

Electoral laws and political will as strange partners in Nigeria's electoral politics

Mike Omilusi

PhD., Department of Political Science, Ekiti State University, Nigeria

Abstract

The Legal framework for an electoral system is a composite of laws including constitutional provisions, electoral Acts, guidelines, legal precedence and codes of conduct. Fair electoral competition requires equality before the law, equal protection of the law and provision of effective remedies for violation of the rights of electoral competitors. However, the issue of effective sanctions for breaches of election laws, rules and procedures poses an important challenge to the credibility of elections in Nigeria. This essay examines the intricate link between electoral laws and the political will on the part of the leadership in Nigeria. It interrogates the legal framework for electoral politics in the country and the enforcement of these laws within the usual volatile political environment. Drawing instances from the 2015 general elections in particular, this essay highlights the infringements of various sections of the electoral law- without sanction for the offenders -and how this development fuels impunity in the country's electoral politics.

Keywords: election, electoral laws, political will, democracy

Introduction

In many new and emerging democracies, the trajectory towards democratization has not been one of gradual development along the dimension of competition or participation or inclusiveness. Instead, political systems have moved from little or no competition or participation to full competition and inclusiveness due to rapid processes of decolonization or because they have moved from one-party to multiparty systems. Naturally, this affects political parties in very specific ways and limits their capacity to develop a mass base and to ensure internally democratic structures (IDEA, 2007:104). Periodic national elections of candidates emerging from a genuine multi-political party system, conducted by observing principles that ensure that all candidates and their parties have an equal chance of competing in the process, of getting their messages heard and canvassing support, ensuring that neither the candidates nor their supporters will be subjected to bodily harm or intimidation and that all political actors are willing to accept a rotation of government if that be the popular will – these are the foundations of the democratic process (Kadirgamar-Rajasingham, 2005:2) ^[22].

Historically, elections into any office(s) are governed by rules and regulations made before the elections are accepted by all interested parties or the majority of same, especially, the contestants. Aside from bringing such elections in conformity with the requirements of the law, rules and regulations when not skewed in favour of particular interest or party confer credibility and a genuineness on the outcome of an election, and by extension, ensures acceptance (LEMT, 2003 cited in Lawal and Ogunro, 2012:15) ^[26]. Put differently, elections would only remain a farce when they are not rule-compliant. Democracy is rule-driven and no election can be better than the extent to which people obey electoral rules (Ayoade, 2008:94) ^[10].

Elections are organized to determine accurately and honestly the people's will concerning who shall occupy governmental office for a periodic term. Referenda and other ballot initiatives are organized to determine accurately and honestly the people's will concerning the issue presented for their vote. In both types of elections, how the people's will is determined has a crucial effect on whether their will is fully ascertained and honoured. How the people's will is measured depends on the legal framework for elections and how that framework is implemented (Merloe, 2008:5) ^[27]. The architecture for the election process may be laid down in the constitution, in specific laws relating to elections and other legislation and regulations that may directly or indirectly impact on election processes (Kadirgamar-Rajasingham, 2005:4) ^[22].

This essay examines the intricate link between electoral laws and political will on the part of the leadership in Nigeria. It is structured into six sections. The next section after this introduction discusses the background to electoral laws and democracy in Nigeria. The third section interrogates the legal and constitutional framework for electoral politics in the country while section four examines the enforcement of these laws within the political environment. It highlights the infringements of various sections of the electoral law without sanction for the offenders and how this development fuels impunity in the country. The last section concludes the essay.

Electoral Laws and Democracy: Theoretical Background

An essential ingredient of elections in a democratic society is that they be free and fair and that in that atmosphere of freeness, the people should be in a position to go to the polls unmolested to exercise their franchise. A clear, comprehensive and acceptable legal and constitutional framework together with an independent electoral management body is therefore a condition precedent to the conduct of free, fair and transparent

elections (Okoye, 2009:162) ^[37]. To be free, participation in elections must be conducted in an atmosphere characterized by the absence of intimidation and the presence of wide range of fundamental human rights, such as, the rights to free expression, information, opinion, assembly, association and to protection from violence and all forms of discrimination. Political propaganda, voter education activities, political meetings and rallies, and partisan organizations are all common elements of the electoral process, and each must operate without unreasonable interferences for the conduct of the elections to be free (Ladan, 2006) ^[23, 24].

Similarly, judicial procedures must be insulated from corruption, manipulation, undue interference and partisan influence if they are to accommodate the necessary electoral functions of hearing petitions, objections and complaints (ibid). In other words, fair electoral competition requires equality before the law, equal protection of the law and provision of effective remedies for violation of the rights of electoral competitors. This applies to governmental agencies and officials well beyond election authorities, including the police, prosecutors, courts, administrative law bodies, government employees and even government controlled mass media and authorities empowered to address fairness and conduct of private media, as well as to those charged with overseeing requirements concerning campaign finance.

The electoral system of a country is the critical institution which shapes and influences the rules of political competition for state power because it determines what parties look like, who is represented in the legislature, how accountable these representatives are to the electorate and above all who governs. It is good to know that the way an electoral system operates determines the degree of public confidence and support for the democratic system itself. An electoral system regulates elections and other related activities (Adetula, 2008: xvii) ^[2, 10, 35, 55, 46, 51]. According to Fagbohun (2013:7), there are four important goals that a viable electoral system must be able to achieve. First is the achievement of political equality in the context of ensuring representativeness, inclusiveness, accessibility and competitiveness. Second, it must allow for deliberation; that is, it must give room for robust and quality debate that will translate to political knowledge and deliberative decision-making. Still in furtherance of deliberation, it must be capable of healing divisions and generating consensus within the community. Third, the electoral system must be capable of defining a political community by excluding non-citizen residents/taxpayers from voting. Finally, it must be able to engender stability.

The Legal framework for an electoral system is a composite of laws including constitutional provisions, electoral Acts, guidelines, legal precedence and codes of conduct. Such statutes/laws must be unequivocal in policy goals and thematic directions that should facilitate the functions of the election management body(EMB) in its engagements with all stakeholders, such as allowing for successful delineation of electoral constituencies, defining contestable positions, eligibility of candidates, and clearly defining the roles and ethical expectations of election managers. Additionally, it should enable effective mechanisms for conflict and dispute resolution before, during and after elections. Such legislation should be coherent, complete, systematic and fully applicable,

as their defects would undermine the electoral system (Igini, 2015:1). What is most important is that it (the legal framework) is publicly known and that provisions are not introduced in stealth to advantage or disadvantage any specific political forces (Kadirgamar-Rajasingham, 2005:5) ^[22].

Among the laws and regulations that can affect electoral integrity are those concerning: registration of political parties and party financing; news and other mass communications media; nongovernmental organizations; establishment of citizenship; rights of refugees and internally displaced persons; population census requirements; political neutrality of civil servants, including government employees, law enforcement personnel, judges and prosecutors, and military personnel; political neutrality in the use of state resources; access to information; administrative law procedures; civil and criminal codes and procedures; and other matters (Merloe, 2008:8) ^[27]. Including a legal framework for the management of elections in the constitution confers a high degree of autonomy and independence from the government of the day to those who manage the elections

Parties and candidates are also actors that have the potential to be destructive. Practices of vote buying or illegal party finance, the proliferation of defamation and hate speech in campaigns, voter intimidation by party workers, corruption in decision-making, and the systematic exclusion of certain sectors of the society constitute examples of where political parties threaten the functioning of democratic systems rather than support it. Laws and regulations regarding campaigning, funding, and functioning of political parties are developed to minimize the potential disruptive influence of political parties while still allowing them enough freedom to contest elections (The ACE Encyclopaedia, 2012:10). Guiding principles of election legislation includes:

- It should be stated in clear and unambiguous language.
- It should avoid conflicting provisions between laws governing national elections and laws governing sub-national (state) and local elections; provisions governing the administration of national elections should be in harmony with the provisions governing such other elections because court decisions at one level could affect legislation in other jurisdictions.
- The respective powers and responsibilities of the national and local electoral management bodies, and governmental bodies, should be clearly stated, distinguished and defined to prevent conflicting or overlapping powers being exercised by other bodies.
- It should be enacted sufficiently far in advance of an election date to provide political participants and voters adequate time to be familiar with the rules of the election processes. Election legislation enacted close to election time tends to undermine the legitimacy and the credibility of the law and prevents political participants and voters from becoming informed in a timely manner about the rules of the election processes.
- It should be enacted in accordance with the applicable legal provisions governing the promulgation of laws by the legislature. Election legislation that is not enacted in accordance with the applicable legal provisions may be challenged and risks annulment by the courts.
- It should be published and made readily available for the

intended users including the general public.

- It should harmonize with legislation guiding media, party financing and campaigns, party registration, citizenship, national registers and identity documents, and criminal provisions which have bearing on elections
- It is better enacted by the legislature through debate and consensus of contending political groups, than through executive fiat of an EMB
- It should within a clearly defined scope of authority, give the Election Management Body sufficient room to be able to issue instructions consistent with the electoral laws, to further clarify issues related to elections, and deal with gaps in the election law arising from unforeseen contingencies
- It should give room for complaints and appeals from voters and participants regarding issues related to adoption and implementation of election laws and give a time frame to deal with such issues
- It should clearly state the legal hierarchy, namely; the precedence of constitutional and legislative provisions over the instructions of the Election Management Body (ACE Project, 2010).

Nigeria's Electoral Laws and Constitutional Framework: Historical Perspective

Electoral governance reform to strengthen democracy in the country has generally been situated within the ambit of provisions defining the notion of free and fair elections, or of credible elections, in international conventions like the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples Rights, the Declaration on the Principles Governing Democratic Elections in Africa (2002), the APRM Declaration on Democracy, Political, Economic and Corporate Governance (2002), Guidelines for Electoral Observation Missions (2004), and the African Charter on Democracy, Elections and Governance (2007) among others, compliance with which national governments are accountable, and can be held accountable by the international community, at least through its power of moral suasion, and now increasingly through punitive sanctions and political conditionality (INEC, 2012:xviii). It is observed that constitutions, electoral laws, political party laws, and various regulations have an impact on political parties and candidates (The ACE Encyclopaedia, 2012:18). The most useful way of looking at the broad issues crucial to the consolidation of democracy in Nigeria, including the electoral reform and other related issues in the Nigerian democratic experiment, is from a historical perspective (IFES, 2008: xvii).

Work on the legal framework and in particular; electoral law, the Constitution, codes of conduct and administrative regulations is key for the organization of future free and fair elections. The legal framework regulates all the rules of law which prevail throughout the electoral cycle such as the organization of political parties, election campaigns, political broadcasting time, registration of voters, electoral boundaries, the logistics and management of the polling station up to the electoral dispute resolution mechanisms.

The Richard's constitution of 1946 replaced the Clifford's constitution of 1922 and it did not increase the number of

elective posts as Nigerian has expected even though there had developed other towns in Nigeria with enough educated Nigerians who could exercise the franchise intelligently since western education was considered to be condition precedent to such exercise. Significantly, the 1951 constitution expanded the electoral field. A central Legislative (House of Representatives) was established which was to be made up of One Hundred and Forty-Eight (148) members, One Hundred and Thirty-Six of whom were to be elected Nigerians. The 1954 constitution replaced and repealed the 1951 constitution and further expanded the electoral field as it provided the basis for the independence of Nigeria. Under the constitution, a unicameral legislature of 184 elected members was set up for the country. On the 12th September, 1960, Nigeria became an independent country and the Nigerian Order in Council was passed wherein Nigeria became a sovereign nation with full powers to fill all the elective posts in the country.

Between 1951 and 1959, there were regional and federal elections. By 1 October 1954, four Regional Premiers had emerged namely Sardauna of Sokoto, Sir Ahmadu Bello for the North; Dr. Nnamdi Azikwe for the East; Chief Obafemi Awolowo, for the West; and Dr. E.M.L. Endeley, Southern Camerouns. Each of the regions, using different electoral regulations, conducted elections to the Federal House of Representatives. Eastern Region conducted the election on 10 November using the secret ballot, Western Region, 11 November with adult who had paid taxes in 1953-54 as eligible voters, while the Southern Cameroun and Northern Region used Electoral College system.

By the operation of the Nigeria Order in Council of 1960, Great Britain terminated her imperial powers over Nigeria on October 1, 1960. This enactment still coloured Nigeria with traces of colonialism as the Governor-General and the Regional Governors, though Nigerians were representatives of Her Majesty, the Queen of England. The Queen was the recognised Head of State and of course this left Nigeria with a constitutional monarchy. The Privy Council in London remained Nigeria's Court of Appeal. The 1960 Independence Constitution provided for a Bicameral Legislature made up of the Senate of forty-four members and the House of Representatives of three hundred and five members. These were all directly elected by the people. The Prime Minister was the head of the Federal Executive, and all the members of the Executive were members of the Legislature.

The Nigeria Electoral (Transitional Provisions) Act of 1961 was the first electoral legislation made by Nigeria's Parliament. It re-enacted the Elections (House of Representatives) Regulations of 1958 and the Federal Legislative House (Disputed Seats) Regulations of 1959 with some very minor amendments. The first most comprehensive electoral enactment in the post-independent Nigeria was the Electoral Act of 1962. It made extensive Act, an aggrieved party had to present his petition to the High Court within twenty-one days of the election. A further step was taken in 1964 with the enactment of the Electoral (Amendment) Act. It effected some minor amendments in the 1962 Act and abolished the requirement for payment of deposit on lodging of an election petition. Misfortune struck in 1966 when the military 37 took over the reins of power in consequence whereof the then ruling Supreme Military Council suspended

the governing constitution and the legal framework for political institutions, clothed itself with omnipotent legislative powers, and ruled by the decrees and proclamations. The sprouting electoral system which could only grow in civilian political dispensation met a doom. This remained on ground till 1979 when the Nigerian Army on their own surrendered power to an elected civilian government (Eko-Davies, 2011) ^[13].

Nigeria's 1977 Electoral Decree was the most voluminous of all electoral enactments after her independence in 1960 and the provisions were extensive and covered many areas. It reduced voting age from 21 to 18 years of age and disqualified electoral officers from voting in any of the elections for the offices created. A candidate for any post was required to obtain tax clearance certificate for three years preceding the year of election. Conviction for an offence involving dishonesty and dismissal from public office were also some of the grounds for disqualification from contesting election under the Decree. Part V of the 1977 Decree created election tribunals, set out the procedure for bringing election petition and for the first time in Nigeria's electoral history, put a time limit for the completion of any election petition. The 1977 Electoral Act and the subsequent amendments were repealed by the Electoral Act of 1982. Under the 1982 Electoral Act, the Federal Electoral Commission had the mandate to compile a new Voter's Register for the purpose of election under the Act. By Section 117 of that Act, jurisdiction in respect of election petitions arising from the conduct of the presidential election was vested in the Federal High Court and the High Court of the Federal Capital Territory. The state High Court was vested with the jurisdiction to hear and determine election petitions arising from the conduct of elections into other offices (Alolade, 2015) ^[8, 9].

In 1993, there was an amendment to the 1982 Electoral Act. This was capped the Presidential Election (Basic Constitutional and Transitional) Decree No.13 of 1993 which inter alia created the offices of the President of Nigeria and the Vice President and prescribed qualification for the two offices (Alolade, 2015) ^[8, 9]. Open Ballot system (OBs) was adopted due to past elections history and experiences in the country. The OBs required voters queuing behind the candidate or his poster as the electoral officer counts the voters directly on the queue. It is observed that the method served as an antidote to rigging. The 1993 elections were globally acclaimed to be the freest and fairest in the nation's political history because the electoral law granted the people the right to monitor their votes. However, there was an impediment. Once the physical counting of voters on the queue is completed, voting would close and late comers are disenfranchised.

In succession, Nigeria has had the Nigeria (Electoral Provisions) Order in Council, 1958; the Electoral Act of 1982; same which formed part of the revised laws in 1990; the Electoral Act of 2001; the Electoral Act of 2002; the Electoral Act of 2003; and the Electoral Act of 2006. After the general elections of 2007, the then president, Alhaji Umar Musa Yar'Adua in August 2007 set up a 22-member Electoral Reform Commission headed by Justice Mohammed Uwais to examine the entire electoral process with a view to ensuring that Nigeria raised the quality and standard of her general elections. The committee submitted its report on 11th

December, 2008 (Fagbohun, 2013:9) ^[15].

Enforcement of laws and Political Will: The Observable Gaps

Parties and candidates are political actors that have the potential to be a negative force in the election cycle. The illegal practices of vote-buying or illegitimate party finance, the proliferation of defamation and hate speech in campaigns, voter intimidation by party workers, corruption in election-related decision-making, and the systematic exclusion of certain sectors of society constitute examples of where political parties threaten the functioning of democratic systems rather than support it. Laws and regulations regarding campaigning, funding, and functioning of political parties are developed to minimize the potential disruptive influence of political parties while still allowing them enough freedom to contest elections.

Laws - both national and international - exist to govern the administration of voting and the exercise of the right to vote. These laws regulate what is or isn't acceptable around elections. They're designed to keep the churches and mosques out of partisan politics, prohibit violence and incitement to violence, and make voting a safe experience for those that administer or participate in it. In Nigeria, however, the records suggest that voting has always been dangerous and the laws that govern its conduct have not always been respected or obeyed by those who should. There is a well-established habit of tolerating election violence in Nigeria and granting impunity to those who orchestrate, perpetrate or benefit from it because it can guarantee a pre-determined outcome (Odinkalu and Angwe, 2015:5) ^[33].

The Electoral Act 2010 (as amended) clearly provides for sanctions and their enforcement against offences identified in the Act. The electoral offences range from double registration during the voter registration exercise to election-day offences and crimes committed by political parties. According to Ladan (2006) ^[23, 24] enforcement of electoral law is about giving effect to or ensuring compliance with the rules and regulations governing the conduct of elections: - pre, during and post. It refers also to matters relating to registration of political parties, regulating and monitoring the behaviour or activities of both political parties and politicians as well as other electorates before, during and post-election periods in order to ensure a free and fair elections in the interest of democratic governance and respect for popular will.

It is worrisome that the hope of democratic consolidation through citizens on the ballot box as well as improved electoral process is seriously challenged by volatile nature of the political system (Human Rights Watch, 2014) ^[18]. Oyebode (cited in The Guardian, September 4, 2014) observes that while the founding fathers could generally be considered as having imbibed the democratic ethos, "today's practitioners of the art continue to advertise their discomfort with the tenets of ballot box democracy and more often than not, evince characteristics of desperados - intolerance of dissent, blackmail and abuse of opponents, naked and crude diktat, a winner-takes-all mentality, obdurate lust for power, jumping the gun, faceless media campaigns and so on." Similarly, the issue of effective sanctions for breaches of election laws, rules and procedures poses an important challenge to the credibility

of elections in Nigeria. The debate in Nigeria with respect to the administration of electoral justice relates not only to the inadequacy of existing provisions on electoral offences, but also the seeming inability to prosecute and secure convictions of electoral offenders (Okoye, 2013:18)^[38].

Effective law enforcement is essential for the governance and wellbeing of orderly society. Generally in Nigeria, rules are inconvenient and enforcement happens to losers, non-persons or politically ostracized (Odinkalu, 2010:35)^[34]. As a matter of fact, the weakness of the electoral law has seen the gradual perversion of the electoral process under the present democratic dispensation in Nigeria. The litmus test for democracy in Nigeria will be the extent to which the electoral process, through the electoral law, is able to engender fair, participatory, and inclusive electoral participation by the people. If the electoral law is weak, deficient, or poorly enforced, the electoral process will be easily subverted (Oluyemi-Kusa, 2001:29). Thus, it will take a lot of political will and a strict law enforcement mechanism to ensure that political parties abide by the election laws.

The problem of competitive electoral politics in Nigeria has historically been one of how to “secure” electoral governance from distortions, violations and manipulations, in ways that will manage diversity, generate and sustain confidence in the legitimacy of democratic elections, and through it the legitimacy of democratic political succession in the country (INEC, 2012:7). Like most human endeavors, the framers of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the Electoral Act, 2010(as amended) proceeded from the assumption that election must be free and fair and it is its freeness and fairness that guarantees its integrity. They also proceeded from the assumption that elections are subject to human imperfections and that since every stage of the electoral process is vulnerable, electoral fraud and manipulation may be difficult to prevent. It is the acknowledgement of human imperfections in the conduct and management of elections that accounts for the electorate provisions in Part VI of the Electoral Act, 2010(as amended) relating to electoral offences and the penalties and sanctions for infraction of the provisions of the law (Okoye, 2013:3)^[38]. This essay shall cite some areas where breaches are usually made in almost all elections conducted so far in the country.

Campaign Funding, Inducement and Vote Buying

Regardless of complex regulations, analyses show a worrying gap between legal requirements and the political practice of funding politics. One implication of the ineffectiveness of control mechanisms within the political finance system has been the growing level of political corruption. The major weakness that undermines the working of effective political finance systems is the lack of fully independent enforcement mechanisms (Walecki, 2008:8)^[51]. According to Ojo (2012:5)^[36], Nigeria has often been cited by political finance experts as an example of a country with strong political finance regulations. The country’s statutes, viz: the 1999 Constitution of Nigeria, as amended; the Electoral Act 2010, as amended; the constitutions of the Political Parties, the Political Finance Manual and Handbook, the Companies and Allied Matters Act and the Code of Conduct for political parties all contain

provisions that aim at regulating political finance in Nigeria. These laws, as noted by Ukase (2015:10)^[48], provide copious provisions of the extent and limitation of political parties with respect to campaign/political financing. Corrupt practices in the course of campaigning for an election is the most pronounced form of corruption in the electoral process. Corrupt practices during campaign are aimed at a definite result, and that is getting the voters to cast their vote for the candidate. In this regard, a discussion on corrupt practices during campaign will inevitably be stretched to cover the period of voting (Ladan, 2006:4)^[23, 24]. Generally speaking, references in common parlance to “corrupt” political financing could be categorized into the following:

1. Political contributions that are inconsistent or contravene existing and extant laws on political financing: This include illegal donations which are often regarded as scandalous, even if there is no suggestion that the donors obtained any improper benefit in return for their contributions
2. The use for campaign or party objectives of money that a political office holder has received from a corrupt transaction: Here, all that differentiates corrupt political funding from other forms of political corruption is the use to which the bribe is put by the bribe taker. For instance, instead of taking corrupt money for personal uses, the bribe taker gives part or all the proceeds to his her party or campaign chest.
3. Unauthorized use of state resources for partisan political purposes: This is a common noticeable feature of ruling parties’ campaigns in established and developing democracies alike. For example, in parts of Africa and Soviet Union, long term victory allows a dominant party better access to state resources available to office holders at the national and state levels. Such funds are blatantly used for electioneering purposes.
4. Acceptance of money in return for an unauthorized favour or the promise of a favour in the event of election to an office: Here, the bribe giver provides some funds to the contestant during the electioneering period with the extraction of a promise from the latter he would use his/her privileged position, after emerging victorious at the polls, to grant him/her undue financial favour or privileges
5. Contributions from disreputable sources: It is a general presumption that tainted sources are likely to have tainted motives. Grants/financial assistance received from disreputable sources by political parties during electioneering periods create the impression that such assistance was granted in exchange of favour or promises of future favour (Duschinsky, 2006 and Doorenspleet, 2003 cited in Ukase, 2015:8)^[48].

The constitution and Electoral Act mandate public disclosure of party assets and expenditures; however, parties have neither adhered to these laws nor have there been significant efforts undertaken to enforce them. The Election Management Body (INEC) is empowered by the Constitution to monitor finances of political parties, conduct an annual examination and audit of the funds of political parties, and publish a report to inform the public, however few parties continue to comply with the provisions. Political parties are also required to make their finances open to INEC’s scrutiny and can be scrutinised if

need be by the National Assembly. In addition to its powers to audit and publish its report on the finances of political parties, INEC has powers to place limitation on the amount of money or other assets, which an individual or group of persons can contribute to a political party. INEC also has powers to enforce the limitation on election expenses of political parties and their candidates. Indeed, the relevant law provides that the INEC determine, in consultation with the political parties, the election expenses to be incurred by them in the course of an election.

Section 221 of the constitution clearly 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. However, in the last two elections (2011, 2015), “we witnessed political parties making resort to third party spending. Those who took advantage of third party spending during the last elections include Dr. Goodluck Jonathan of Peoples Democratic Party (PDP). He utilized the platforms of groups such as Transformation Ambassador of Nigeria (TAN), Forward Nigeria, amongst others” (Hassan, 2015) ^[17]. Section 124(1) provides that any person who induces any one to vote a particular candidate by giving gift and money, is liable to N500,000 or 12 months’ imprisonment or both. It is no longer news that during campaigns in Nigeria cash and other gifts are openly distributed to party or candidate supporters and prospective voters.

It is a fact that individuals, corporate bodies, government agencies at various tiers, including state governments, make substantial donations to the political parties of their choice. It is not uncommon that candidates eyeing elective positions are mandated to make donations to their respective political parties especially when preparing for elections. Such donations could be in form of money, vehicles, souvenirs, payment for media coverage and advertisements, as well as payment of staff and delegates’ allowances and hotel bills, amongst others (Mmadu, 2014:164) ^[28]. These donations, more often than not, are not monitored by the regulating authorities such that, as it is being revealed by the former National Security Adviser to former President Goodluck Jonathan, Dasuki Sambo, monies meant for important national issues could be diverted to fund electioneering campaign. Davies (2006) ^[13] identifies seven predisposing factors which capture almost completely the reasons for the very high incidence of money politics and vote-buying in Nigeria:

- a. The inability of many political parties and the contestants to put in place comprehensive and comprehensible manifestoes for scrutiny by the voters. Instead of clear-cut manifestoes that would enable the electorate to make a rational political choice, meaningless slogans, demagogic and rabble-rousing speeches are made. Such speeches either overestimate or underestimate the political perception of the voters, but are rarely educative and convincing. Many voters seem to be unimpressed by all the tricks the Parties and the candidates employ, hence the need to bribe them for their votes.
- b. Political cynicism on the part of the voters who believe that political office holder are incurably corrupt, self-seeking and incompetent, that politics is a dirty and dishonorable enterprise, that the whole political process is

a fraud and a betrayal of the public trust. This cynical view of politics is further accentuated by unfulfilled promises made by winners of past elections. Thus, asking for a pay-off, another way by which the people receive their own share of the national cake. On the other hand, the candidates who gave money to voters probably believe that they are investing against electoral failure.

- c. Focusing on personalities rather than on issues. By the mode of their campaign, most candidates draw the attention of the electorate away from the political parties to themselves. The consequence of this is that the political parties and their message become less important to the electorate. The candidates then take the centre stage and would therefore need to spend more money than their parties could afford in order to mobilize support for themselves.
- d. The peoples’ perception greatly reinforced by obscene display of opulence by public office holders and ostentatious living of many politicians that every elected or appointed public officer is amassing wealth from the public treasury. This seems to have strengthened the resolve of many voters to sell their votes to the highest bidder.
- e. The penchant of politicians to strive to win elections, even at the party primary level, at all cost, makes desperate contestants to engage in all sort of malpractices including offering financial and material inducements to voters. Working on the poverty of the people, Nigerian politicians have been known to distribute food stuff and other consumable materials to voters shortly before the elections and sometime on Election Day, contrary to the provision of the extant electoral law that prohibits such practice. Instances abound too, when candidates threw some money into the air during campaign rallies, making people to scramble for it and getting injured in the process.
- f. The noticeable weakness in a party whip, characteristics of party politics in presidential system, when elected members exercise considerable degree of freedom when voting on legislative proposals. Such freedom makes the legislators to be more susceptible to receive gratifications from the private interest groups. The interest groups employ what Shank calls legalized bribery. They make large donations to some spurious private or community programmes in which the target legislators are interested, and give expensive gifts to the legislators or sponsor their overseas travel etc. all in the name of public relations to secure the votes of the legislators in the legislature.
- g. The absence of any legislation that puts any ceiling on financial contributions to political parties and candidates by groups of individual (Davies, 2006) ^[13].

Cashing-in on the poverty of the people, Nigerian politicians are well known for distributing foodstuffs and other consumable materials to voters shortly before the elections and sometimes on Election Day, contrary to the provisions of the extant electoral law that prohibits such practice (Ojo, 2008:119) ^[35]. Today, money drowns votes and voices in Nigeria as ‘godfathers’ openly confess about shady deals, funding or sponsoring elections for ‘godsons’ and purchasing electoral victory. Businessmen and women are not left out in

this illegitimate and illicit use of money for political influence (Adetula, 2008: xxviii) [2, 10, 35, 55, 46, 51]. Thus, the preponderance of money in the polity tends to disempower well-meaning Nigerians and deny them the opportunity of using politics as an instrument of change. In a country with a wide gap between the *haves* and *have nots*, the financial needs of a campaign automatically isolate many who may have good ideas. This is because they lack the support from godfathers that many incumbents and older Nigerians have. As a consequence, the poor and the young are overwhelmingly excluded by default from using politics as a platform to effect fundamental changes in their society (<http://www.nigeriancuriosity.com/2010/06/financing-political-campaign>).

The violation of the laws with impunity by political actors and players creates a fragile system that is ready to collapse at the perception of real or imagined injustice and deprivation. However, the main roots of violence associated with the political process are the basic political culture and its zero-sum philosophy (Smah, 2008:65) [46]. In addition to the zero-sum philosophy, there is an 'investment' mentality that governs party and election funding in Nigeria (ibid). In his analysis of party politics in Nigeria, Opadokun (2012:44) [42] observes that "since 1999, party conventions have become nauseating scenarios, where government and party bigwigs exhibit personal wealth. Elective conventions are much more bizarre because there is usually the presence of out-spent and out-bribed delegates who usually become praise singers at these events". The motives behind party funding by individuals have also been documented. According to Obiorah (2004:vi) [32]:

The major political parties in Nigerian politics today are little more than grand agglomerations of the respective electoral 'machines' of the leading political financiers. Many Nigerian politicians are 'sponsored' by local and regional power brokers cum political entrepreneurs who finance their campaigns for public office. The 'sponsorship' is effectively a business transaction in which the patron recovers the 'investment' in the form of public works and procurement contracts, prebendal appointments of cronies to public offices and other forms of prebendal activity by the 'client' politician on assuming public office.

With regard to the 2015 general elections, a report by the Centre for Social Justice, CSJ, a non-governmental organisation, revealed that the then ruling People's Democratic Party (PDP) and the leading opposition party, the All Progressives Congress (APC) violated the electoral law on campaign funding (Otuchikere, 2015) [43]. As noted by the director of the Centre, Eze Onyekpere, the essence of making it public was to show Nigerians how politicians and their political parties were dipping their hands into state coffers and using public funds for their private uses. The report specially mentioned the Transformation Ambassadors of Nigeria (TAN) -which was a key player in the President Goodluck Jonathan's re-election bid- to have violated the electoral law by contributing far above the N1million ceiling as donation from individuals or groups to any candidate. The report also

highlighted the issues of allegation of bribery to pastors, visits to traditional rulers where undisclosed huge sums of money were allegedly doled out, inducement of socio-cultural organisations, sale of PVCs, cost of hate campaigns, renting of crowd and use of government agencies as conduits to siphon funds among others.

Reliable data on the costs of election campaigns and other related activities in Nigeria is difficult to obtain. However, there are growing concerns about high costs of election campaigns and other related activities and the implications for political corruption in the country. Adetula (2014:4) [1] observes that while some are advocating new laws to ease existing regulation on election expenses, either by complete removing spending ceilings, or by setting higher limits, others are pushing for more restrictions to curtail lavish spending on elections. He contends that rather than stating a particular amount as the limit of expenses on election, it would have been worth considering empowering INEC to issue guidelines that deal with the problem of campaign finance from time to time.

Electoral Violence

Political violence or electoral violence has continued to threaten the democratic experiment in Nigeria. This has done incalculable damage to Nigeria's democracy having stifled many democratic experiments in Nigeria. Electoral violence has now taken another dimension fiercer than before because associating with the present electoral violence is political assassination (Bamgbose, 2012:217) [11]. Electoral violence can best be described as any harm or threat of harm to any person or property involved in the election process, or associated with the election process during the election period (Laseinde, 2015) [25]. The objective of electoral violence is to influence the electoral process and its outcome by gaining an unfair political advantage by one individual or group of individuals over another. It is geared towards winning political competition or power through violence or subverting the ends of the electoral and democratic process through intimidation and disempowerment of political opponents. Election violence might occur at different stages of the electoral process, either before, during or after the election in the form of thuggery, use of force to disrupt political meetings or voting at polling stations, or the use of dangerous weapons to intimidate voters and other electoral processes or to cause bodily harm or injury to any person connected with electoral processes. Political violence usually includes snatching of ballot boxes, stuffing of ballot boxes, elimination of political opponents, riots and thuggery, forceful declaration of fake results even where no election is held, refusal to swear in winner of election or refusal to vacate office after losing election.

There is a gamut of provisions of the criminal and civil law which could check electoral violence. The offences of murder, manslaughter, assault occasioning grievous bodily harm and assault can always catch up with perpetrators of electoral violence. The tort of assault and battery and false imprisonment can be invoked against perpetrators of electoral violence. However, despite provisions of the law which criminalizes violence, it has continued unabated. For instance, Section 227 of the 1999 Constitution as amended, and Section 81 of the Electoral Act 2010, provides that "No association

shall retain, organize, train or equip any person or group of persons, for the purpose of enabling them to be employed for the use of display of physical force, or coercion, in promoting any political objective or interest, or in any such manner as arouse reasonable apprehension that they are organized and trained or equipped for that purpose.” Section 96 of the 2010 Act also provides that:

1. No candidate, person or group of persons shall directly or indirectly threaten any person with the use of force or violence during any political campaign in order to compel that person or any other person to support or refrain from supporting a political party or candidate.
2. Any person or political party that contravenes the provisions of this Section commits an offence and is liable on conviction.

The Electoral Act provides appropriate sanctions for contravention of the law. The relevant provisions in this connection are as follows: (i) Section 94 – Conduct of political rallies and processions; (ii) Section 95 – Prohibition of certain conducts etc of political campaigns; 10 (iii) Section 96 – Prohibition of use of force or violence at political campaigns; (iv) Section 119 – Disorderly behavior at political meetings; (v) Section 128 – Disorderly conduct at Election Day; (vi) Section 129 – Offences on Election Day and (vii) Section 131 – Threatening Conducts (Adoke 2011) ^[4].

Nigerian politicians, police and public commentators have regularly denounced political violence, repeated their resolve that those responsible for the crimes will be brought to justice, and urged citizens not to allow themselves to be used for political thuggery-politicians invariably round off these injunctions with an accusatory finger pointed at their political opponents. But little concrete action is taken against those who use violence to further their political ambitions. The perpetrators of violence and their sponsors often enjoy complete impunity for their actions both from the official law enforcement bodies and from their own political parties.

In 2011 for instance, over 800 people were killed as a result of election-related and communal violence, following the April 2011 presidential election. According to the Human Rights Watch, the victims were killed in three days of rioting in 12 Northern states. In fact, the Presidential Committee on Post-Election Violence that was set up by President Jonathan to investigate the cause of the 2011 violence indicted Muhammadu Buhari, stating that his provocative remarks played a role in the bloody violence that also led to the death of 10 members of the National Youth Service Corps (NYSC) in Bauchi State (See Maduekwe, 2015). Former, chairman of the Independent National Electoral Commission (INEC), Professor Attahiru Jega observes that one of the causes of post-election violence can be tied to instances when supporters of a particular party believe that their candidate was likely to win. According to him, even when an election may have been conducted freely and transparently, these supporters will not accept the result if their choice candidate failed to get majority votes.

It is a fact therefore, that these offences are usually committed by party stalwarts and thugs, such as subtle campaigns, money sharing, intimidating innocent electorate who wants to cast their votes and finally hijacking of electoral materials at gunpoint with helpless police without adequate arms. Despite

the deployment of enough security men particularly the presence of the Army on highways candidates still criss-crossed the roads and eventually got to areas where they are disliked and eventually manipulated results in their favour in presence of police officers. Today we have no concluded case of such character convicted (Akpotor, 2015:6) ^[7]. Notwithstanding the stipulated punishment upon conviction, no remarkable headway has been reached, as those indicted in past electoral violence are habitually let off the hook on the orders of powerful politicians.

Election security cannot be isolated from the general security environment and socio-economic milieu within which elections are conducted (Laseinde, 2015) ^[25]. It is argued that because electoral processes are fundamentally about the attainment of political power, often in high-stakes contexts, they can sometimes be a catalyst or accelerator of conflict. Experience shows that electoral contests can elevate social tensions and provoke violence, especially when the electoral process itself is not perceived to be free and fair, or where those seeking to retain or gain political power have few or no qualms about resorting to extraordinary measures- including the use of force- to win (UNDP, n.d:iv). This is usually the case in Nigeria where the political situation is even more complicated with the nation’s history of political violence, religious crisis, high level of unemployment, poverty, absence of party internal democracy, volatile social environment, corruption as well as personality clashes/struggle among the elite (WANEP, 2014) ^[52].

Where hoodlums are allowed to operate freely, troubling innocent by-standers, wishing to cast their votes and or exercise their civic rights, without let or hindrance, the credibility of the election and the integrity of those elected through such chaotic situation would have suffered a fatal blow (Daudu, 2015) ^[12]. It is thus argued that the weak legal framework in Nigeria forms the fulcrum upon which the culture of violence is built and sustained resulting in violence, arson and assassination. As noted by Aiyede (2007:33) ^[5], when the rule of law is weak, the judicial system becomes ineffective and there are ineffective penalties that make the probability of punishment of offenders low, thus creating a fragile and corrupt system.

Media, Political Campaign and Rallies

Section 100 (3-6) provides that a government owned print or electronic medium shall give equal access on daily basis to all registered political parties or candidates of such political parties. It also states that a denial of such access and equal time constitutes an offence punishable in the first instance with a maximum fine of N500,000 and N1,000,000 on any subsequent violation. Also, according to section 101, a person, print or electronic media or body corporate must not broadcast, publish, advertise or circulate any material for the purpose of promoting or opposing a political party or the election of a particular candidate over the radio, television, newspaper, magazine, handbill or any print or electronic media whatsoever called 24 hours immediately before polling day.

Sections 95, 96, 99, 100 - 102 of the 2010 Electoral Law provides for decent electoral campaign devoid of bad language etc. Section 95(1-8) guard against hate campaign.

Places designated for religious worship, the police station and public offices cannot be used for political campaigns, rallies and processions nor to promote, propagate, attack political parties, their candidates, programmes or ideologies ~Section 95(3) • The use of fear and intimidation such as in the use of masquerades, physical force or coercion in any form including the retention and use of private security organizations, groups or individuals for the purpose of providing security at processions is prohibited in Section 95(4)(5) and (6). For the 2015 elections, for instance, as noted by Akpotor (2015:4) ^[7], this was more in the breach than obedience particularly by the PDP against the APC Presidential candidate, Muhammadu Buhari in the print media and the electronic particularly, the African Independent Television (AIT) and the Nigerian Television Authority (NTA)

Enhanced competition appears to have had a negative impact on the election campaigns of leading political parties. There are concerns that there is little or no respect for campaign regulations, as prescriptions are regularly and recklessly violated (Omotola and Nyuykonge, 2015:6) ^[41]. Section 100 (2) of the Electoral Act bans the use of state apparatus including the media to the advantage or disadvantage of any political party or candidate at any election. As part of the violation and breach of this section, Falana (2015) ^[16] observes that:

Some state governments have declared public holidays and force civil servants to attend rallies. Schools have been closed down for the compulsory attendance of teachers at political rallies. Many highly placed public officers have been using state owned television and radio channels to promote certain political parties and candidates while depriving members of the opposition parties airtime to reach the electorate. Official vehicles are used to ferry politicians and supporters to rallies. Such abuse of power was taken to a ridiculous extent in Ekiti State when all civil servants were recently compelled to either attend a political rally of the ruling party or forfeit their salaries. A permanent secretary who demurred and refused to attend the rally on solid legal ground has been compulsorily retired.

Criminal responsibility for violence that arises out of hate speech is not only restricted to politicians. Media personnel and religious leaders, in particular, who place their shows, publications, or pulpits at the disposal of politicians for the spreading of hate speech can be held responsible for any violence stemming from that speech (NHRC, 2015:40) ^[31]. Prior to the 2015 General Elections in Nigeria, many political watchers, local and international observers and of course the entire citizenry were concerned about the spate of hate speeches that characterized the political campaign messages and adverts of the two main political parties. As a result of this, there was palpable fear that the Nigeria state was on the edge of a precipice (Ukwueze, 2015:2) ^[49]. A number of the advertisements published by some political parties and politicians were reckless and inciting while others were scandalous in every material particular (Falana, 2015) ^[16]. For instance, Ayodele Fayose, the Ekiti State governor, who literally assumed the position of his party spokesperson,

embarked on what many political observers described as crude and barbaric antagonistic campaign of calumny against the opposition party. Fayose once bought the front pages of The Punch and The Sun Newspapers not only to pass a death sentence on Buhari because the man was 72. He used the same medium to mock dead leaders from a section of the country. His invective and acid sarcasms targeted at the presidential candidate of the All Progressives Congress (APC), General Muhammadu Buhari, may have left some Nigerians in consternation nay, bewilderment, but to many others, the Ekiti State Governor was merely treading his familiar terrain of controversy (Omilusi, 2015) ^[40].

A party's access to the media is one of its most crucial assets, and electoral law should allow access to publicly owned media especially, which should observe such access in letter and spirit. But in most elections, public media do not provide fair coverage to diverse groups and voices during campaigns. The report of the Election Observation Delegation to the Presidential Elections in Nigeria (2011:8) indicates, for instance, that the broadcasting media did not comply with the provisions on equal and equitable coverage of the political parties and candidates, as stipulated in the Electoral Act 2010. The coverage of the candidates also differed according to the media houses. State-owned television, Nigerian Television Authority (NTA), failed to fulfil its obligations as a publicly owned broadcaster, as its coverage lacked balance towards the candidates and their parties.

A Synopsis of the Hurdles

Section 150 of the Electoral Act 2010 (as amended) empowers the Independent National Electoral Commission (INEC) to undertake the prosecution of election offenders. Section 150 is complemented by Sections 174 and 211 of the Constitution, which empowers the Attorney-General of the Federation and states' Attorneys-General to institute and undertake criminal proceedings against any person with respect to federal laws and state laws respectively. While it is impossible for INEC to exercise its prosecutorial power without investigation, it requires police assistance, saddled with investigatory powers under Section 4 of the Police Act. Also, the Electoral Act, in Section 149 allows the Election Tribunals to recommend prosecution for an offence disclosed in any election petition. The central problem with enforcing penalties against those who engage in electoral malpractices in Nigeria is the absence of an Electoral Offences Commission. A challenge associated with containing electoral violence includes the inefficiency of the security agencies in overseeing elections. Traditionally the police are responsible for maintaining internal security and policing elections but faced with inadequate staff and necessary logistics; and the level of wanton destruction of lives and property in elections. Other security agencies have in recent years been involved in the policing of elections, however, there have been many instances where the police took active part in vote rigging and voter intimidation (Hassan, 2015) ^[17]. So far, there is no known case where election tribunals have exercised the powers conferred on them in Section 149 of the Electoral Act to recommend any political actor for prosecution for electoral offences. In cases where some violations are detected and culprits apprehended, negligible few are taken to court.

Another interesting addition to the institutions involved in enforcing electoral accountability is the Election Tribunal, provided for in section 149 of the Electoral Act. Election Tribunals can recommend prosecution for an offence disclosed in any election petition. This provision suggests an additional route by which to ensure offenders are punished. Sadly, there is no record of any such recommendation by the Tribunals, though this does not prevent INEC from examining court records to see if any electoral crime has been disclosed. Until now, most of the agencies involved in ensuring electoral accountability have themselves been named or indicted in one way or another as participants in electoral fraud and malpractices. INEC under Iwu was discredited, amid accusations of being a willing participant in rigging elections. The agency cannot prosecute itself. Nor can the Attorneys General whose Government/offices benefited from the electoral fraud. Likewise, as indicted in the Uwais Commission report, the police have been guilty of a pattern of criminal conduct during elections, including: 'brutality, intimidation, facilitating the snatching and destruction of ballot boxes (NBF News, January 27, 2011).

The Electoral Act creates electoral crimes such as electoral corruption, provides for elections to be invalidated for corrupt practices, and authorizes the courts to set aside electoral outcomes that have been procured through processes that are not in substantial compliance with the principles of elections. Nigeria's Courts and legal processes have, however, subverted these provisions in three ways. First, contrary to the clear provisions of the Evidence Act, they claim that any allegation of corruption in an election petition must be proved to the standard of criminal law, i.e., beyond reasonable doubt. Second, even where they have set aside elections on grounds of corrupt practices, Nigerian courts do not order any criminal investigations or prosecutions for the crimes established. It is as if our judges believe election rigging is an act of nature without human agency. Thirdly, they have created insurmountable burdens of proof that cannot be discharged by even the super-natural (Odinkalu, 2010:27) ^[34]. It is submitted that since the offences are becoming rampant, the sanctions should be modified and the options of fine expunged for electoral offences, such that the punishment for electoral offences will strictly be imprisonment terms only. There is no doubt that if the punishment is effective for electoral offences, it will deter the commission of electoral offences and the spate of election petitions will be greatly reduced (Akingbehin, 2016:103) ^[6].

Conclusion

In the governance of any polity as a defined structure, the role of the constitution as the legal frame work within which policies and laws are fashioned is enormous. It is the document that is often said to be the reference point especially in a presidential democracy as is being practiced in Nigeria (Alolade, n.d). More often than not in Nigeria, the issues that plague us as it relates to laws and legislations are not the absence of laws regulating different aspects of life in Nigeria but with the implementation of such laws and the enforcement thereof (Alolade, 2015) ^[8, 9]. The legal framework for elections must establish effective means of redress for those whose claim that their electoral related rights have been abridged.

This includes mechanisms that provide appropriate remedies in an administrative context and through judicial processes. Such procedures must provide for a fair hearing by a competent tribunal and access to an appeals process. To be effective, any remedy must address the harm created by the violation of electoral rights and cure the harm in a timely manner. Moreover, to be effective, remedies granted by administrative processes and judicial procedures must be enforced by competent authorities or else they are simply hollow gestures (Merloe, 2008:18) ^[27].

The Electoral Reform Committee (2008:134) recommended that an autonomous and constitutionally recognized Electoral Offences Commission should be established through a bill of the National Assembly and empowered to perform the following functions: 1. Enforcement and administration of the provisions of the Act establishing the Commission; 2. Investigation of all electoral frauds and related offences; 3. Coordination, enforcement and prosecution of all electoral offences; 4. Enforcement of the provision of the Electoral Act 2006, the Constitutions of registered political parties and any other Acts or enactments; 5. Adoption of measures to identify, trace and prosecute political thuggery, electoral fraud, political terrorism and other electoral offences; 30 6. Adoption of measures to prevent and eradicate the commission of electoral malpractices; 7. Adoption of measures which include but are not limited to coordination, prevention and regulatory actions; 8. Introduction and maintenance of investigative and control techniques towards the prevention of electoral malpractices and fraudulent election; 9. The facilitation of rapid exchange of scientific and technical information among other democracies on the conduct of joint operation and training, geared towards the eradication of electoral malpractices and fraudulent election; 10. The examination and investigation of all reported cases of electoral offences with the view to identifying electoral officers and staff of the electoral commission, individuals, corporate bodies or groups involved in the commission of electoral offences; and 11. Collaboration with election observing authorities within and outside Nigeria.

References

1. Adetula Victor. Party Funding Since 1999 in Centre for Democracy and Development Working Paper: CDD/WKP/003. 2014.
2. Adetula Victor *ed.* Money and Politics in Nigeria, International Foundation for Electoral System IFES-Nigeria, 2008.
3. Administration and Cost of Elections ACE Project Legislative Framework for elections. Legislative Framework Index. ACE Encyclopedia Version 1.0 Available from <http://aceproject.org/main/english/lf/lf.htm>, 2010.
4. Adoke Mohammed. Stemming Electoral Violence in Nigeria: A Focus on the Adequacy of the Law and its Enforcement, Lagos, Vanguard Newspapers. - See more at: <http://www.vanguardngr.com/2011/09/stemming-electoral-violencein-nigeria-a-focus-on-the-adequacy-of-the-law-and-itsenforcement/#sthash.Elh90aIE.dpuf>. 2011.
5. Aiyede ER. Electoral Laws and the 2007 General Elections in Nigeria' Journal of African Elections special issue; Nigeria's 2007 General Elections, 2007; 6(2).

6. Akingbehin Gbenga. The Judiciary and Election Petitions in Nigeria in Durotoye, A. ed. *Elections in Nigeria: A Contemporary Analysis*, Germany, LAP Lambert Academic Publishing, 2016.
7. Akpotor AS. *Legal Framework for Elections in Nigeria: A Study of the 2015 General Elections*, Available at: <http://www.a.org/wp-content/uploads/2015/07/Conference-Paper-by-Sunny-Akpotor.pdf>, 2015.
8. Alolade Sokombaa. Violations and Penalties of Nigeria's Electoral Laws, *The Lawyer's Chronicle*, Available at: <http://thelawyerschronicle.com/violations-and-penalties-of-nigerias-electoral-laws/>, 2015.
9. Alolade Sokombaa. n.d *The Rule of Law and Good Governance in Nigeria*, 2015.
10. Ayoade John. Godfather Politics in Nigeria in Adetula, Victor ed. *Money and Politics in Nigeria*, International Foundation for Electoral System IFES-Nigeria, 2008.
11. Bamgbose Adele. Electoral Violence and Nigeria's 2011 General Elections, *International Review of Social Sciences and Humanities* 2012; 4(1).
12. Daudu Joseph. 2015 General Elections and Survival of Democracy in Nigeria, *Vanguard*, 2015.
13. Davies AE. *Money and Politics in the Nigeria Electoral Process: A Memo of Department of Political Science*, University of Ilorin – Ilorin, 2006.
14. Eko-Davies Oluwafisayo. *A Critical Appraisal Of Election Laws In Nigeria, Being A Long Essay Submitted To The Faculty Of Law, University Of Ilorin, Ilorin, Nigeria, In Partial Fulfilment Of The Requirements For The Award Of The Degree Of Bachelor Of Law Ll. B Hons In Common Law*, 2011.
15. Fagbohun Olanrewaju. *Nigeria's Democracy and The Crisis of Political Instability: An Audit of The Electoral System*, Being text of paper delivered at the June 12 Anniversary Lecture organized by the Political and Legislative Powers Bureau of Lagos State Government in conjunction with the June 12 Coalition on 12th June 2013 on the theme Electoral System, the Bane of Political Instability in Nigeria, 2013.
16. Falana F. *Legal and Ethical Issues in Reporting 2015 Elections*, Available at: <http://www.thisdaylive.com/articles/legaland-ethical-issues-in-reporting-2015-elections/200920/>, 2015.
17. Hassan Idayat. *An appraisal of the Legal Framework for the Conduct of the 2015 General Elections: Matters Arising*, Available at: <http://www.inecnigeria.org/wp-content/uploads/2015/07/Conference-Paper-by-Idayat-Hassan.pdf>, 2015.
18. Human Rights Watch. *Nigeria's Post-Elections Violence Killed 800*, 2014.
19. Igini Mike. Being the text of a lecture delivered at The Electoral Institute at The Conference on Post 2015 General Elections: The Real Issues. By Barrister Mike Igini, titled; *Electoral laws and the conduct of the 2015 General Elections*, 2015.
20. INEC. *Report of The Registration and Election Review Committee RERC, Nigeria*, Eddy Asae Nig. Press, 2012.
21. International IDEA. *Political Parties in Africa: Challenges for Sustained Multiparty Democracy*, International Institute for Democracy and Electoral Assistance, 2007.
22. Kadirgamar-Rajasingham Sakuntala. *Essentials of Free and Fair Elections*, A Paper presented at Regional Dialogue on Free, Fair and Credible Elections Islamabad, Pakistan Organized by PILDAT 2005, 29-30.
23. Ladan Muhammed. *Enforcement Of Electoral Law And Electoral Violence In Nigeria*, A Paper Presented at a 2-Day Seminar on Enforcement of Electoral Law and Reduction of Electoral Violence in Nigeria, Organized By Afstrag-Nigeria, Lagos in Collaboration With Institute for Democracy in South Africa, Chelsea Hotel, Abuja, 2006, 11-13.
24. Ladan Muhammed Tawfiq. *Enforcement Of Electoral Law And Electoral Violence In Nigeria*, A Paper Presented At A 2-Day Seminar on Enforcement of Electoral Law and Reduction Of Electoral Violence in Nigeria, Organized By AFSTRAG-Nigeria, Lagos in Collaboration with Institute for Democracy in South Africa, 2006; 11-13.
25. Laseinde CL. *The Role of the Federal Government of Nigeria in Providing Security Before During and After the February 2015 Elections*, 2015.
26. Lawal Tolu, Ogunro Victor. *Law and Electoral Politics in Nigeria: Analysis of the Congruence*, *Journal of Law, Policy and Globalization*, 2012, 6.
27. Merloe Patrick. *Promoting Legal Frameworks for Democratic Elections: An NDI Guide for Developing Election Laws and Law Commentaries*, National Democratic Institute for International Affairs NDI Available at: https://www.ndi.org/files/2404_ww_elect_legalframeworks_093008.pdf, 2008.
28. Mmadu Rufus Akpofurere. *Corporate Political Speech: How Nigeria Threw Away the Baby with the Bath Water: Any Lesson from Citizens United?* *Journal of Law and Criminal Justice*, 2014; 2(2):161-186.
29. NBF News. *Restoring Electoral Accountability to Elections in Nigeria*, Available at: <http://www.thenigerianvoice.com/news/44989/restoring-electoral-accountability-to-elections-in-nigeria.html>, 2011.
30. Nedelcheva Mariya. *Election Observation Delegation to The Presidential Elections in The Federal Republic Of Nigeria*, 2011.
31. NHRC. *Pre-Election Report And Advisory On Violence In Nigeria's 2015 General Elections*, National Human Rights Commission of Nigeria, February 13, 2015 Available At: <https://nigeriaelections.org/admin/assets/media/7734b9fb2e44b414e1a70da83c8d67f212a03e40.pdf>, 2015.
32. Obiorah N. *Preface in Obiorah, N ed. Political Finance and Democracy in Nigeria: Prospects and Strategies for Reform*, Centre for Law and Social Action CLASA, 2004.
33. Odinkalu CA, Angwe Bem. *Foreword in Pre-Election Report And Advisory On Violence In Nigeria's 2015 General Elections*, National Human Rights Commission of Nigeria, February 13, 2015 Available At: <https://nigeriaelections.org/admin/assets/media/7734b9fb2e44b414e1a70da83c8d67f212a03e40.pdf>, 2015.
34. Odinkalu Chidi. *Corruption and Governance in Africa: Corruption and Governance in Africa: How do we break the cycle in Nigeria?* in *Corruption and Governance Challenges in Nigeria: Conference Proceedings*, CLEEN FOUNDATION Monograph Series. 2010, 7.

35. Ojo Emmanuel. Vote Buying in Nigeria in Adetula, Victor ed. Money and Politics in Nigeria, International Foundation for Electoral System IFES-Nigeria, 2008.
36. Ojo Jide. Recommendations for Political Finance Reforms in Nigeria, IFES Political Finance Newsletter, 2012; 3(7).
37. Okoye Festus. Restorative Justice and the Defence of People's Mandate: The Judiciary in the Aftermath of the 2007 Elections in Nigeria, in Ibrahim and Ibeanu eds. Direct Capture the 2007 Nigerian Elections and Subversion of Popular Sovereignty, Centre for Democracy and Development, 2009.
38. Okoye Festus. The Prosecution of Electoral Offenders in Nigeria: Challenges and Possibilities, Friedrich-Ebert-Stiftung, Nigeria Discussion Paper, 2013, 5.
39. Oluyemi-Kusa Dayo. Electoral Law Reform in Nigeria: A Critique, *Development Policy Management Network Bulletin*, 2001; (XIII, N°):27-29
40. Omilusi Mike. Deconstructing the Philosophical and Socio-Political Underpinnings of Electoral Behaviour in Ekiti State, Nigeria, A paper presented at a Two-Day National Conference on the 2015 General Elections in Nigeria: The Real Issues, Organised by The Electoral Institute, Abuja, Nigeria, 2015, 27-28.
41. Omotola Shola, Nyuykonge Charles. Nigeria's 2015 General Elections: Challenges and Opportunities, ACCORD Policy & Practice Brief, 2015.
42. Opadokun Ayo. Intimate Reminiscences of Awo and his Politics, the Nation, 2012.
43. Otuchikere Chika. Campaign Funding: PDP, APC Violate Electoral Act- Report, 2015.
44. Oyeboode Akin. Nigeria: Oyeboode Flays INEC, Political Parties for Violating Electoral Laws, *The Guardian*, 2014.
45. Report of the Electoral Reform Committee, Main report, 2008, 1:134.
46. Smah OS. Money Politics and Electoral Violence in Nigeria in Adetula, A O ed Money and Politics in Nigeria, Abuja, IFES-Nigeria, 2008.
47. The ACE Encyclopaedia. Parties and Candidates, ACE Electoral Knowledge Network, 2012.
48. Ukase PI. Political Parties and Election/Campaign Financing in Nigeria: Interrogating the 2015 General Elections, Available at: <http://www.inecnigeria.org/wp-content/uploads/2015/07/Conference-Paper-by-Patrick-Ukase.pdf>, 2015.
49. Ukwueze Cornelius Aghadiogwu. The Rise of Hate and Peace Journalism in the Nigerian Democratization Process: The Place of the New Media, COMMUNICATION PANORAMA African and Global Perspectives 2015.
50. UNDP n.d Elections, Conflict Prevention: A Guide to Analysis, Planning and Programming, Available at: http://unipsil.unmissions.org/portals/unipsil/media/publications/Elections_and_Conflict_Prevention.pdf
51. Walecki Marcin. Political Money and Corruption: Limiting Corruption in Political Finance in Adetula, Victor ed. Money and Politics in Nigeria, International Foundation for Electoral System IFES-Nigeria, 2008.
52. West Africa Network for Peace building. Nigeria's 2015 General Elections: Crumbling or Consolidating Democracy? Abuja: WANEP, 2014.