

## Chapter 5

### **VOTING, COUNTING AND RESULTS PROCESSES**

The National Assembly and Presidential Elections were originally scheduled for 2 and 9 April respectively. Following a series of organisational problems the 2 April National Assembly elections were postponed and rescheduled for 9 April, with the Presidential elections rescheduled for 16 April. This is discussed in detail below.

There were 119,973 Polling Stations established across the country's 36 States and also in the Federal Capital Territory (FCT). These reflected the registration units utilised for the earlier voter registration exercise.

However during this exercise it had become clear that the number of persons at some units exceeded INEC's expectation, with some dealing with several thousands. As a consequence, INEC decided to create a number of polling units, whereby some polling stations were sub-divided to try to limit the number of persons at any one polling unit to approximately 300 registered voters. INEC estimated that the total number of polling units used for the 9 and 16 April elections was to be approximately 245,000.

Each polling station was staffed by a presiding officer and polling clerks. In addition, special election duty security officers were deployed to each polling station. Accredited Party Agents, media and observers could also be present.

#### **The Process for Accreditation, Voting, Counting and Results Tabulation**

INEC introduced a *modified open ballot system* for the election. Such a system had previously been used for the 1993 elections (which Nigerians characterise as the most credible in their history) and also for a by-election in 2010. Under this system the process is organised in separate periods: in the morning voters are accredited, and at a designated time following the accreditation, voting takes place and afterwards the counting of votes is undertaken at the polling station. It is a fairly uncommon procedure. INEC stressed that in the Nigerian context this system has a number of advantages which minimise the chance of impersonation and fraud.

Accreditation was to take place between 8am and 12pm. Voting was to be conducted from 12.30pm and would end when all the accredited voters who had queued at 12.30pm, had voted. The key prescribed procedures for accreditation and voting were as follows:

- The voter presents a voter card (only a voter card is acceptable for accreditation and voting)
- The polling clerk verifies the photo against the register and checks the name and voter identification number
- The register is ticked to left of the name to indicate that the voter is accredited

- Indelible ink is applied to the nail of the appropriate finger of the left hand
- At 12pm the queue for accreditation is closed and the process is complete when the last person in the queue is accredited
- At 12.30pm, the assembled accredited voters form a queue and a Poll Assistant or Security officer stands at the end of the queue and no person arriving after this time is allowed to vote
- The ballot box is opened and shown to be empty to all, then it is sealed
- The voter presents her/his voter card
- The finger is checked for ink to prove accreditation
- The voter register is ticked in the box to the right of the voter's name
- Indelible ink is applied on the nail of the right thumb
- The presiding officer issues ballot paper(s)
- The voter votes in the voting cubicle in secret and folds the ballot paper(s) after marking the paper(s)
- The voter leaves the cubicle and places the ballot(s) in the box(es) and departs

Some other key aspects of the process include:

- Each ballot paper must be signed and stamped on the reverse by the official issuing the ballot(s) in the presence of the voter – not in advance. This validates the ballot(s).
- Blind and physically challenged persons may be assisted to vote by a person of their choice
- Voting is by an inked thumb print

Following the close of voting ballots are counted at the polling station and the result is also announced at the polling station.

Poll officials are to undertake the requisite ballot account, for instance verifying the number of ballots used and issued against the number of persons indicated as having voted. Following this, ballots are sorted into piles according to votes per candidate, with rejected ballots separated. Votes are then to be counted out loud one by one for each candidate.

At the completion of the count, the result is announced to those present and is to be posted in a conspicuous place. The materials and paper work are then to be packed up and delivered to the respective Ward Collation Centre. Results sheets can be signed by Party Agents, though non-signature does not invalidate the result, and Agents can also receive a copy of the result.

Collation, verification, announcement and posting takes place at each ascending administrative level. For the National Assembly elections these are: Ward/Registration Centre; Local Government Area; Federal (House of Reps) Constituency Collation Centre; Senatorial District Collation Centre. For the Presidential Election the result is transmitted from the LGA level to the REC at the State level and thereafter to INEC at the national level.

Results for the National Assembly elections are announced by the respective Returning Officer for each Senatorial and House of Representatives constituency.

For the Presidential Election, INEC at the national level collates the result and the Chairman, as Returning Officer, announces the final result.

## **Assessments**

### ***A. Aborted National Assembly Election of 2 April 2011 and the Rescheduling of Polls***

On the morning of 2 April it was apparent to our teams deployed in different parts of the country that there was a serious problem with the election, as materials and INEC staff were absent from the vast majority of polling stations at 8am, the time scheduled for opening. Voters had turned out to vote in fairly large numbers and waited patiently for INEC staff to arrive.

In some areas INEC staff only started to arrive by mid to late morning to commence the accreditation process. In some areas, voting commenced after the accreditation process, while in others the process never reached this stage.

There was a high degree of confusion across the country as rumours started to circulate regarding a possible postponement.

At approximately mid-day the Chairman of INEC announced that the elections were postponed. He attributed this to the absence of results sheets and ballot papers for some constituencies, indicating that this was due to the failure of a particular supplier to deliver the materials to the country on time. Professor Jega indicated in a later meeting with the COG Chair that the materials had initially been due to arrive in Nigeria on Thursday 31 March at 5pm. However, he claimed that the supplier then said the materials would only be arriving on Friday 1 April at 5pm. This was then rescheduled for 9pm on the same day and thereafter other prospective arrival times were indicated and eventually the supplies arrived in Nigeria at 9am on polling day, by which time it became clear to INEC that it would not be possible to continue with the process.

However, in some areas voting had already commenced by this time, despite the fact that it was not supposed to start until 12.30pm. In other areas the message regarding the postponement was not received and voting continued up to 3pm.

This situation raised serious concerns not only about INEC's organisational capacity but also its poor communication system. Further, the failures on 2 April were not solely attributable to the non-arrival of the results sheets and ballot papers, but also to what appeared to be a lack of preparedness on the part of INEC to ensure all was in place to commence polling on time.

Following the postponement, INEC called back all of the materials and secured them at the State level. Initially Professor Jega announced that the polls were rescheduled for Monday 4 April. However, following complaints by political parties – through the Inter-Party Advisory Committee – that this was not feasible due to their inability to re-organise their personnel and finances over such a short period (which was also a Sunday), the National Assembly elections were rescheduled once more,

this time to Saturday 9 April. The Presidential elections were likewise postponed to Saturday 16 April, and the Gubernatorial elections to Tuesday 26 April, after Easter.

In the wake of the postponement, INEC conducted an audit of the materials and also met with RECs. Following this, INEC announced that some National Assembly elections could not be held on 9 April, largely due to insufficient ballots or due to missing party logos (which had also become apparent). This affected 15 of the 109 Senatorial Constituencies and 48 of the 360 House of Representative constituencies<sup>10</sup>. These elections were rescheduled to be held on Tuesday 26 April at the same time as the also rescheduled Governorship and State Assembly elections.

INEC's failure to hold the elections as scheduled, and the re-setting of the revised date, was a serious setback. Public confidence in INEC, and in its Chairman, was undermined as a consequence. However, the disappointment felt by many at INEC's failure was countered by the openness of the Chairman in explaining the problem and his willingness to accept responsibility. His obvious determination to ensure that the elections were held in a credible manner, the support of political parties for the choice of 9 and 16 April as the revised dates and the generally sympathetic reporting by the media, were also decisive factors.

It was in the aforementioned circumstances that the Chairman of the COG issued an initial statement on 2 April, and another on 3 April following each of the postponements (**See Annexes III and VI**). He also sought – and obtained – a meeting with Professor Jega on 4 April.

### ***B. General Assessment – National Assembly Elections, 9 April 2011***

Overall, Commonwealth teams reported quite positively on the process for the National Assembly elections, particularly in light of the problems faced during the aborted 2 April polls and in comparison with the 2007 elections. However, reports also indicate a number of concerns, notably with regard to various inconsistent practices and technical and organisational shortcomings.

In the areas covered, teams reported a largely peaceful voting process, with few security-related problems reported at polling stations. However, a number of serious incidents took place elsewhere. There was a bomb attack on an INEC office in Suleja (Niger State) on the eve of the election killing some 20 persons and injuring others, many of whom were National Youth Service Corps (NYSC) members serving as electoral staff. On election day there was a bomb attack at a polling station in Maiduguri (Borno State), which left three people dead. There was a

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<sup>10</sup>Based on a document published by INEC, the affected States (with number and type of postponed Constituencies indicated) were: Abia (1 Federal); Akwa Ibom (1 Federal); Anambra (3 Federal); Bayelsa (1 Senatorial); Benue (1 Senatorial, 2 Federal); Cross River (2 Senatorial, 1 Federal); Delta (3 Federal); Ebonyi (1 Senatorial, 1 Federal); Edo (1 Federal); Ekiti (3 Senatorial, 4 Federal); Gombe (1 Senatorial, 3 Federal); Imo (1 Federal); Jigawa (1 Federal); Kaduna (1 Senatorial, 5 Federal); Kano (3 Federal); Kwara (1 Federal); Lagos (3 Federal); Nasawara (1 Federal); Niger (1 Senatorial, 2 Federal); Ogun (5 Federal); Oyo (1 Federal); Plateau (3 Senatorial, 2 Federal); Rivers (1 Federal); Sokoto (1 Senatorial); Zamfara (2 Federal).

further incident when police intercepted a large cache of explosives in Kaduna State.

Security forces, drawn from uniformed services, were deployed on a large scale. It appears, despite the above incidents, that this was effective in providing for a more secure environment than previously. INEC had created the Inter-Agency Consultative Committee on Election Security for the elections and this was a positive innovation. For instance, in Ibadan, which has been a hot spot for previous polls, it was reported to Observers that the co-ordination of security forces was particularly effective.

Polling staff worked hard and diligently, often in quite difficult circumstances throughout a long and hot day. Staff, drawn largely from the NYSC, comprised of a good mix of males and females. There was also a large presence of Party Agents as well as domestic and international observers.

Voter turnout on 9 April was low in comparison to 2 April. This is perhaps explained largely by cynicism and frustration after the experience of the previous weekend, but also partly by the bomb blast in Suleja, which may have caused a sense of insecurity among some voters.

### *Opening and Accreditation*

On the day of the election many polling stations opened late. While this was not the case in all areas it was characteristic of a large number. This was due to the late distribution of materials and personnel within States or to the sometimes chaotic organisation of the distribution. In addition, it was observed that in some polling stations there were shortages of ink pads for voting; in one area there was a shortfall of ballots for the House of Representative elections; and some polling places lacked a voting cubicle.

In many instances the set up of the polling station was not conducive to a well-managed process. For instance, many places lacked suitable tables at which people could vote or for the placement of ballot boxes. At others, the layout of the polling station meant that queues of waiting voters mingled with people casting their votes or were alongside ballot boxes, which could both compromise the secrecy of the vote and threaten security of the ballot box. It was felt in quite a few instances that the crowds were not well managed, contributing to the problem.

The task of poll officials was not helped by the sometimes cramped locations for polling units. The creation of 'baby polling units' at polling stations with larger numbers of voters did not always help, as the tables for the 'baby polling units' were often right next to each other so the crowds were still mingling together, or in some cases the units were just not created as expected.

Once accreditation was underway it proceeded reasonably smoothly, though in many areas the relatively modest voter turnout aided the task of poll officials, many of whom appeared to lack full familiarity with the required procedures. It was observed that in many instances accredited voters were issued with a scrap of

paper on which was written a serial number and page number indicating their place on the voter register. This was done to speed up identifying them when they returned to vote.

According to INEC procedures one of the main features of the accreditation process was to require voters to be present at the commencement of voting at 12.30pm and to form a single queue<sup>11</sup>. A security officer or poll official was then to stand at the end of the line and no person arriving late was to be allowed to join the queue. The aim was to limit the possibility for people to move from one polling station to another and thereby limit multiple voting, which had been a feature of previous elections.

However, in the vast majority of observed locations this was not done. Rather, voters could come along at any time to vote so long as they had been accredited. To further highlight the lack of clarity on this issue among poll staff, at some polling stations observed officials were not clear if persons accredited on 2 April needed to be accredited again, while at others they were not clear when accreditation was to be completed. At some polling stations people were seen voting immediately after having been accredited.

This is indicative of a general lack of consistency in the process, both in terms of differences between practices at individual polling stations and variances between the published procedures and actual practices of many poll officials. This highlights a lack of full familiarity with the formal procedures. But it is fair to say that the shortcomings observed were more of a technical nature and a response by poll officials to the challenge before them, rather than malicious or calculated to subvert the process.

From the outset there had been widespread misgivings regarding the potential impact of the accreditation process on participation levels, particularly among women and persons with a physical disability. In the event, it was noted in several areas that the number of persons voting was some 10 per cent fewer than the number accredited.

### *Voting Process*

The voting process was reasonably well conducted. However, again there were concerns, some of which were of a more serious nature.

At some places where there were larger crowds security and INEC officials struggled to control the crowd or get things well organised.

Party Agents were well represented in polling stations, adding to the transparency of the process. However, in some instances there were so many Agents, often from the same party, as to cause an obstruction. It was also observed in Jos that Party Agents were assisting some people to vote.

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<sup>11</sup> INEC Manual for Election Officials 2011, page 23.

Just as with the accreditation process, the voting process was also characterised by a number of inconsistent practices, which deviated from prescribed procedures. For instance:

- People queuing up were sometimes processed in alphabetic order, which meant that some of those at the front were by-passed, causing tension.
- At some polling stations priority was given to the elderly or the infirm or pregnant women, but at many no such consideration was given, despite the long hours many had to wait in the sun.
- At some polling stations they had a series of officials signing, stamping and issuing ballots to voters, while at others this was centralised through just the presiding officer, causing delays and tension.
- At some polling stations people with voter cards but not on the voter register were allowed to vote, while at others they were not and at some others they could vote but only by tendered ballot. However, the INEC manual is clear in this regard: 'If the person's name is not on the register of voters, he/she cannot vote and shall be sent away'<sup>12</sup>.
- Officials were not always inking the correct finger.
- In many cases polling officials were not aware of when voting was to end. For instance, some correctly ended voting when all those in the queue had voted. However, because many did not manage the queue in the prescribed manner they lacked clarity on when to close voting. Some officials set a time for completion. For instance, at one polling station they said they would close at 3pm, while at a neighbouring station they said it was correct to close at 4pm.

As mentioned, some teams also reported concerns of a more serious nature:

- It is clear that some names were missing from the voter register, thus disenfranchising affected persons (except where, as mentioned, they were erroneously allowed to vote by virtue of having a voter card). The number of observed cases varied, for instance in Lagos and Enugu more instances were noted. The reasons for the problem also varied. In some cases names were simply missing, while in others actual pages of the register were missing.
- Several cases of underage voting were observed, despite the INEC Chair explicitly warning against this in his press conference before the election. In the observed cases the suspected underage persons had voter cards. In some cases they were turned away, but in others they were allowed to vote due to the fact they had a voter card.
- The secrecy of the vote was compromised in many cases and in a variety of ways. For instance, as mentioned, the layout of the polling station often meant that persons queuing were virtually next to the persons voting. Further, many voters did not fold their ballot papers so when they placed them in the transparent ballot box it was easy to see for which party they had cast their vote.

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<sup>12</sup> INEC Manual for Election Officials 2011, page 22.

## *Counting and Tabulation*

The counting process was conducted in a transparent manner, with Party Agents afforded a clear view of the process and also able to receive an official copy of the result. Overall, Observers did not raise any questions regarding the integrity of the count and result at observed locations. But there were some technical and organisational shortcomings identified.

- In some areas it was already dark by the time the count was completed, which made the task of poll officials all the harder. In many instances there was no provision of lighting, and some of the paperwork for the results was done under light provided from the torch function of mobile phones.
- The determination of invalid ballots was sometimes overly rigorous and a general concern. For instance, even in cases where the intent of the voter was clear a ballot would be rejected just because a small part of the finger print was outside of the box. Also, it was noted that in quite a few instances the inked finger print had smudged another part of the ballot when it was folded, thus creating a second mark and being deemed invalid in some cases. In many polling stations Party Agents were effectively being used to help in determining the validity or otherwise of questionable ballots. The number of invalid ballots in some areas was quite high. Indeed, in one LGA in Kano State it was noted that out of some 37,382 cast votes 6,224 (16%) were rejected, which is extremely high.
- In some instances the result at the polling station was not posted publicly. According to the regulations this is supposed to be done at a convenient location, but some officials did not consider it necessary, while others did not find a convenient place to post the results.

The Collation of the results at Ward, LGA and State levels was generally transparent and inclusive, with Party Agents able to scrutinise the process and receive a copy of the result. In one case an Agent refused to sign a Collation Sheet at the Ward.

The main comment by Observers on this aspect was that, again, the lack of adequate lighting around the Collation Centres impacted on poll officials trying to complete paper work and on the storage of ballots and materials, which was often done in complete darkness. On the other hand, despite the difficult circumstances, Collation Officers completed their tasks efficiently and with considerable dedication.

### ***C. General Assessment – Presidential Election, 16 April 2011***

The Presidential Election took place on 16 April 2011. Generally, more voters turned out for this election than for the National Assembly elections the week before. Voters demonstrated a high degree of enthusiasm and determination to vote, and in many cases endured long queues. The conduct of the election suggested that, by and large, INEC had taken on board the lessons learnt from the conduct of the National Assembly Elections the previous week.



Overall there was confidence in election officials and the electoral process. Women played a prominent part in the electoral machinery, including as presiding officers. Women also voted in large numbers, sometimes queuing separately.

No electoral campaigns were visible in the 24 hours before polling. However, campaign materials were still seen in some polling units on election day.

As at the National Assembly elections, the layout and organisation of polling units varied greatly. In some rare instances, the severe lack of organisation and absence of systems gave rise to crowds becoming impatient and agitated.

### *Security*

Security for the election was provided by uniformed services and was effectively co-ordinated under the aegis of the Inter-Agency Consultative Committee on Election Security. This enabled the vast majority of people to vote in confidence and safety.

In the main, security personnel while visible were not intrusive and acted under the authority of the relevant presiding officer. Generally the security services acted with great dedication and impartiality, but occasionally interventions were a little heavy handed, as observed in Lagos and Kano.

### *Opening and Accreditation*

In many areas, polling units opened on time. Some even opened earlier as large crowds had already gathered. This was evident in many places including in Abuja. Nevertheless, there were polling units which opened late. In such locations, as in parts of Lagos, polling staff did not arrive on time. Several polling units in Edo and Plateau states also complained of receiving late or insufficient sensitive materials such as ballot papers and result sheets.

Of particular concern were the few instances in Jos North, Mangu and Kanam in Plateau State where accreditation did not start until the afternoon owing to severe logistical and organisational problems. That said, most polling units were well organised. Nevertheless, inconsistencies were sometimes observed in the procedures for accreditation and voting. For example:

- In some polling units in Kaduna and Kano states voter cards were collected from groups of voters and checked against the register collectively. In most other locations, voters followed normal procedures and were accredited individually;
- In some places, particularly those that started late, accreditation and voting were conducted simultaneously;
- Occasionally, the presiding officer concluded accreditation early and began the voting process before the prescribed time; and/or
- Inking of hands and fingers were sometimes incorrect and indelible ink was not always used.

Generally the voter register seemed accurate. However, in some polling units voter names were missing. In a particular polling unit in Panshekara, Kano State, almost 40 per cent of the names were missing. Fortunately those concerned had in their possession duplicate voter cards which enabled them to vote. In Enugu however, voters with voter cards who didn't find their names in the voters' registers were not accredited. In other similar cases, those not on the register was nonetheless allowed to vote and their names were listed manually.

In a polling unit in Jos North, in Plateau State, some voters learnt that their names were not in the location where they had registered but at the University of Jos. This caused confusion and resulted in a security incident at the University because students were hostile to local people voting on the premises.

The voter card was checked against the register to accredit voters. While in most instances voters had laminated voter cards, in some instances this was not the case.

In several rural areas, such as in Agowantanimu, in Kaduna State and Riyom in Plateau State, many underage voters were observed. Since these children were in possession of voting cards, presiding officers accredited them and allowed them to vote. In these instances, the entire community seemed complicit in allowing this practice to occur.

### *Process Voting*

Polling officials seemed to be generally familiar with their tasks. However there were variations observed in the procedures applied.

- At some polling stations, in Lagos and Kano, presiding officers pre-stamped and signed ballot papers; and/or
- Some presiding officers closed the accreditation queue correctly having advised voters to depart after accreditation and return at the prescribed time of 12.30pm for voting; others allowed accredited voters to cast their ballot at any point in the afternoon while the polling unit was open.

Sometimes the secrecy of the ballot was not well assured, with voters' marked ballot paper visible for all to see through the transparent ballot boxes. This compromised the secrecy of the vote.

In several instances, voting booths were not received or not constructed due to a lack of space. In addition, party agents and security officials and voter queues were sometimes too close to the ballot boxes and to electors as they voted.

Voters were by and large knowledgeable about the voting process. Party agents were sometimes used in assisted voting including in marking ballot papers. Some voters were inked after voting rather than before as prescribed by the voters' manual.

Domestic and international observers were present in many locations and properly identified as were party agents. However, the Group heard with concern of domestic observers being harassed and/or detained in several states.

### *Counting and Tabulation*

The counting of votes at polling units was largely transparent and well conducted. Large crowds gathered for the process and joined in the public recording of votes won by each party. Generally, the atmosphere was good natured and party agents were present and seen to be performing their allotted role. Party agents signed and received a copy of the results which were also posted at the polling station for all to see. It is not clear if presiding officers transmitted their results by phone to INEC.

The determination of rejected ballots showed inconsistencies. In the main, presiding officers applied reasonable and fair procedures with very few void ballots. In some cases however, there was an over-zealous approach to reject ballots. This included ballots where there had been double finger printing but on the same party symbol and corresponding box or where the ink had spread slightly beyond the allotted space for the finger print. In other cases, ballots were rejected because slight smudging had occurred even though there was a clear thumb print for one party. In some polling units in Lagos, rejected ballots were more than 10 per cent of votes cast.

Presiding officers then delivered the results (and the ballots) to the ward collation centres. The process at the collation centres was transparent but conditions were not always ideal. Artificial light was sometimes insufficient and INEC officials had to perform their tasks under considerable pressure. While the ward collation proved to be relatively speedy, collation at the local authority level proved much more laborious.

### *Result of the Presidential Election*

The result of the Presidential Election as announced by the INEC Chair and in order of number of votes received by the four leading presidential candidates are as follows:

• Dr Goodluck Jonathan (PDP)	22,495,187	58.9%
• General Muhammadu Buhari (CPC)	12,214,853	31.98%
• Mallam Nuhu Ribadu (ACN)	2,079,151	5.41%
• Mallam Ibrahim Shekarau (ANPP)	917,012	2.4%

The remaining 16 presidential candidates received 1.32 per cent of the total votes cast.

## **RECOMMENDATIONS**

- i. Overall, INEC needs to improve on its organisational capacity. INEC must ensure that materials for the election are printed and delivered in good time to enable the timely delivery across the country. Further, INEC must ensure that the delivery of sensitive materials to and within States, and the deployment of staff on polling day, is done to provide for the timely opening of polling stations.
- ii. It would be worth reviewing the advantages and disadvantages of the Modified Open Ballot system. A drawback of a two-stage accreditation and voting process is its complexity and its impact on turnout. Aspects of the current system are time consuming and create confusion among the voters.
- iii. INEC needs a more effective communication system, so that central and state level officials can communicate with lower level staff, and polling staff can seek clarification or advice as required.
- iv. There remain shortcomings with the voter registration, based on the number of people with voter cards but missing from the voter register. This needs to be urgently addressed.
- v. There needs to be stricter safeguards against underage voting. There needs to be stricter measures during the voter registration to prevent their registration in the first place. But in polling places there could also be more effective measures to address the problem.
- vi. INEC needs to clarify as to who has ultimate authority in the polling unit, with regard to the presiding Officer and security officers.
- vii. INEC needs to assess the current locations utilised for voting in order to make sure that the space identified is suitable and adequate. There also needs to be better planning to ensure that adequate and suitable furniture is provided and that some form of lighting is available.
- viii. Secrecy of the vote needs to be better protected. This could be achieved by making sure polling units are laid out in an appropriate manner.
- ix. There needs to be a stricter enforcement of the limit on the number of Party Agents from any one party in polling unit and Collation Centres.
- x. Training provided to polling officials must be improved to ensure greater consistency in the application of procedures and increased awareness among staff of the correct modalities for each stage of the process.