

SMART CARD READER AND ELECTORAL TRANSPARENCY IN NIGERIA: THE CASE OF 2015 GENERAL ELECTIONS

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ABSTRACT

Periodic elections are characteristics of contemporary democracy, because they serve as means of changing non performing representatives of the people. In Nigeria, it is difficult to ascertain whether elections have over the years served the above mentioned purpose. Elections in Nigeria have been characterized by irregularities, consequently the introduction of the Smart Card Reader to correct the abnormalities. This paper examined the effectiveness of the use of Smart Card Reader in search for electoral transparency in Nigeria, as experimented during the 2015 general elections. It relied heavily on secondly data. Using the system theory as espoused by David Easton as it theoretical foundation, the paper disclosed that, the use of smart card reader in the Nigeria's 2015 general elections to a large extent reduced the level of electoral scam that is widely known to have characterized the Nigerian electoral system. The paper also reveals that despite the success recorded by the use of the smart card reader, there were some challenges recorded and also controversy surrounding the legality of the use of smart card reader. Based on the challenges encountered by Independent National Electoral Commission (INEC) in the use of the smart card reader, the paper recommends adequate education as the panacea for the effective use of the smart card reader in Nigeria's subsequent elections.

Keywords: Democracy, Election, Electorate, Electoral Malpractice, Electoral Transparency, Smart Card Reader

INTRODUCTION

Elections are important part of the democratic process. This assertion is premised on the fact that elections play a key role in the building and sustenance of democracies all over the World. Free, fair and credible elections are essential to democratic practice and provide vital means of empowering citizens to make leaders responsible (Akpan & Adagba, 2018). Contemporarily elections are so valued such that they are seen as one of the major indicators of the presence of representative government (Nnoli, 2003). Once they are not held regularly as stipulated by the constitution it shows absence of democratic government. Elections are the hub and hall mark of representative government (Chiroma, 2005; Ojo, 2007). Despite the importance attached to elections, they do not on their own represent real democracy but remains deep-seated, not only for instating democracy, but as essential precondition for democratic consolidation (Bratton, 1998).

In spite of the above, in most post-colonial states and transitional democratic settings like Africa, elections are laden with abnormalities. It is glaring that these African states have difficulties in registering their electorates and ascertaining their identities. Confronted with the above problems and many more, the quest for a solution has lured many African states into the

introduction of new reforms to augment their voter registration structures. Some of these reforms include the acceptance of voter identities and the use of biometric machines. The use of biometric strategy during election is on the increase in African. More than 25 African countries (e.g. Sierra-Leone, Malawi, Democratic Republic of Congo (DRC), Zambia, Ghana, Rwanda, etc.) have deployed the biometric technology in their elections and recorded tremendous success (Alebiosu, 2016; Olurode, 2017). In comparative terms, this has improved transparency and added credibility to contemporary elections on the continent.

The historical path of elections in Nigeria is not divorced of electoral misconduct. Elections in Nigeria have not been free and fair and this called for technological solution (Eguavon, 2009). Technological approaches towards alleviating electoral fraud such as the use of electronic voting machines, mounting of webcams at polling units and the use biometric tools, will go a long way to reduce malpractices during electoral processes. The first Nigerian move in search of a technological solution was the introduction of the Automated Fingerprint Identification System (AFIS) by Independent National Electoral Commission (INEC) in the 2011 general elections (Golden, Kramon & Oforu, 2014).

The above development was premised on the hypothesis that trustworthy voter register and reliable tools for identification of genuine voters are some of the preconditions for malpractices free elections. The card reader then became a vital element in the general elections. Been used for the first time in the electoral process, its usage generated a heated debate concerning the legality of its deployment in the 2015 general elections. Based on the controversy of legality and the fact that the SCR was one of the technological innovations that were designed as solution to electoral misconduct in the 2015 general elections, there is need to assess the use of the SCR in the 2015 general elections in Nigeria as a panacea for achieving electoral transparency.

METHODS

The study adopts qualitative method in steering its investigation. The data used for the study were gathered from secondary sources, collected from libraries and relevant materials in the internet. The study made use of content analysis as its technique for data analysis. The information used for analysis are cautiously obtained from valid chains of facts within reach in journals, conference papers, edited books chapters, documentary materials among others.

The scope of the study is limited to the use of the smart card reader in the 2015 general elections in Nigeria.

CONCEPTUAL AND THEORETICAL ANALYSIS

Electoral transparency in this context refers to a condition where the entire processes of conducting elections are carried out in accordance with the constitutional specified rules and regulations. In other words, it connotes free and fair elections. According to Eya, transparent elections are those administered in line with non-discriminatory electoral process. He further stressed that a transparent electoral process is one that is conducted without elements of malpractice, dishonest conduct, bloodshed and unruly activities that have the tendency of changing the real expected result of the entire process (Eya, 2003). Correspondingly, electoral transparency is the process that

leads to the actualization of democracy and legitimization of governmental powers (Onyeka, 2002).

The Smart Card Reader (SCR) is a technological device designed to validate and attest to the authenticity of a permanent voter card (PVC) which holds the bio-data of potential voters on election days. The SCR utilizes a cryptographic (secret writing) technology used mostly in devices that are required to carry out protected operations. Its unique components are ultra-low power consumption, Android 4.2.2 operating system and a sole core frequency of 1.2GHz (Ibrahim and Makama, 2015). This card reader is designed to scan and translate information stored in the implanted chip of the PVC issued by the INEC, so as to confirm the genuineness of the PVC. Next to the above function is the confirmation of the prospective voter by comparing the biometrics of the potential voter taken on the spot with the ones embedded on the PVC.

System theory of David Easton is used here to analyze the quest for electoral transparency and the introduction of the card reader technology in Nigeria's electoral system. The theory assumes that a political system is a process in which inputs emanating from the environment are converted into outputs through the process of authoritative allocation of values. Value here stands for anything that makes life meaningful, for instance free and fair elections. As described by Easton, there are four (4) distinctive procedures involved in the functioning of a political system: the input process; the output process; the conversion and the feedback processes (Udu, 2015).

Consequently, Easton conceives that while the inputs give the political system its vibrant character because it is made up of: demands, and supports; the authoritatively allocated values constitute the outputs (Akwen & Adejoh, 2015). Other fundamentals of the political system include the conversion process which depicts how the various demands are converted into outputs inform of public policies and programs, and feedback loop that provides information to policy makers on the impact of their policies on environment.

Outputs do help to control events in the wider society that housed the system and in doing so, help to determine each succeeding round of inputs that finds its way into the conversion process. This process is known as a feedback mechanism. It is a key mechanism that helps the system to avert support stress that could lead to the collapse of the system. Outputs, flowing through the feedback loop, are means of breeding specific support. The feedback mechanism is thus, an active process through which the feeling of the environment about the accomplishment of the system is conveyed back to the conversion mechanism.

Easton also drew attention to a salient feature that is critical in a political system survival. He calls it equilibrium, and defines it as the ability of the political system to conveniently respond to the numerous demands emanating from the environment without disenchantment from the environment. When a system is unable to sustain equilibrium, unconverted demands can lead to demand stress. More so, unfulfilled demands, that are core values desired by the environment can cause support stress. These stresses put together can collapse the political system (Easton, 1979).

The above scenario serves as a platform to demonstrate that the introduction of card reader in the 2015 general elections by INEC was as a result of the demand from Nigerians for a credible elections and a quest for electoral fairness. The Nigerian state is the environment in the context of this study. It is characterized by poor electoral administration. As such, the need for electoral plainness emanates from the environment. The conversion process in Nigeria context refers to those saddled with the responsibility of authoritative allocation of values. In this case, those elected as the representatives of different constituencies. They also include other groups that constitute the

instrument of government. They are in charge of evaluating and converting the inputs which are the demands coming from the environment into acceptable outputs during the process of decision making. This is the process that necessitated the establishment of INEC and empowering it to fashion out suitable strategies for organizing credible elections in Nigeria without interference from other quarters.

ELECTORAL MALPRACTICES IN NIGERIA

Electoral malpractice is the use of unjust means to win election. It is otherwise called electoral fraud or better still electoral rigging. Electoral malpractice may include results falsification and declaration of a losing contestant as a winner (Shashi, 2007; Osita, 2015). For instance, before independence, two elections were held in 1956 and 1959. Although these elections were organized and administered under the guidance of the colonial regime, they were not free from electoral malpractices. Some of the irregularities that characterized these pre-independence elections included gerrymandering and the use of thugs by political parties to intimate candidates from other political parties, as well as voter (Chiken, 2003).

The above development is an indication that electoral malpractice in Nigeria has a history that predates Nigeria's independence (1960). Fraudulent electoral practices in Nigeria may occur in one or all of these three major ways: maneuvering the plan of INEC to the benefit of a particular political party or some contestants; campaign rules that leads to discrimination among competitors and lack of both local and foreign observers' access to electoral processes. Kurfi itemizes some types of misconducts that take place during elections in Nigeria to include: Gerrymandering; Electoral register manipulation; Misallocation of voter to voting districts; Manipulation of the nomination process and Manipulations of the ballot on polling day (Kurfi, 1989).

Daniel avers that rigging in this part of the world is regularly carried out during registration or review of voters' register. The perpetrators do this through numerous registrations or bribing the registration administrators and collecting as many cards as they can with pseudo names (Daniel, 2001). On the whole the challenges facing the Nigerian electoral system are basically Organizational and Technical difficulties. The organizational or institutional challenges emirates from the electoral umpire, security representatives, while the technical difficulty comes from the INEC (Agbesi, 2018).

THE SMART CARD READER (SCR) LEGALITY CONTROVERSY

The 2015 election was a sharp deviation from the unprofessional conduct and pervasive fraud that characterized the preceding polls. For example, out of 73 million Nigerians that registered as potential voters in 2011, 800,000 persons were deregistered by the automated fingerprint identification system on the grounds of double registration (Nwangwu, 2015). More so, it was the first time since 1999, that presidential elections were not contested in court in Nigeria. Bent on advancing on the result of the 2011 polls, INEC introduced a variety of reforms to achieve reliable, free and fair elections. Some of the new innovations presented to the Nigerian public by INEC to improve the organization of the 2015 polls included: biometric registration of voters; new template for collation of results and returns and better voter education and citizen participation (Jega, 2014).

However, the most innovative strategy was the introduction and utilization of the Permanent Voter Cards (PVCs) and Smart Card Reader (SCR). These improvements on the previous practices were to curb electoral malpractices.

Despite the impressive purpose and objective of the card reader, it was not free of criticisms as there was a legal controversy over the use of the SCR in the 2015 general elections between the proponents of the card reader and the antagonists who feels that INEC neither has the legal authority nor capacity to use the smart card reader (Omoleke, 2017). A careful examination of Nigeria's electoral jurisprudence will assist our understanding of this debate. INEC establishment has legal backing of the law and draws its powers from Section 153 of the 1999 Nigerian Constitution (as amended) as part of federal executive organ. Section 60 of the said constitution authorized INEC to make rules governing the conduct of elections as the situation demands (Omoleke, 2017). By this provision it means that INEC has the right to conduct the registration of persons qualified to vote and be voted for and employ any means that will lead to credible election. The Constitutional predetermined functions of INEC are not limited to the aforementioned. Others include registration of political parties in line with the requirements of this constitution and an act of the national assembly; checking the association and operations of political parties in Nigeria, including their finances; assessment and auditing of the funds and accounts of political parties, and to make public a report on such investigation and audit for public information (Goitom, 2011). Based on the above, INEC has express and implied authority to propose means, measures and processes that will assist it in the achievement of the task given to it by the constitution including, the use of permanent voter cards in the 2015 general elections.

However, Sections 49 and 52 of the Electoral Act 2010 (as amended) had been subjected to legal discuss concerning the use of the smart card reader for the 2015 general elections. To some, the employment of card readers for the accreditation of potential voters at the elections was tantamount to the adoption of electronic voting, which the 2010 Electoral Act prohibits. Section 49 states among other things that, intending voter should make him / herself available to a presiding INEC official at the polling unit in the community where his/her name is registered with an authentic voter's card (SPPR, 2015).

Similarly, section 52 stipulates that, voting at an election under this Act shall be by open secret ballot, the use of electronic voting machine for the time being is outlawed etc. On the contrary, the deployment of the card reader by INEC is not illegal, because INEC has the constitutional power to set the standards and guidelines for elections. In view of this, the smart card reader is part of accreditation and not voting, more so, the law proscribed electronic voting and not the card readers (Alebiosu, 2016). To this end the use of the SCR by INEC in the 2015 general elections is lawful and justifiable.

On the other hand, the Society for Advancement and Protection of Public Rights (SAPPR), added their voices to the opposing party and submit that the deployment of the smart card reader is against the law because it desecrates Section 52 (1) of the Electoral Act, 2010 (as amended). SAPPR press on that the use of the smart card reader for screening of voter cards has the ability to prevent a registered voter from voting, this is beyond the authority of INEC. They further sustain that by the provisions of Sections 77 (2) and 117 (2) of the 1999 Nigeria Constitution INEC has no legal authority to prevent qualified Nigerians from exercising their civic responsibility (Alebiosu, 2016).

It is almost certain that, since the use of card reader for the purpose of accreditation of voters is not prohibited by the Electoral Act 2010, same is certainly permitted. As part of the debate above shows, accreditation of voters is not the same as casting of vote because a voter may be certified without subsequently coming forth for the actual voting. Since the National Assembly gave INEC supplementary powers to decide the procedure of voting at elections, the new authority is contained in the matched version of the Electoral Act 2010 amendment bill which was accepted and standardized by the senate. Under the extant law, section 52 (2) prohibits INEC from using electronic voting machine for the purpose of elections.

However, the amended version reads thus “voting at an election under this Act shall be in accordance with the procedure determined by the Independent National Electoral Commission”. By implication this means that, INEC has the power to use The SCR, although the new law did not specifically talked about electronic voting, impliedly it connotes that while the Electoral Act prohibits the use of electronic voting, the card reader is by no means a voting machine, there for it was not used for voting. The CR was used for accreditation of voters only. Conclusively, the use of the card reader did not violate the Electoral Act 2010 or the 1999 Constitution of the Federal Republic of Nigeria (as amended). Rather, it adds value to the process in line with the yearnings and aspirations of Nigerians for credible elections, and it is in accordance with international best practices.

THE SMART CARD READER ON THE ELECTION DAY: THE CHALLENGES

The deployment of the card reader was to ensure that each elector only voted in the ward where he or she registered. Indeed, on March 7, 2015, INEC tested the reliability of the Permanent Voter Cards (PVCs) and the Smart Card Reader (SRCs) ahead of the elections; the trial took place in purposefully selected 225 from the 120,000 polling units in the country and 358 out of the 155,000 voting centers that were to be used for the elections (Idowu, 2015). The test-run took place in 12 states, 2 each from the six geopolitical zones.

The test-run was however confirmed as a success even though some problems were recorded (CLEEN, 2015). While admitting that there were challenges in the use of the device in terms of fingerprints confirmation, INEC expressed satisfaction stating that, the basic duty of the card reader was more or less accomplished. The four major objectives that motivated the certitude to use SCRs for the 2015 General Elections which are: to verify PVCs of voters at polling units and ensure their authenticity; to biometrically confirm the individual who submits PVC at the polling units and guarantee that he/she is the rightful possessor of the card; to provide categorical data of qualified voters in male/female and elderly/youth groups and the onward electronically remission of the said data to INEC’s central server were all accomplished (Dahiru, Abdulkdir and Baba, 2017).

Consequently, while it may be accepted that on the whole the card reader implementation was reasonable and it use enhanced the integrity and precision of the election process, it is also important to note that there were some challenges connected with the use of the CR on the election days. The most noticeable problem that almost spoiled the entire process was the technical difficulties experienced in the use of the card reader, for example, the former President- Goodluck Jonathan and his wife were not verified by the new technology because the card reader glitch, also

card reader at the polling unit of the Vice-Presidential Candidate of APC did not function (Election Monitor, 2015).

These setbacks varies from incomplete or non-verification of voters fingerprints even after their PVCs were adjudged valid, slow accreditation procedure because of poor internet services in some areas to poor knowledge of the use of card readers by both INEC officials and voters. These problems and setbacks were more observable in the March 28 National Assembly and Presidential Elections. The aforesaid shortfalls compelled INEC to issue additional guidelines which permits none electronic accreditation, where the SCR failed. In places where the above mentioned setbacks occurred there was no uniform understanding of the auxiliary guidelines among the INEC officers, particularly on when and how to use incident form (Omoleke, 2017). None appearances of voters' pictures on card reader was also reported. Some of the card readers functioned slowly and were not very responsive to thumbprints; etc (Uche, 2015).

On the whole, the election process was characterized by fractional cases of fraud and unprofessional conduct. Even though the card reader did not completely make the elections free and fair, nevertheless it contributed to the credibility of the elections. Despite the hiccups, particularly in fingerprint authentication, the card reader contributed in curbing electoral fraud. Such that in his post-election assessment, Jega (the INEC Chairman) overstated that, they have made it impossible for electoral swindlers to rig the election, that with the use of the SCR technology it was not possible for the total number of casted votes in any polling unit to outweigh the number of people accredited (EUEOM, 2015). The card reader drastically minimized the frequency of fake and multiple voting, overblown figures and other modes of rigging in Nigeria. Rigging might have occurred in areas where the card reader failed and INNEC resorted to the use of none electronic accreditation. It suffices to say the organized fraud that characterized previous elections in Nigeria was not noticed, a few efforts at manipulating the process where checked by the use the SCR and multiple observers.

CONCLUSION

This paper attempted an assessment of the use SCR machine as a panacea for achieving credible and transparent electoral process in Nigeria. The history of the Nigerian electoral process which has been characterized by electoral fraud prompted the demand for an electoral system that will measure up to the standard of international best practices. The above been the demand made upon the Nigerian political system, INEC been a subset of the larger system swing into action using the authority conferred on it by the constitution to introduce the SCR during the 2015 general election. Though the use of the SCR was judged to be a welcome development and a huge success but there were controversies surrounding it legality and effectiveness.

Based on the challenges encountered by INEC during the 2015 general election in the use of the SCR, this paper recommend the need to educate the Nigerian masses on the use of the SCR. This education should be two folds. INEC ad hoc staff too should be properly educated, train and be retrained on the methodology of handling the SCR. This will assist in curbing some technical hitches that arose due to lack of technical knowhow during the conduct of the 2015 general elections in Nigeria. More so, there is need for the Nigerian government to task the multinational telecommunication companies operating in Nigeria to step up their service delivery. It is also

essential to improve on the SCR technology to make it more human sensitive. The use of SCR should not only be captured in our electoral law but also enshrine in our constitution as the only means of accreditation.

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