



A-Z about elections in your country and the world.

Off-Cycle Elections In Nigeria

May 2020
Review

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Introduction

The Independent National Electoral Commission (INEC) recently announced via their twitter handle that there are 9 outstanding bye-elections to be conducted in 7 states in Nigeria. This is as a result of the official declaration of 4 vacant senatorial seats, the passing of a senator, and 4 members of some state houses of assembly. These 9 outstanding elections are not inclusive of the Edo State and Ondo State governorship elections that are still pending. Also, with the Imo State 2019 governorship election results that were nullified by the judiciary, Imo state governorship elections will no longer be held during the general elections. As it stands, Nigeria has more than 21 bye-elections; 7 of which are governorship elections.



How Did We Get Here?

Off-cycle elections in Nigeria have been triggered by a series of events and occurrences. We look at some of them below:

Electoral Violence:

For the 2015 elections, the Nigeria Security Tracker (NST) recorded 106 election-related deaths. Compared to 2019, that figure was an improvement as a report by SBM Intelligence says that 626 people lost their lives due to election-related circumstances and during the 2019 election cycle, beginning at the 2018 campaigns. In 2011, over 800 election-related deaths were recorded and about 700 were from Kaduna State alone. This trend has been existing for a long time.

Electoral violence often leads to the cancellation of votes from affected polls, and according to the INEC Regulations and Guidelines, the "Margin of Lead Principle" contained in Sections 26 and 53 of the Electoral Act and paragraph 41(e) and 43(b), the commission cannot declare a winner if the number of cancelled votes can mathematically affect the outcome of the election. The way that INEC can resolve an inconclusive election is to conduct a supplementary election within 21 days of the initial polls. In some cases where this is successfully conducted, contestants who didn't emerge as winners often go to court. Prolonged court debates and inconclusive results often eat into the time that one is supposed to serve their term.

Election Results Often get Concluded by the Judiciary:

Nigeria is currently experiencing its longest uninterrupted democracy, however, this is gradually being characterised by what The Economist calls, 'democracy by court order'. Simply put, Nigeria's democracy, where it concerns electing leaders across different cadres of leadership now leans on court orders more than it does on the number of votes, as more often than not, election results get debated in court.

Have a look at the trend since the 2007 general elections:

Year	Number of Elective Office Contests	The number that ended up in election petition tribunals	Percentage
2007	1496	1299	86.5%
2011	1496	769	51.4%
2015	1496	<748	<50%
2019	1487	766	51.5%

Source: CDD

Just like many other court cases in Nigeria, these election result debates could take a really long time before they are concluded. When this happens, the new winner gets sworn in on a different date and as such, the elect's term no longer corresponds to that of the federal president or legislature.

Deaths, and more recently, COVID-19

Another common reason elections get pushed back or happens out of usual cycle is the demise of a candidate after the person has been announced as the winner of the polls. INEC's

announcement on May 23rd 2020 implied that 5 of the outstanding bye-elections were as a result of the death of the most recent holders of the now vacant seats. Between December 2019 and May 2020 alone, twelve members of the national and state assemblies have passed away.

Why this Matters?

The cost of election

Nigeria's elections are currently the second most expensive elections in the world, after India. The plethora of existing off-cycle and bye-elections are causing the already high election costs to surge. With the crash of the global oil price, the looming COVID-19 pandemic and its effects on the Nigerian economy and labour market, Nigeria needs to save as much money as it can.

Voter apathy

Off-Cycle elections to the electorate imply that they will have to abandon their jobs or businesses, get on long queues again (after being on similar ones during the general elections) and be exposed to probable electoral violence. This has the potential to create apathy in voters and many times people do not get to participate at all. When citizens are not participating by voting or observing the elections, the vote will be prone to rigging or other forms of electoral malpractice. Moreover, Nigeria's general elections already display a pattern for voter apathy. In the 1999 general elections, 52.3% of registered voters (57,838,945) participated in the elections. While the number of registered voters increased to 82,344,107, as of the 2019 elections, only 34.75% participated in the general elections.

What Should Be Done

Our recommendation is that terms of a candidate elect be tuned to align with the normal timing of every other elected official. While this can meet a lot of resistance it is the most viable option for getting elections. While natural events like the sudden demise of a candidate cannot be predicted or controlled, man-made situations like prolonged court judgements must take into consideration the timing of candidates in office. Recently, the chair of Nigeria's electoral body proposed a conversation about the frequency of bye-elections, to suggest reforms for 'cost effective' and 'democratic' options.

"There is need for a national conversation around the frequency of bye-election in Nigeria" he said "The cost of conducting these bye-elections to the commission, the security agencies, political parties and candidates, election observers, the media, litigations, and disruption of activities as a result of restriction of movement on Election Day are enormous."

On the impact of these elections towards the effective of the commission , he added: "There is no election season in Nigeria my longer. The commission is busy conducting elections all year round between one general election and another. This often diverts our attention away from reform, innovation, peer learning and planning for the consolidation of our electoral process."

Beyond a conversation, lawmakers should collaborate with the commission to find better alternatives to holding elections at every stop or quarter of the year.

Resources:

<http://theelectionnetwork.com/2019/11/13/why-nigeria-needs-to-end-out-of-cycle-elections/>

<https://www.inecnigeria.org/edo-and-ondo-state-election-update/#collapseOne-11>

<https://www.vanguardngr.com/2020/03/inec-declares-apc-candidate-winner-in-kwara-by-election/>

<https://www.tandfonline.com/doi/full/10.1080/13597566.2020.1758073>
<https://cddelibrary.org/wp-content/uploads/2019/11/Justice-on-Trial-Courts-and-Commissions-in-West-Africa-min.pdf>

<https://www.cfr.org/blog/tracking-election-violence-nigeria>

<https://www.vanguardngr.com/2020/05/inec-to-pilot-e-voting-in-2021-seeks-cancellation-of-bye-elections/>