

An Examination of The Law and Intricacies Of Electoral Offences In Nigeria

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Abstract

Nigeria has, time and again, shown that elections do not equal democracy. However, they indicate progress. Electoral offences have become a significant feature of our electoral process. The aim of this paper is to determine the impacts of electoral offences on the Nigerian elections and democracy. The research was anchored on the theory of social contract as a framework for analysis. It adopted the doctrinal approach in analysing the relevant electoral legislation and the offences created therein. Findings of the research show that electoral offences have become the norm in our electoral process and that same is enabled by established authority. This paper posits that the way out is overhauling the Nigerian political system by making it far less lucrative, true independence of the judicial arm of the government, electoral education and just prosecution of wanting individuals regardless of their standing in the society.

Keywords: Election, Electoral Process, Electoral Offence, Nigeria

Introduction

Every modern democracy is marked by a periodic election into public offices. In Nigeria, it is not any different. Since our return to democracy in 1999, there have been elections every four years. However, while periodic election maybe evidence of democracy, a better testament to true democracy should be the election processes, in addition to other dividends. It is for this reason that governments all over the world try to ensure that elections are free, fair and credible. Elections allow the people to choose their representatives and ensure a peaceful change of government. On the contrary, electoral offences limit people's ability to choose their candidate and facilitate the imposition of candidates. The Independent National Electoral Commission (INEC) is the statutory body responsible for conducting elections in Nigeria. In addition to the Electoral Act and the Constitution of the Federal Republic of Nigeria 1999, the INEC is empowered to issue regulations and guidelines in respect of election. Elections, therefore, are conducted according to these laws, which create and define boundaries beyond which one's action or inaction constitutes an offence whether as a voter, candidate, or electoral officer. It therefore must be borne in mind that elections are very significant because they convey legitimacy to leaders but automatically generate legitimacy crisis when a leader who is not the true choice of the people is foisted on them. In Nigeria, politics is the most profitable sector, and the stakes are usually high for personal ambition, tribal and religious bigotry. This paper is an inquiry into electoral offences in Nigeria. It dissects the nature, history and classification of electoral offences, and the legal framework of electoral processes in Nigeria.

Meaning And Nature Of Electoral Offences In Nigeria

The *Black's Law Dictionary* defines the word 'Electoral' as pertaining to electors or elections. Election is the process by which qualified citizens select their representatives. On the other hand, Section 2 of the Criminal Code defined an offence as an act or omission which renders the person doing the act or making the omission liable to punishment under this code (Criminal Code), or under any Act, or Law. Therefore, electoral offence means any conduct-action which is prohibited by the Constitution or the Electoral Act and a breach of which attracts punishment. Electoral offences are provided for under Part VII of the Electoral Act 2022. Electoral laws include the Electoral Act, the Constitution of the Federal Republic of Nigeria, and the guideline issued by INEC. Electoral offences in Nigeria are motivated by different factors, and sometimes, they escalate into full-blown violence.

Figure 1: Twitter (now X) Screenshot of Presidential Candidate of the Labour Party- Mr. Peter Obi



Often, the inordinate desire to see one's favourite contestant emerge as a winner pushes people to engage in unlawful acts. It is worse when the state or the incumbent President or Governor favours a particular candidate. In the latter case, the instruments of the state can be employed to commit electoral offences while the electoral umpires turn blind eyes. Figure 1 above presents the words of Peter Obi, a Presidential candidate in the just concluded 2023 election lend credence to this situation. He said, "If you must be referred to as 'Your Excellency', then the process through which you arrived in office must be excellent."

History Of Electoral Offences In Nigeria

The First Republic (1962 – 1966)

Elections started in Nigeria in 1922 with the introduction of the Clifford Constitution which provided for voting in Lagos and Calabar, as well as the emergence of political parties, beginning with Sir Macaulay's Nigerian National Democratic Party (NNDP). The early elections were relatively offence-free. However, from the 1959 elections, which ushered in independence in 1960, the country began to experience electoral offences such as thuggery and rigging. It was the regionalization introduced by the 1954 Macpherson Constitution that set the stage for electoral malpractices in Nigeria, as it meant a struggle for equation among the three regions and the minorities. In the 1965-1966 federal elections, there was a reign of ballot box snatching and thuggery. It caused a constitutional crisis as the east boycotted the election due to rigging. "The First Republic's loss of popular legitimacy was a remarkably deep and broadly based- and, by the end of 1965, thorough phenomenon" (Diamond, L. 1988). "In short, the rulers used power that they held constitutionally to do unconstitutional things. In the process, they destroyed themselves. Nigeria had censuses that were not censuses, elections that were not elections, and finally governments that were not governments" (Nigerian Opinion, February 1966)

In 1959, the outgoing colonial regime instituted the Electoral Commission of Nigeria (ECN) to conduct the 1959 elections and the first direct elections in the country. By 1960, the Tafawa Balewa administration established a new electoral body, the Federal Electoral Commission (FEC), which conducted the immediate post-independence federal and regional elections of 1964 and 1965 respectively. These elections were flagrantly rigged by the ruling Northern People's Congress (NPC) government headed by Prime Minister Tafawa Balewa. The results of the elections were rejected by the oppositions and consequently resorted to widespread violence including killing, arson, looting and destruction of properties, especially in the Western Region of the country. The election was contested by two parties namely the Nigerian National Alliance (NNA) and the United Progressive Grand Alliance (UPGA) after coalitions. The election was postponed for several weeks because of discrepancies between the number of names on voting rolls and on census returns. The UPGA was not satisfied and called on its supporters to boycott the elections. The call was effective in the Eastern Region, where polling places did not open in fifty-one constituencies that had more than one candidate running for office. In other constituencies in the region, UPGA candidates ran unopposed.

The abuse of the electoral process and the intensity of the electoral violence which characterized the elections created constitutional crisis and undermined the legitimacy of the new civilian government. A coup greeted the

government on 15th January 1966 and brought the military into the political administration of the country. The constitution was suspended and all existing political institutions including the Federal Electoral Commission were dissolved to mark the end of the first republic. “The First Republic (1960 – 1966) collapsed like a pack of cards due to several factors which made it unworkable. First, politicians lacked the discipline required to make democracy work. Second, they failed to imbibe the political ethos that would have brought about a difference in the political struggle. Third, the Federal Electoral Commission was not seen as an impartial body and this caused the entire process to break down faster. In fact, it was for the above reasons that the coup of January 15, 1966 was welcomed by the larger public,” (Ogbeidi, 2010).

The Second Republic (1979 – 1983)

Following the failed attempt at democracy in the first republic, the military, who had taken over power, thought it expedient to relinquish power to a civilian government in 1979. After having stayed thirteen years in government, the military lifted the ban on political activities on 21st September 1978. The then military Head of State, General Olusegun Obasanjo, inaugurated a Constitution Drafting Committee (CDC) headed by a Lagos-based legal practitioner, Chief Rotimi Williams, to draw up guidelines for a Constituent Assembly. The final draft of the Constitution by the Assembly was adopted as the 1979 Constitution.

The Constitution provided for an executive president, a Federal Senate and House of Representatives, state governors and state legislators. The government also established a Federal Electoral Commission (FEDECO) to manage the electoral process and conduct elections. Some of the guidelines set out for political parties were intended to overcome the shortcomings of the first republic, hence to qualify for registration, a political party must demonstrate an effective nation-wide presence by having functional offices in 13 of the then existing 19 states. This was to ensure that the support base of the political parties cut across ethnic and regional lines, and to prevent the emergence of regionally, or ethnically-based parties. A second major electoral reform was that the person to be elected president must have the highest number of votes cast in addition to receiving at least, 25 percent of the votes cast in two-thirds of the 19 states.

FEDECO registered five political parties: Unity Party of Nigeria (UPN), National Party of Nigeria (NPN), Nigeria Peoples Party (NPP), People’s Redemption Party (PRP) and Great Nigeria People’s Party (GNPP) for the the 1979 election. The election is widely acclaimed as the most peaceful election in Nigeria. However, Awolowo challenged the election in court alleging that the presidential election was rigged. He also argued that the NPN did not satisfy the two-third of all the states of the federation required by the constitution. The Supreme Court accepted the mathematical interpretation of the two-third provision and upheld Shagari as the winner.

In the 1983 elections, all the political parties re-nominated their presidential candidates. The 1983 election was one of, if not, the most fraudulent elections in the history of elections in Nigeria in terms of the scale of electoral malpractices. The elections were bastardized by the misuse of the power of incumbency, money, and the politics of bitterness and intolerance inherited from the First Republic. The rigging was well pronounced and open; all the political parties rigged the election in their various spheres of influence. FEDECO played an active part in the irregularities and malpractices that marred the elections. Umaru Dikko and Chief Adisa Akinloye openly declared that as far as they know, there were only two political parties in Nigeria: The National Party of Nigeria (NPN) and the Army. In effect, there would be a military take-over if they don’t win.

Before the election ballot boxes stuffed with ballot papers were discovered in people’s houses, while some were stolen from some polling booths. Judges, the police and other security operatives were not left out of the malpractice. A number of fraudulent elections were upheld by the Courts purely on technical grounds except in the case of the Ondo State gubernatorial election and some other local government elections of 1983. The 1983 gubernatorial election in Ondo State was hotly contested by Alani Omoboriowo and Chief Michael Ajasin. There was serious inflation of votes which gave rise to violence; houses were burnt and properties destroyed. At the end, victory was returned to Ajasin. The officers of the Nigeria Police Force were themselves the law breakers. They aided the massive rigging that characterized the elections of 1983. In response, Oyediran, a renowned political scientist, argued that “with such a partisan police force, it was practically impossible to hold free and fair elections in 1983.” His reign was cut short by a coup led by General Muhammad Buhari and Idiagbon.

The Third Republic (1992 – 1993)

This republic can be described as half military and half civilian. General Ibrahim Badamosi Babangida through a palace coup d’état took over power from the regime of General Buhari in August 1985 and began a highly

regimented transition programme to civil rule in 1986. Babangida decreed into existence two government funded parties, namely the Social Democratic Party (SDP) which he directed to be “a little to the left” in ideological orientation and the National Republican Convention (NRC) which was directed to be “a little to the right.” Nigerians were directed to join either of the two political parties as equals since they had no “founders” and all members were “joiners”. The presidential election took place on 12th June, 1993 under a peaceful atmosphere, and the results were collated and announced by National Electoral Commission. The election was generally considered to be free and fair, partly because of the open ballot system adopted for the election. Chief Moshood Kashimawo Abiola of the Social Democratic Party had 57% of the votes cast and announced from 16 states. Results from the remaining states were still being collated when the Head of State, General Ibrahim Babangida, in a special broadcast on June 24, 1993 annulled the June 12, 1993 election, suspended the National Electoral Commission and discontinued the transition programme. Babangida justified this suspension on the ground of pending litigation over the election. He ordered a stop to the litigations and repealed the transition decree. The annulment led to protests.

An Interim National Government (ING) headed by Chief Ernest Shonekan was instituted. In the third month of the ING, it was declared an illegal government by Justice Dolapo Akinsanya of the Lagos High Court when the late Chief M.K.O. Abiola filed a suit challenging the legality of the ING. General Sani Abacha who the Minister of Defence dismantled the ING and the two political parties, the Social Democratic Party and the National Republican Convention, thus beginning a new transition programme. The Abacha transition programme was only a strategy to succeed himself in power. Hence, in a bid to shed the military uniform for the civilian regalia, General Sani Abacha left no stone unturned including annihilating every opposition on his way. The elections conducted under the Abacha’s transition programme suffered the same fate as earlier elections. After the death of Abacha in 1998, General Abdulsalam Abubakar took over and began another transition programme.

The Fourth Republic (1999 – present)

The observers of the 1999 election which brought Obasanjo into power were unanimous on the irregularities which characterized the election. In 2003, the Obasanjo-led government conducted the 2003 elections, during which rigging was almost raised to a virtue. Commenting on the situation, Egbokare (2007) said, “Since 1979, things appear to be getting worse. I think what was different this time was that it was not just thugs’ affair. Governors and their deputies, ministers, in fact, the high and mighty in the society were involved in the field operations once left to thugs. They personally participated in snatching ballot boxes, thumb-printing, and disruption of voting....”

Figure 2: A woman injured in Lagos where she went to vote in the 2023 presidential election.



Source:

In 2011, the announcement of Goodluck Jonathan was greeted by uproar and violence in some parts of northern Nigeria. In 2019, it was relatively calm. The worst election in the history of Nigeria has been the 2023 presidential election of this Fourth Republic. Bola Ahmed Tinubu said it was his turn “Emilokan”. It was heralded with high hopes given the innovations introduced by the electoral umpire and people expected change in their electoral fortune. INEC prepared for the elections. In many places, the election was marred by open and brazen irregularities, much of which were executed with impunity. In Lagos, thugs threatened voters on camera while security operatives looked on. Videos of underage voters in the north surfaced while many electoral officers were caught on camera altering the election results in different polling units. Most of the results collated were riddled with cancellations, evidence of gross malpractices. In Rivers, the government hijacked the results and produced different figures.

The Constitution Of The Federal Republic Of Nigeria 1999 (As Amended) As A Major Legal Framework For Regulation Of Electoral Offences In Nigeria

As a matter of legality, the Constitution is the grundnorm and every other law is dependent on it. Section 1(2) of the Constitution of the Federal Republic of Nigeria 1999 states that no person shall govern Nigeria except in accordance with the Constitution. As such, it provides for the establishment of Independent National Electoral Commission (INEC) for the federation and State Independent Electoral Commission for the various states of the federation. The Constitution provides for the mode of appointment of the INEC chairman and other members of the commission, tenure of office, qualification, removal, independence, quorum and powers to make rules for the discharge of its functions. The chairman and members of INEC are appointed by the President in consultation with the Council of State and confirmed by the Senate. Any member of the body shall not belong to any political party or hold any public office unless he has resigned, and within ten years preceding the appointment, must not have been removed from any office for misconduct. On removal of the chairman or members, only the President has the power acting on an address supported by two-third majority of the Senate for inability to discharge his duties. To allow for independence, the Constitution stipulates that the commission shall not be subject to the control of any person or authority.

THE COMPOSITION OF INDEPENDENT NATIONAL ELECTORAL COMMISSION

- a. A Chairman, who shall be the Chief Electoral Commissioner; and
- b. Twelve other members to be known as National Electoral Commissioners.
- c. A member of the Commission shall be non-partisan and a person of unquestionable integrity and
- d. Be not less than 40 years of age in the case of the Chairman and not less than 35 in the case of the National Commissioners.
- e. There shall be for each state of the federation and the FCT, Abuja, a Resident Electoral Commissioner (REC).
- f. The REC shall be appointed by the President subject to confirmation by the senate.
- g. The REC shall be a person of unquestionable integrity and shall not be a member of any political party and not be less than 35 years of age.

THE POWERS OF INDEPENDENT NATIONAL ELECTORAL COMMISSION

The Commission shall have power to

- a. Organize, undertake and supervise all elections for President, Governor, national assembly and state house of assembly.
- b. Registration of political parties.
- c. Monitor the organization and operation of the political parties, including their finances, conventions, congresses and party primaries.
- d. Arrange for the annual examination of the accounts of political parties and publish a report on such audit for public information.
- e. Arrange and conduct the registration of persons qualified to vote and prepare, maintain and revise the register of voters for the purpose of any election provided for in the Constitution.
- f. Monitor political campaigns and provide rules which shall govern the political parties.
- g. Ensure that all Electoral Commissioners, Electoral and Returning Officers take and subscribe the oath of office.
- h. Delegate its powers to any REC, and
- i. Carry out other functions as maybe prescribed by an Act of National Assembly.

The Constitution also makes for provision for the qualification to be elected to offices in Nigeria. Among others, it states that a person shall not be qualified for election to the office of the President if he has voluntarily acquired the citizenship of a country other than Nigeria. According to the Constitution, an election to the office of the President or Governor shall be held on a date not earlier than one hundred and fifty days and not later than one hundred and thirty days before the expiration of the term of office of the last holder of the office. It is also the requirement of the

Constitution that a candidate for an election to the office of the President shall be deemed to have been duly elected, where, there being only two candidates for the election, he has the majority of votes cast at the election; and he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the states in the federation and the Federal Capital Territory, Abuja.

The Constitution also regulates conduct of political parties. It empowers INEC to receive the financial report of every political party and to de-register same for any misconduct. INEC could also suspend a party for failure to win at least twenty-five percent of votes cast in- one state of the federation in a Presidential election, or one local government of the state in a Governorship election. A political party could also be de-registered for failure to win at least- one ward in the chairmanship election, one seat in the National or State Assembly election, or one seat in the Councillorship election.

As legal framework regulating the conduct of election in Nigeria, the Constitution provides for the establishment of election tribunals which have power to determine petitions as to whether any person has been validly elected to the office of Governor or Deputy Governor of a State, or a member of the National Assembly or House of Assembly of State. The tribunal is made up of a Chairman, and two other members, all of whom shall be appointed by the President of the Court of Appeal. The Chairman shall be a Judge of a High Court while the members may be any other person in the judiciary not below the rank of a Chief Magistrate. As part of regulating electoral process, an election petition must be filed within twenty-one days after the date of the declaration of result while judgement must be delivered in writing within 180 days from the date of filing of the suit. An appeal also must be heard and disposed of within 60 days. In the same vein, pre-election matters must be filed not later than 14 days from the date of the occurrence of the event, decision or action complained of in the suit, while the matter must be dealt with within 180 days. Any appeal against pre-election matter must be lodged within 14 days after judgement and same must be heard and disposed of in 60 days.

Classification Of Electoral Offences

Electoral offences in Nigeria often lead to violence. The offences are mostly designed to delegitimize the electoral process, minimize, or neutralize opponents and undermine their ability to mobilize supporters and spoil victory. The outrage that trailed the first election conducted in 1964/5 claimed more than 200 lives, according to Human Rights Watch (HRW). The country also experienced massive post-election violence following the 1983 election, with several lives lost and property destroyed. In the same vein, the 1993 election, though widely considered as one of the freest elections in Nigeria, saw the death of over 100 peaceful protesters. Electoral offences such as arson, ballot box snatching, coercion, forceful disruption, thuggery and so on account for this violence. In 2022, the Independent National Electoral Commission reported that between 2019 and May 24, 2021, its offices were attacked 41 times across 14 states. According to the commission, thuggery was one of the root causes of the attack. Those involved in electoral process are also vulnerable to coercion. On numerous occasions, there have been allegations of infractions by officials of INEC or security operatives in favour of one party.

Electoral offences are classified according to the time they may occur. While some could be committed at any time before, during or after elections, others can only be committed at a certain phase of the election only. A careful perusal of the electoral offences as outlined under the Electoral Act 2022 shows that electoral offences could be committed at different stages. It could be before, during or after election.

Pre Election Offences

These offences could be gleaned from the provision of Sections 114, 115, 117, 118, 127 of the Electoral Act. They relate to registrations, nominations of candidates, improper use of voters' card, improper use of public vehicle for use of any person who is not ordinarily entitled to the use of such vehicle for electoral purposes, and the offence of undue influence. These offences are aimed at compromising the election before it is started.

Offences During Election

This category of offences is contained in sections 119, 120, 122, 123, 124, 126 and 128 of the Electoral Act. Under this heading, there is impersonation and dereliction of duty. There is also those relating to the requirement of secrecy in voting. The incumbent president breached the latter offence during the 2023 presidential election where he lifted and showed the media his vote. Wrongful vote, vote by an unregistered person, threatening, canvassing or persuading and other activities that undermine the election process constitute offence during election. The deployment of thugs is covered under this section.

Post Election Offences

This category of offences is often aimed concealing the frauds already committed. They also include manipulation of results. Bribery and tampering of results are grouped here. Each offence has their prescribed punishment under the Act.

The Electoral Act 2022 And INEC Regulations And Guidelines For The Conduct Of Elections 2019

The essence of a comprehensive legal framework is to ensure order in the exercise of civic rights and that it reflects the opinion of the citizens. Accordingly, the Electoral Act 2022 was enacted to provide a legal framework for electoral proceedings. It sets out conditions and procedures for registration of parties, candidates, and voters. It also provides for the accreditation, voting, counting and announcement of election results. The Act further outlines the roles of various stakeholders involved in the electoral process and stipulates the procedures for resolution of dispute that may arise from the electoral process including institution of legal proceedings.

Pursuant to the power granted INEC by the Constitution to make rules for the conduct of election, the commission released the INEC Regulations and Guidelines for the Conduct of Elections 2019. The guideline regulates the date and time of election into each electoral office, eligibility of voters and place of voting. It provides for the establishment of polling units, procedures for appointment and disqualification of electoral officers, accreditation and voting procedure. It further provides for the regulation of admission of voters into the polling unit to the exclusion of all other persons except candidates or their polling agents, election officials, security personnel, accredited observers and any other person who has lawful reason to be admitted. The most innovative introduction of the Act and Guideline is the mandatory use of Smart Card Reader (SCR) to verify the particulars of the intending and INEC Result Viewing Portal (IReV) where the scanned hardcopy of election results should be electronically transmitted and displayed in real time.

Effectiveness Of The Electoral Act In Curbing And Punishment Of Electoral Offences In Nigeria

The Criminal Code and Penal Code are the principal laws regulating human conducts in connection with what may or may not amount to a crime or an offence. However, in relation to election, the Electoral Act 2022 is the guiding law. The Nigerian Electoral Act is short of nothing with respect to its coverage of offences. It takes care of every offence that may be committed in election. However, the Electoral Act is only but a document. It cannot, in and of itself, punish any electoral offender. It is the institution responsible for enforcing these dictates contained in the Act that would determine how effective the law could be in curbing and punishing electoral offences in Nigeria. Unfortunately, electoral offences are selectively punished. That is, the State prosecutes only those offenders who do not facilitate their intentions. It is so strange, yet unsurprising, because what could anyone expect in a State where people publicly declare that it is their turn to occupy a position. It is not a question of merit, let alone acceptance, but inordinate desire and imposition. They go beyond the stretch of imagination to actualize their unpopular vision. It is because of this ugly situation that electoral offences have continued to persist in our system. In the 2023 Taraba gubernatorial election, the Resident Electoral Commissioner announced the candidate of the All Progressive Congress as the winner while collation was still ongoing, meanwhile the candidate of the People's Democratic Party would later emerge as the actual winner. This irregularity was followed by news of the departure of the Resident Electoral Commissioner through a private jet. Is this not a clear example of State-supported electoral offence? Therefore, our problem is not the absence of law, but ineffective implementation of laws. In the 2023 presidential election, the law was rubbished beyond imagination. State actors facilitated electoral offences in an unprecedented manner.

The Way Forward

a. Reformation of the Electoral Process

The right to vote is very fundamental given that it determines sovereignty of the people as enshrined in Section 14 (2) (a), CFRN 1999. In the case of *Nwali v EBSIEC*, the Court of Appeal declared that, "*The voters' right... is part of his or her fundamental right to hold opinion and express that choice without interference whose protection is guaranteed by Section 39(1), CFRN 1999.... The right to vote is the most fundamental and important of all the rights of a citizen. Without it, the enjoyment of all the other rights is compromised and threatened.*"

Therefore, to change the ugly political terrain, there should be a law to scrap registration before voting. Registration can be employed by politicians to achieve selfish ends such as depriving a set of people from registering and voting. In the 2023 elections, thousands of voter's cards were discovered in bush. In other places, electoral officials deprived those suspected to be supporters of Labour Party from collecting their voter's cards. It is a fundamental right and subjecting it to a secondary process is an abrogation. Imagine having to be registered before exercising the right to expression or movement. In the place of registration, the legal requirements of citizenship and voting age suffice. However, there has to be proper database management through the National Identity Number.

b. Electoral Education

Many Nigerians do not know what their rights are with respect to electoral processes. On the other hand, some have no background of the legal implications of their electoral involvements. Still, there are many who do not yet appreciate the need for informed electoral choices, decisions, actions and inactions. As such, more than ever, there is a need for electoral education, that is, nationwide electoral awareness. This education should cover every electoral process including rights and obligations. Furthermore, it could also be introduced as a college course in our school curriculum to imbibe electoral values from onset. The National Orientation Agency, in partnership with relevant stakeholders, will be instructive in this regard. With this, there will be a significant shift firstly, mentally, and in behavioral objectives towards elections in Nigeria. It will reduce the commission of electoral offences. The concept of electoral education is in line with the functions of INEC to conduct voter and civic education and promote knowledge of sound democratic process.

c. Independence of the Judiciary

Electoral offence is not the only effect of weak judicial independence. The lack of independence of the judiciary is one of the biggest challenges facing Nigeria on all fronts. In this country, politicians rob the people of their choice and tell you to go court, because even the courts have become a marketplace where justice is sold to the highest bidder. The judges bootlick politicians. Therefore, any meaningful attempt at curbing electoral offences must include a change in setup of judicial system. The judiciary is independent in principle, not practically. The judges/justices must set themselves apart and beyond the whims of politicians, resist their free lunch, and decide election petitions impartially.

d. Overhauling of the Political System

The unfortunate truth is that electoral offences at grand level as committed by politicians may not end unless politics in Nigeria becomes less lucrative. Here, politics is a personal enterprise where money is made by corrupt practices such as embezzlement. A great majority go into politics for generational financial freedom. The truth of this proposition finds expression in the dearth of dividends of democracy; poor roads, poor educational system, everything is poor. When a decent person decides to step into the arena, the system is such that scuffles the will of the people now and again. Therefore, making politics less enticing through reduced salary structure including allowances, and subjecting erring politicians to an impartial judicial system will make politics less of a do or die affair and subsequently, a decline in the willingness to commit electoral fraud.

Conclusion

Impunity is going to abort Nigerian democracy. It must stop! The way to stop is for stakeholders in electoral process to let things run their natural course rather than turning politics into a do or die affair. Every four years, electoral offences weaken our democratic system. It will continue to a point where even the nation will become too weak to assert its control. Nigerians must insist on the transformation of electoral process through persistent political participation. It is a long walk but necessary, otherwise it is only a matter of time before a total collapse of democracy in principle and practice.

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