vote.

3.5.2 Refusal of IGOs to Cooperate with NGOs

To compound the problem of ignorance, monitors often forego working with domestic observers in order to avoid the appearance of bias.

3.5.3 Lack of Independence of IGOs

Monitors are also not entirely independent, but have a number of important limitations. For instance, monitors have ties to the entity that has founded their mission. Reports may be tailed to the demands of the finding source, rather than fulfilling the mission of monitoring the election. It has been tempting, particularly for IGOs, to verify most elections as to do otherwise would be destabilizing, and it would be politically and tactically difficult to “re-do” the election. The fact that IGOs are made up of states means representatives cannot entirely ignore the interest of other non-states in the elections.

3.5.4 Lack of NGOs Independence

Many NGOs also are from a variety of countries. Some are tied to national parliaments or in other ways receive government funding. Their loyalties must go to these godfathers and funding counterparts rather than objectively monitoring elections.

3.5.5 Affiliation with Political Parties and Religious Related Organization

Other monitoring organizations have connections to particular political parties, trade unions, or religious-affiliated organizations. Although this has begun to change, NGOs earlier on were predominantly American, and could be accused of serving American interests. Those with political parties or religious affiliations will strive to serve the interests of their benefactors.



3.6 Summary

This unit discussed types of election monitors. The unit focused on the major types of election monitors who often monitor the electoral process based on international standard and all other available rules and regulations. The unit examined the problems associated with election monitoring.



3.7 References/Further Reading/Web Resources

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3.8 Possible Answers to Self-Assessment Exercises

Answers to SAES 1

1. *Why is election monitoring important?*
 - a. Elections are the cornerstones for creating a democratic political system
 - b. Monitoring assists democratic consolidation
 - c. Monitoring installs domestic and international legitimacy
 - d. Peaceful election through monitoring promotes reconciliation
 - e. Where instituting of election are damaged owing to conflict, monitoring stand in gap. They sometimes stand as pillars to raise assistance for and restore confidence in the election process of countries freshly out of war.
 - f. Monitoring enhances the credibility and integrity of an election
2. *Apart from direct finding, which other ways can international monitoring be useful to countries holding elections?*
 - a. It can provide technical assistance
 - b. It can provide training for the locals
 - c. It can assist in building and strengthening democratic electoral institutions
 - d. It can widen the scope of election administration through the provision of expertise knowledge of election

Answers to SAES 2

2. *Which constitutional provision qualifies INEC, Nigeria an election monitor?*

Section E of Part 1 of the Third Schedule to the 1999 Constitution. The provision states that, INEC must organize, undertake and supervise all elections to the office of

- a. The President
- b. The Vice President
- c. The Governor
- d. The Deputy Governor
- e. The Senate
- f. The House of Representatives
- g. The member, State House of Assembly

To the extent that INEC is constitutionally required to supervise election qualified INEC as a monitor. To supervise is to monitor.

2. *What are the problems associated with election monitoring*
 - a. Lack of language and cultural training
 - b. Refusal of IGOs to cooperate with NGOs
 - c. Lack of independence of IGOs
 - d. Lack of NGOs independence
 - e. Affiliation with political parties and religious related organizations.

Unit 4 The Role Of Mass Media In Enhancing Election Monitoring

Unit Structure

- 4.1 Introduction
- 4.2 Intended Learning Outcomes
- 4.3 Characteristics of Mass Media Monitoring
 - 4.3.1 Few People in the Media
 - 4.3.2 Political Influence
 - 4.3.3 The Relationship of the Media with Social and Political Power
- 4.4 Guidance for Media Election Monitoring
 - 4.4.1 Media Must Inform All Citizens
 - 4.4.2 Government Media Must Be Impartial
 - 4.4.3 Government Must Protect Media
 - 4.4.4 Government Must Not Censor
 - 4.4.5 Government Must Open the Airwaves
- 4.5 What the Media Do To Monitor Elections
 - 4.5.1 The Media as a Watchdog
 - 4.5.2 The Media Sets Political Agenda
 - 4.5.3 The Media as A Campaign Platform
 - 4.5.4 Balanced Reporting
 - 4.5.5 Media As Open Forum For Debate/Public Voice
 - 4.5.6 Media as Public Educator
- 4.6 Guiding Principles for Media Monitoring
 - 4.6.1 Freedom as a Guiding Principle
 - 4.6.2 Pluralism as a Guiding Principle
 - 4.6.3 A Clear Regulatory Intervention
 - 4.6.4 Transparency as a Principle
 - 4.6.5 Confidentiality as A Principle
- 4.7 Summary
- 4.8 References/Further Readings/Web Resources
- 4.9 Possible Answers to Self-Assessment Exercise(s)



4.1 Introduction

Media is becoming increasingly significant in its capacity as a means of communication and as an instrument for election monitoring in modern societies. It has become the most important and widely used means to maintain communication in-between the components of the political society. Such is typical of countries with traditionally established democratic systems. However, we can also find it in developing countries that are still taking their first steps from despotism towards democracy, and in countries that are still far from democracy.

In conventional societies, personal communication is the most important means of exchanging messages and news between people. Such role is assumed by figures having various social duties. For instance, there is the messenger who cuts across the country to inform people about the ruler's decision. There are also men of religion who are considered major sources of information in conventional societies. There also influential figures whose positions allow them to know about the decisions of the ruler and what is being circulated among the influential ruling elite. Personal communication has clear as the message is usually verbal and unrecorded. Therefore, the content of the message cannot be verified. Meanwhile, the verbal nature of the message gives room for changing and manipulating its content, through successive transfer from one person to another, each ending it with additional meanings.

Further, the needs of modern societies contradict with the features of personal communication. Modern societies tend more to centralism. Even in the most democratic societies, there are regular rules applicable to all citizens, by which citizens must be informed. Moreover, the high degree of networking and interdependency characterizing modern societies increases individual's need to receive regular flow of credible information about what takes place in the homeland and the entire world. Technological advances of point and broadcasting tools have given mass media extra credibility and reliability compared to personal communication. Moreover, the spread of literacy and increase in education levels consequently, increase demand on mass media

The more modernized the society gets, the importance of personal communication deteriorate and it tends to be replaced with mass media as the major public communication tool in modern society. as countries are stepping towards updating of its social, political and value institutions, the role of media has become important in delivering political messages, particularly in relation to major political events, the most significant of which is elections.



4.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- discuss the media as the major public communication tool for election monitoring
- analyze the guiding principles underlying the role of the media in election monitoring
- evaluate the roles of the media in enhancing election monitoring.



4.3 Characteristics of Mass Media as Election Monitor

4.3.1 Few People in the Media

Mass media have some main characteristics that must be focused on to reflect on the importance of the media in monitoring elections. Those sponsoring mass media and people working for such outlets are few.

However, the decisions made by such a small number of citizens play an immense role in determining the political destiny of the society. This is because of the role they play in identifying the agenda of general debate and through reporting trends of public opinion and various political actors. Such trends are reflected in the elections as voting tendencies. As the media play the role, it translates to monitoring elections.

4.3.2 Political Influence

Social and political development have given media professionals key roles and political influence, without particular authorization. Media figures have major political influence on election monitoring that they practice through their profession rather than on the basis of being selected by the people for such purpose. Media professionals are not the only ones enjoying such an advantage, as many positions give political influence to their occupiers more than that exercised by elected leaders. The same applied to high-level officials in the administrative agency, men of religion and other professions. Such authority, however, challenges any democratic or democracy-seeking society. It is important to subject professional performance of such groups to society monitoring.

4.3.3 The Relationship of the Media With Social and Political Powers

Realizing the significant role played by mass media in election monitoring, social and political powers manipulate and use the media as a tool for fulfilling their interests. Although the media is one of the actors in the political life and election monitoring, it is also an arena for conflicting social and political powers. Society monitoring is the most effective tool for liberating the media from the domination of various competing political parties.

Self-Assessment Exercises 1

1. The media is characterized by a great political influence. Discuss.
2. What are the major characteristics of the mass media?

4.4 Guidelines for Media Election Monitoring

4.4.1 Media Must inform all Citizens

During the period proceeding on election, government media must provide the public with relevant information so that citizens can make informed choices in the election. This is a major reflection on the media as election monitor. In particular, government media must provide information about:

- The political parties and candidates contesting the election
- The issues which are the subjects of the campaign, including materials in party manifestos
- The voting process itself and all other information which will assist people to participate in the election

4.4.2 Government Media Must Be Impartial

Government media must be balanced and impartial in reporting of news and information regarding the election. In particular, government media should ensure that programmes and information services are not biased in favour of one candidate or the party, but should provide equitable access to media for all candidates and parties contesting the election.

4.4.3 Government Must Protect Media

The government is obliged to protect media organizations and media employees from all forms of intimidation, violence or acts of harassment. The government should investigate, prosecute and punish illegal actions intended to interfere with media freedom or to restrict the free exercise of journalism.

4.4.4 Government Must Not Censor

The government must not censor election programmes and must guarantee editorial and professional autonomy of Journalists during the period proceeding an election. Government should create independent commissions to monitor the election process with responsibility to review and to report on media coverage.

4.4.5 Government Must Open the Airwaves

Government media must provide opportunities for legal political parties and candidates to air their views, without interference in the content and form of expression of their views other than in the context of journalistic presentation of information. Access to election candidates should be granted:

Directly, through the provision of direct-access programmes, allocated without discrimination and on equal terms to all parties and candidates.

Indirectly, through the exercise of professional journalism in which the right of reply and correction should be granted to any candidates or party that makes a reasonable claim of having been defamed or injured.

Self-Assessment Exercises 2

1. In what ways can government open the airwaves to political parties or candidates during electioneering?
2. Itemize government media guidelines for election monitoring

4.5 What the Media Do To Monitor Elections

4.5.1 Media as Transparency/Watchdog

The media play an indispensable role in the proper fronting of a democracy. Discussion of the media's functions within electoral contexts, often focuses on their "watchdog" role. By unfettered scrutiny and discussion of the successes and failures of candidates, governments, and electoral management bodies, the media can inform the public of how effectively they have performed and help to hold them to account.

4.5.2 The Media Sets Political Agenda

The media are not the sole source of information for voters, but in a world dominated by mass communications, it is increasingly the media that determine the political agenda, even in less technologically developed countries. A report by Cairo Institute for Human Rights Studies put it thus:

"The media play a major role in keeping the citizenry abreast of current events and raising awareness of various issues in any society thereby, monitoring election and its processes. It also has an extremely significant impact on the public's views and way of thinking. The media is the primary means through which public opinion is shaped and at times, manipulated".

If this is the media role, then in normal course of events, it becomes even more vital in exceptional periods, one of which is electoral junctures, when the media becomes a primary player in monitoring the processes of elections. Elections constitute a basic challenge to the media, putting its impartiality and objectivity to the test. The task of the media, especially national outlets, is not and should not be to function as mouthpiece for any government body or particular candidates. Its basic

role as an election monitor is to enlighten and educate the public and act as a neutral, objective platform for free debate of all points of view.

4.5.3 Media as a Campaign Platform

Candidates and parties have an explicit right to provide the electorate information regarding their attributes, political agendas and proposed plans. Besides meeting directly with electorates, candidates and parties accomplish the task through campaigns via media. It is paramount to democratic electoral practices therefore, that all candidates and parties are provided equal access to media for this endeavour. By making the media as a campaign platform, the media is greatly opportune to monitor the activities of the electoral process.

Candidates and parties use the mass media for campaigning through sponsored direct access spots, paid political advertising, televised debates, use of social media, and other mechanisms. They also hope the media will voluntarily cover them because of the news worthiness of their campaign activities. Political parties expend vast human and financial resources on planning and executing mass media campaigns.

The media have several roles in realizing contestants' right to campaign. The first of such role is to create a level playing field. This entails equal access to state broadcasters and other state resources. Among the most effective, but least analyzed, means of autocratic survival is an uneven playing field: In countries like Botswana, Georgia, Malaysia, Mozambique, Senegal, Singapore, Tanzania and Venezuela, democratic competition is undermined less by electoral fraud or repression than by unequal access to state institutions, resources and the media. An uneven playing field is less evidence to outside observers than is electoral democratic competition. Leveling the campaign playing field is one of the main justifications for regulation of media during elections.

4.5.4 Balanced Reporting

Another key role of media in campaigning is balanced reporting. This is ensuring that candidates receive fair coverage. This is one reason why robust media monitoring is so important towards ensuring free and fair elections. Media professionalism and media literacy are also fundamental to this achievement.

4.5.5 Media as Open Forum For Debate/Public Voice

Media provides a platform for political parties and candidates to communicate their message to the electorate. This they do by providing a platform for the public to communicate their concerns, opinions, and needs, to the parties/candidates, the EMB, the government, and other

voters, and to interact on these issues. The interactions are done by allowing the parties and candidates to debate with each other, by reporting and monitoring vote counting, by scrutinizing the electoral process itself including electoral management, in order to evaluate the freeness and fairness of the process, its efficacy and its porosity. The media also provide information that as far as possible, avoids inflammatory language. This will certainly prevent election-related violence.

4.5.6 Media as Public Educator

Media act as a public educator by educating voters and to exercise their democratic rights. The media also report on development of election campaign. The media project positive images, retaining offices and maintaining relationships with the public. As they inform the public about the political activities going on, they are equally educating and monitoring the process of election.

Media access and coverage of elections is a criterion for judging whether elections are free and fair. Monitoring the media during election periods has become an increasingly common practice. This is done by a combination of statistical analysis and the techniques of media studies and discourse analysis to measure media's role in an election.

4.6 Guiding Principles

4.6.1 Freedom as a Guiding Principle

The single guiding principle underlying the role of the media in election monitoring is that without media freedom and pluralism, democracy cannot be possible. This has been underlined in the decisions of numerous international tribunals. It has also been stated very clearly in the recent past by the United Nations Special Rapporteur on Freedom of Expression, who went on to elaborate a series of steps that governments should take to guarantee freedom of media during elections.

There are a number of different dimensions to media freedom that are or relevance in elections. **They are:**

- Freedom from censorship
- Freedom from arbitrary attack or interference
- Free access to necessary information
- A pluralism of process in the media

4.6.2 Pluralism as a Guiding Principle

A pluralism of voices in the media is very important. It is often interpreted to mean that the media should be owned by variety of different interest, resulting in a “market place of order” where elections are monitored. This is important, but it is only one aspect. For countries emerging from authoritarian rule, usually characterized by tight state control over the media, ensuring pluralism within the publicly funded media may be equally important. This is because often time, it is only a government-controlled national broadcasting that has the capacity to reach all sections of the electorate.

4.6.3 A Clear Regulatory Intervention

In order to ensure that the publicly funded media are out in practice, government controlled a clear regulating intervention maybe required. This is the central paradox of the management of media in election monitoring. This is the frequent need to establish a fairly complex regulatory system in order to enable the media to operate freely and without interference. At stake are three interlocking sets of rights:

- the right of the voters to make a fully informed choice
- the right of candidates to put their policies across
- the right of the media to report and express their views on matters of public interest

Of course, these rights, which are essentially all aspects of the right to freedom of expression guaranteed in Article 19 of the Universal Declaration of Human Rights, apply at all times, and not only when there is an election pending. But it is the very formality of election process as it is conducted according to procedures that are clearly set out in law. The extent to which media freedom and pluralism are respected during an election period can be a fairly sensitive index of respect for freedom of expression in general which an essential precondition for a functioning democracy. Conversely, an election can be an ideal opportunity to educate both the authorities in their obligation to respect and nurture media freedom and the media in their responsibility to support democratic process.

Self-Assessment Exercises 3

1. Comment on the medial role as a “watchdog”.
2. Mention five (5) roles of mass media in enhancing election monitoring.

4.6.4 Transparency as a Principle

From the perspective of the electoral management body, it is possible to view media relationship with the body. Viewed against such a background, two other important principles come to play. Transparency means that the operations of the EMB are open to public scrutiny and hence, accountable reflecting the monitoring activity of the media.

4.6.5 Confidentiality as a Principle

Confidentiality means that the security of EMB's operations are safeguarded against those who have no right to unauthorized information and may undermine the integrity of the election process. Ideally these principles may come into conflict in practices. Complete transparency and confidentiality are clearly incompatible. However, establishing the precedence of these principles in any given case may be less difficult than it might at first appear. It will almost invariably be true that the plans and activities of the EMB should be open to public scrutiny. The vote also must be secret. The borderline cases between transparency and confidentiality are likely to be few. Maintaining a balance this way, signifies to a large extent, the monitoring activities of the media



4.7 Summary

This unit discussed the role of media in election monitoring. The unit examined the characteristics of mass media stressing the political influence of the media without a particular authorization. In performing their role of informing the public shaping and setting political agenda for the country, the media must be guided by some unique principles. These principles include freedom and plurality of voices, transparency and confidentiality standing on these principles demonstrate the monitoring roles of the media during election. Operating within the framework of these principles will place the media in a vantage position to strengthen democratic elections.



4.8 References/Further Reading/Web Resources

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4.9 Possible Answers to Self-Assessment Exercise(s)

Answers to SAES 1

1. *The media is characterized by a great political influence. Discuss.*
 - a. Social and political developments have given media professional key roles and political influence
 - b. The political influence wielded by the media is as a result
 - c. As media monitor elections and report the activities of political parties, candidates and happenings at political front, they are strategically positioned to be able to influence political decisions
 - d. They report activities of prominent politicians. This reportage given them access to the centre of political activities
 - e. The shape political opinions through their reporting. This also grant them political influence.
2. *What are the major characteristics of the mass media?*
 - a. There are few people in the media who shape the opinion of the public political influence
 - b. The relationship of the media with social and political powers
 - c. Mass media is being replaced with personal communication

Answers to SAES 2

1. *In what ways can government open the airwaves to political parties or candidates during electioneering?*
 - a. Government media must provide opportunities for political parties that are legally recognized or their candidates to air their views without any interference
 - b. The only adjustment that can be done to the views aired by legally recognized parties and their candidates is when they adjust such views to confirm with journalistic editing before airing
 - c. There are two ways this can be achieved:
 - i. Directly – through the provision of direct access programmes allocated without discrimination and on equal terms to all parties and candidates.

- ii. Indirectly, through the exercise of professional journalism in which the right of reply and correction should be granted to any candidates or party that makes a reasonable claim of having been defamed or injured.
- 2. *Itemize government media guidelines for election monitoring*
 - a. Government media must inform all citizens by giving them relevant information choices
 - b. Government media must be impartial
 - c. Government must protect the media
 - d. Government must not censor the press
 - e. Government must open the airwaves

Answers to SAES 3

- 1. *Comment on the medial role as a “watchdog”.*
 - a. A watchdog is aggressive
 - b. The watchdog supervises every movement in its environment
 - c. The watchdog keep watch to protect internally
 - d. A watchdog watches against external aggression

Thus during the political process, the media as a watchdog

- i. Plays important roles that will enhance democracy and spread democratic principles that will lead to democratic elections
 - ii. The media scrutinizes the candidates digging deep into the background and quality of candidate presented
 - iii. The media scrutinizes the intentions of the government to know if they have preferred candidates and to expose the government to the people of such development
 - iv. The media scrutinizes the electoral management bodies to keep them working in accordance with the electoral law
 - v. The media scrutinizes political parties’ activities before, during and after elections
 - vi. The media informs the public of the activities of all the stakeholders in an election. This I why the media is described as watchdog.
- 2. *Mention five (5) roles of mass media in enhancing election monitoring.*
 - a. Media as a watchdog
 - b. The media sets political agenda

- c. The media as a campaign platform
- d. Balanced reporting
- e. The media as a public Voice organizing public debate

Unit 5 Election Monitoring and Technology

Unit Structure

- 5.1 Introduction
- 5.2 Intended Learning Outcomes
- 5.3 Implementing Technology For Election Administration And Monitoring
 - 5.3.1 Consideration for Selection of types of Technology
 - 5.3.2 Consideration for Upgrading
 - 5.3.3 Consideration for Cost Effectiveness
 - 5.3.4 Consideration for Sustainability of Technologies under Evaluation
 - 5.3.5 Consideration for Local Physical Environment and Infrastructural Needs
 - 5.3.6 Consideration for Security Issues
 - 5.3.7 Consideration for the Willingness of EMB Staff to Implement Changes
- 5.4 Selected Types of Technology for Elections for Election Monitoring
 - 5.4.1 Areas to Focus Attention
 - 5.4.2 Guiding Principles That Will Establish Public Confidence in the Electoral Process Monitoring
- 5.5 Relevance of Technology in the Electoral Process Monitoring
 - 5.5.1 Eliminating the Impact of Electoral Malpractices With the Use of Technology
 - 5.5.2 The Nature of Electoral Services
- 5.6 Summary
- 5.7 References/Further Readings/Web Resources
- 5.8 Possible Answers to Self-Assessment Exercise(s)



5.1 Introduction

The introduction of information and communications technologies (ICT) into electoral process is generating both interest and concern among voters, as well as practitioners, across the globe. Today, most electoral management bodies (EMBs) around the world use new technologies with the aim of improving the electoral process. These technologies range from the use of basic office automation tools such as word processing and spreadsheets to make sophisticated data processing tools, such as database management systems, optical scanning and geographic information system.

An important application of technology to election is evolving. E-voting is the use of electronic technology in casting or counting votes. E-voting has many uses, including increasing participation among voters abroad and making election more inclusive for voters with disabilities. Some countries, especially in Europe, began piloting e-voting in some form over a decade ago.

Although these technologies open up new frontiers and aid after new possibilities for the electoral process, especially in the area of voting operations, there may be unforeseen risks involved. Some of these risk are increase in vote selling, difficulty in auditing election results, among many. Careful consideration also need to be given to the risks of inappropriate or untimely introduction of technology, especially if it has the potential of compromise transparency, local ownership or sustainability of the electoral process.

Cyber security in elections has and will continue to receive attention from the public, governments and media. Although technological improvements to the administration of elections can be substantial, these gains must be balanced with the potential for new vulnerabilities and problems. Many of the countries that experimented with e-voting for examples are now returning to pen and paper or scrapping their pilot project because of security issues.



5.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- discuss the technologies that are currently being used to monitor electoral processes
- present guidelines for the education, choice and implementation of new technologies that are useful for election monitoring
- analyze best practices in the use of technology to monitor elections
- evaluate the emerging technologies and those applicable to be used to monitor for future election



5.3 Implementing Technology for Election Administration Monitoring

5.3.1 Consideration for the Selection of types of Technology

On the process of implementing specific technologies for election administration there are considerations to take into account. There are some considerations that are common to any implementation of technologies while others are more specific to the electoral process.

Elections are highly risky in conduct. They have to be conducted properly, open to public scrutiny, and there is not much room for errors. Unlike other applications of technology where systems can be introduced gradually with extended testing and implementation schedules, many election systems are used for the first time on Election Day. The technology must therefore, work correctly to avoid the entire electoral process being jeopardized. This is a major reason why the technology used and adopted for election is different from the ones used outside election.

5.3.2 Consideration for Upgrading

An electoral management body needs to consider the upgrading of existing technology versus the introduction of new technology. Thorough evaluations are necessary to avoid incurring high costs for relatively minor improvements. Depending on the application, it may be more appropriate to continue to use the existing system.

5.3.3 Consideration for Cost Effectiveness

Evaluation studies of cost and saving associated with introducing technology need to take into consideration, not only the initial costs involved in purchasing equipment and materials, but also the cost of setting up the new system. Additional expertise and the need for ongoing maintenance and management must be seriously considered. Again, this may likely involve obtaining an additional commitment of funds through the relevant government budgeting process

5.3.4 Consideration for Sustainability of Technologies under Evaluation

In most applications, there is need to ensure that the technology adopted can be used during extended periods covering several elections. Adopting technologies that can become quickly obsolete or unable may prove expensive and unsustainable in the long-run. This is moreso,

because some technologies are changing at such rapid rates that it is almost impossible to avoid short-term obsolescence. Under a situation like this, it is important to study the existing technology standards and trends in order to adopt protective measures that can decrease both the impact of future versions or systems and technical incompatibilities.

To be sure, personal computer processing power is a good example of how a state of the art “technology can rapidly become obsolete. This demonstrates how important it is to choose supplies that ensure upward compatibility that will facilitate the smooth transfer of data from an old to a new computer. Additionally, other alternatives such as leasing equipment rather than purchasing may be considered to optimize the use of resources.

5.3.5 Consideration for Local Physical Government and Infrastructural Needs

A country with an intermittent power supply may not be an appropriate location for implementing a wide area network of personal computers. This is because computers require a reliable power source. High humidity or high levels of dust or sand may also restrict the choice of appropriate technology.

5.3.6 Consideration for Security Uses

There are systems used for recording, tallying or transmitting voting data. These systems are very sensitive such that the technology must ensure security of data. Lack of data security translates to means that the system are not better than the equivalent manual processes that are being replace.

5.3.7 Consideration for the Willingness of EMB

Staff to Implement Changes

Participants in the election process such as political parties, candidates, members of parliament and the media must be consulted of the changes affect them. For example, where an electronic system is being considered, then aforementioned stakeholders must be considered. New technology may require that these changes need to be negotiated and guaranteed before commitment to new technology is adopted.

Self-Assessment Exercises 1

1. Before selecting the type of technology to adopt for elections in a country, some considerations must be given. State five (5) of these considerations
2. Why is cost effectiveness a consideration for the choice of technology to be adopted for the administration of elections in a country?

5.4 Selected Types of Technology for Election Monitoring

5.4.1 Areas to Focus Attention

Whenever an EMB is considering the use of new technology for elections purposes, it might want to start by looking at technology currently in use for similar purposes. It will consider along, who uses it and what issues have arisen from its use. The elections and technology topic area looks at three main categories currently in use around the globe. **They are:**

- **Communications:** This comprises of Telecommunications, Radio, Network and the Internet
- **Computer Hardware and Software:** This is made up of Word Processing, Spreadsheets, and Database Management Systems.
- **Other technologies:** This encompasses Specialized Electronics and Mechanical Devices, Non-electronic Innovations and Materials

All the above specifications are normally followed by a review of technologies used within specific electoral administration, such as:

- Boundary Administration
- Technology for regulation of party and candidates
- Technology for reading voters
- Technology for voting operations
- Technology for cooperate management

The Election Technology areas also looks at issues related to the use of technology. Example of such is management of technology and trends that may affect the future use of technology in elections.

5.4.2 Cupping Principles that will Establish Public Confidence in the Electoral Process Monitoring

At any time that the electoral management body (EMB) considers the use of technology to facilitate and improve the electoral process, it is

always advisable to follow several guiding principles that have been identified over the years and that can help to establish and maintain public confidence in the electoral process. **These guiding principles are:**

- Take a holistic view of the new technology
- Consider the impact of introducing new technology
- Maintaining transparency and ensure ethical behavior while adopting new technology
- Consider the security implications of the new technology
- Test the accuracy of results produced by the use of technology
- Ensuring privacy
- Ensure inclusiveness\consider the technology cost-effectiveness
- Evaluate efficiency
- Evaluate sustainability
- Evaluate the flexibility of the technology to adapt to new election regulations
- Consider the service provided to the users and their trust and confidence in the new technology

Self-Assessment Exercises 2

1. Mention the three (3) categories of new technology that election and technology topic areas must focus their attention.
2. In arriving at the choice of a new technology for election, enumerate seven (7) guiding principles that will establish public confidence in the electoral process.

5.5 Relevance Of Technology In The electoral Process Monitoring

5.5.1 Eliminating the Impact of Electoral Malpractices With the Use of Technology

In many electoral systems worldwide, the electoral management bodies operate on the assumption that people are expected to be honest and to behave honestly and usually, they are. Elections in such countries are run manually with pencils, paper and good organization using honest and socially mature individuals. However, dishonest and bias individuals can abuse some activities of the electoral process.

The application of appropriate technologies to these activities can reduce if not eliminate the impact of malpractices. Also, relying on human beings alone, a lot of time is needed to achieve tasks that would

otherwise take a few minutes, a few hours or a few days to accomplish. Public expectations for speed, accuracy and integrity of the process make it imperative to use not only machines to aid human efforts, but to also automate many aspects of the process. Vital documents must also be secured with the installation of special hidden security features to counter their possible fraudulent substitution. The application of appropriate technology is financially very expensive. However, its cost effectiveness is realized in the area of managing the various electoral processes timeously.

For example, vehicle transportation is expensive in comparison with foot and animal transportation, but the man hours saved as against the use of foot or animal transportation is more than adequately compensated in financial terms.

Similarly, the use of computer technology in the computation of the register of voters is also cost effective. Start up costs may be high, but these costs are generally written off in the mid or long term because the repeated and heavy expenditures of compiling manual registers before each election are avoided. As just stated, appropriate technology can also ensure that the integrity of the process is not tampered with. Once the integrity of the process is suspected to have been tampered with, the societal disturbances which may range from the rejection of the election results, court actions, strikes and wild political upheavals can lead to not only huge financial and material losses but also human injuries and losses.

5.5.2 The Nature of Electoral Services

The nature of electoral services fits with the use of information technology. Information gathering and dissemination are the main tasks as well as the products and services associated with election administration. For example in the registration of voters, information is collected from the electorate and after processing, the processed information is communicated back to the electorate as the register of voters. Similarly, during the voting process, information is collected from the electorate; the vote count at the end of polls representing the result of the elections is later released to the electorate and also subsequently disseminated in various statistical reports. Most other electoral services involve either collecting or imparting information to and from the electorate. The information-intensive nature of electoral services makes the application of information technology useful in every area of election administration for example:

- Voter Registration
- Establishment of Polling Units/Stations

- Demarcation of electoral Constituencies
- Voting Process
- Vote Count
- Communication of Results, and
- General administration for improved efficiency in financial and human resources management.

Up to and including the 1999 general elections, the commission's investment in the application of information technology, comprised an obsolete high frequency (HF) radio equipment for the communication of results and inter office communication between each state office and the headquarters office. The registration of voters was manually conducted and manually computed for each general election,

Preparatory to the 2003 general elections, the commission decided on four major areas of Information Technology applications namely:

- The computerization of the voter's data with a view to having a permanent Register of Voters.
- The improvement of communication networks [Wide Area Network (WAN) and Local Area Network (LAN)] through the acquisition of satellite communication devices for the transmission of voice, data and video.
- The establishment of effective presence on the Internet for the transmission of election results on the World Wide Web.
- Administrative functions involving computerization for financial planning, personnel and operational management.

In summary, the use of appropriate technology in elections is not only for the purpose of enhancing the integrity of the electoral process but is also supported by economic arguments and factors of state security.

Self-Assessment Exercises 3

1. Discuss the relevance of technology in the electoral process
2. Which areas of election administration makes the application of information a useful tool?



5.6 Summary

With the introduction of technology, complex electoral management processes can be made simpler and easier to organize and monitor. Advances in technology can thus speed processes up and reduce workload involved in election management and monitoring. In many

countries today, technology is seen by electoral management body (EMB) also as a means of minimizing the potentials for errors, and not just a tool for problem solving. For this reason therefore, many democracies around the world, with Nigeria not left out, have adopted various forms of electoral technologies in the conduct of their elections and in monitoring the process. This has drastically reduced electoral malfeasance. This unit dealt with elections and technology in general perspectives. The unit takes into cognizance, the selected types of technology required for election and administration and monitoring. The unit explored further some of the guiding principles that will establish public confidence in the electoral process monitoring. On the final analysis, the unit carefully examined the relevance of technology in the electoral process monitoring.



5.7 References/Further Reading/Web Resources

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5.8 Possible Answers to Self-Assessment Exercise(s)

Answers SAEs 1

1. *Before selecting the type of technology to adopt for elections in a country, some considerations must be given. State five (5) of these considerations*
 - a. Consideration for upgrading
 - b. Consideration for cost effectiveness
 - c. Consideration for sustainability
 - d. Consideration for security issues
2. *Why is cost effectiveness a consideration for the choice of technology to be adopted for the administration of elections in a country?*
 - a. In choosing the type of technology to be adopted for election administration in a country involves a very high amount of money. The choice of new technology must be anchored on cost
 - b. The cost of acquisition of the technology is one
 - c. The cost of installing the system is two
 - d. The cost of maintenance is another
 - e. The cost of maintaining or training those who are to use the technology is another important consideration. All of those must be studied very well before embarking on which technology to adopt. The one adopted must be cost effective, durable and easy to use, easy to maintain

Answers to SAEs 2

1. *Mention the three (3) categories of new technology that election and technology topic areas must focus their attention.*
 - a. Whenever an EMB is considering the use of technology for election purposes, the attention must focus on
 - (i) Communication
 - (ii) Computer Hardware and Software
 - (iii) Other technologies like specialized Electronics and Mechanical devices, Non-electronic Innovation and Materials

2. *In arriving at the choice of a new technology for election, enumerate seven (7) guiding principles that will establish public confidence in the electoral process.*
 - a. Take a holistic view of the new technology
 - b. Consider the impact of introducing the new technology
 - c. Test the accuracy of results produced by the use of technology
 - d. Ensure privacy
 - e. Ensure inclusiveness
 - f. Consider the technology cost-effectiveness
 - g. Evaluate sustainability

Answers to SAEs 3

1. Discuss the relevance of technology in the electoral process
 - a. It reduces or eliminate the impact of malpractices
 - b. It eliminate delay in achieving a task
 - c. It secures vital documents
 - d. It eliminates stress
 - e. It guarantees accuracy
 - f. It guarantees speed
 - g. It enhances the integrity package of the process
2. Which areas of election administration make the application of information a useful tool?

The information-intensive nature of electoral services makes the application of information technology a very useful tool in the following areas:

- a. Voter registration
- b. Establishment of polling units
- c. Demarcation of electoral constituencies
- d. Voting process
- e. Vote count
- f. Communication of results
- g. General administration for improved efficiency in financial and human resources management