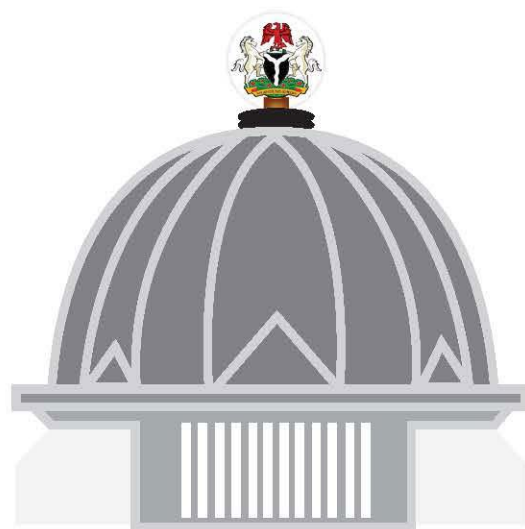


# Best Practice Guide on Effective Legislative Oversight of Inclusivity

(REVISED)







# **Best Practice Guide on Effective Legislative Oversight of Inclusivity**

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## ABBREVIATIONS

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<b>ACHPR</b>	African Charter on Human and People's Rights
<b>BRIDGE</b>	Building Resources in Democracy Governance and Elections
<b>CSO</b>	Civil Society Organisation
<b>EDR</b>	Election Day Registration
<b>EMB</b>	Election Management Body
<b>ERM</b>	Election Risk Management
<b>ICCES</b>	Inter-Agency Consultative Committee on Election Security
<b>IDMC</b>	Internal Displaced Monitoring Centre
<b>IDP</b>	Internally Displaced Persons
<b>INEC</b>	Independent National Electoral Commission
<b>LGA</b>	Local Government Area
<b>MDA</b>	Ministries, Departments and Agencies
<b>NECON</b>	National Electoral Commission of Nigeria
<b>OPD</b>	Organizations of People with Disability
<b>PU</b>	Polling Units
<b>PVC</b>	Permanent Voter Card

**PWD**      Persons with Disability

**RA**      Registration Area

**REC**      Resident Electoral Commissioner

**TCRED & C**      Technical Committee on the Review of Electoral Districts and  
Constituencies

**UN**      United Nations

**VP**      Voting Points





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## Why do we need this guide?

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Nigerian citizens face a set of barriers that prevent them from participating fully in the electoral process. By addressing these barriers, this guide presents an opportunity for the Independent National Electoral Commission (INEC), the government, citizens, citizens' groups and other election stakeholders to make meaningful changes in the way they engage and manage the electoral process.

In this guide, you will learn that:

- Achieving inclusivity in the electoral process requires a holistic approach that involves actions by different stakeholders across various phases of the electoral cycle.
- The election management body, working with the legislature, can make the electoral process more inclusive by developing and following a road map that involves adopting innovative election administration practices and reforming the election legal framework.
- Adopting international best practices in electoral administration will lead to sustainable and continuous change that will benefit all stakeholders in the electoral process.

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## Purpose and approach of this guide

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An inclusive electoral process, in which all eligible voters have the opportunity to elect their representatives, is central to democracy. Ensuring that all eligible voters can and do participate in the electoral process without unfair barriers is a core component of delivering an inclusive election.

This guide provides support to those working to increase citizens' participation in the electoral process by reviewing the work being done by the Independent National Electoral Commission (INEC) to ensure that citizens are offered full opportunity

to participate in the electoral process. The guide targets INEC and other election stakeholders in Nigeria and provides information and tools to improve the electoral process. It presents existing practices and options for reform that may assist the Commission in its work. When contemplating change, it is useful to know what others have done. This guide draws from actions taken by other Election Management Bodies (EMBs) by making recommendations based on international experiences and best practices in order to improve the inclusiveness of the electoral process.

This guide follows the electoral cycle approach in tracking the various components of the work of INEC. The electoral cycle approach has been developed in recent years to assist election managers with the planning and implementation of electoral activities given the complex and interdependent nature of election work. The electoral cycle is normally laid out in three phases: pre-election, election day, and post-election periods. However, it is important to note that while some actions that relate to a given process – such as polling – will take place on the Election-Day, the decisions about what is required, and the planning would have taken place in the pre-election period.

In this sense, it can be argued that while inclusiveness of the electoral process is determined by what happens during the Election-Day, many processes that shape inclusivity of the process will be informed or constrained mainly by pre-election activities. For instance, voter registration which is a prerequisite for voting is usually organized well before the election day. Furthermore, where training or voter education may be required in order to change the attitude of EMB staff or a culture of apathy, these activities need to be planned well before the Election-Day.

Therefore, in order to grasp the procedural barriers to voting and to formulate appropriate solutions, the discussion in this guide will lay emphasis on pre-election and post-election phases of the electoral cycle.

**Table 1** lists the possible actions that are discussed in this guide in terms of the electoral cycle, providing a practical guide on the steps that could be implemented in each phase of the cycle.

**Table 1: Promoting inclusivity in the electoral cycle**

<b>PRE-ELECTION PERIOD</b>	
<b>Registration</b>	<b>Nomination of candidates</b>
· Conduct mapping of registration procedures	· Ensure the enforcement of nomination rules
· Ensure the collection of disaggregated data	· Ensure enforcement of campaign finance rules
· Ensure that barrier posed by need for proof of identity is minimized	
· Consider need for flexibility in regulations for special groups such as People with Disability and displaced persons	<b>Voter education</b>
· Consider need for taking registration to the people	· Tailor voter education programmes to address issues of inclusivity: message, audience and method of delivery
· Implement voter education programmes targeted at addressing issues of inclusivity	· Work with media on creating awareness about barriers to voting
· Emphasize issues of inclusivity in training of registration officers	· Work with civil society organizations on addressing barriers to voting

## Inclusiveness of INEC

<ul style="list-style-type: none"> <li>· Conduct Situation Analysis on the issue of inclusivity</li> <li>· Institute process of collecting disaggregated data</li> </ul>	<ul style="list-style-type: none"> <li>· Commit to citizens' inclusiveness by developing a policy and action plan</li> <li>· Provide training on awareness of inclusivity issues and implementation of best practices to all staff</li> </ul>	<ul style="list-style-type: none"> <li>· Use the recruitment and promotion process to demonstrate commitment to inclusion of all groups</li> <li>· Consider appointing focal points to monitor implementation of policy and action plan</li> </ul>
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## ELECTION-DAY PERIOD

Planning for Election-Day	Polling unit management
<ul style="list-style-type: none"> <li>· Conduct a mapping of polling procedures</li> </ul>	<ul style="list-style-type: none"> <li>· Ensure safety of polling station staff and voters by adopting appropriate measures</li> </ul>
<ul style="list-style-type: none"> <li>· Consider polling unit location and provision of equipment</li> </ul>	<ul style="list-style-type: none"> <li>· Deliver priority in queue for PWDs, the aged, pregnant women, mothers, and other persons who require such assistance</li> </ul>

<ul style="list-style-type: none"> <li>Consider need for special queues and/or voting points within a polling unit to serve people with peculiar needs, for example women-only queues/voting point</li> </ul>	<ul style="list-style-type: none"> <li>Organize special queues and/or voting points within the polling unit (where appropriate)</li> </ul>
<ul style="list-style-type: none"> <li>Emphasize inclusivity in the recruitment of poll workers</li> </ul>	<ul style="list-style-type: none"> <li>Deliver mobile polling units (where needed)</li> </ul>
<ul style="list-style-type: none"> <li>Conduct training on the issue of inclusivity for poll staff</li> </ul>	<ul style="list-style-type: none"> <li>Consider arrangements for collecting disaggregated data</li> </ul>
<ul style="list-style-type: none"> <li>Ensure that ballot paper and instructions are made accessible for people who cannot read</li> </ul>	<b>Voter Education</b>
<ul style="list-style-type: none"> <li>Consider need for flexibility in regulations for people with special needs</li> </ul>	<ul style="list-style-type: none"> <li>Deliver voter outreach about election day (planned and designed in pre-election period)</li> </ul>
	<ul style="list-style-type: none"> <li>Give consideration to best delivery methods</li> </ul>

POST-ELECTION PERIOD	
Post-election assessment	Strategic and action plan
<ul style="list-style-type: none"> <li>Include inclusivity issues in the assessment of the past election</li> </ul>	<ul style="list-style-type: none"> <li>Conduct a mapping of INEC's policies and processes to identify any inequalities</li> </ul>



· Review operations manuals and outreach materials with emphasis on inclusivity	· Set targets for inclusivity in registration and voting
· Include disaggregated data in election review and analysis	· Set voter education policy and goals
<b>Recommendations for regulatory framework</b>	· Consider appointment of focal points for monitoring implementation of inclusivity policy
· Assess whether any regulations require revision, including to ensure enforcement	
· Assess whether any regulations or processes require review to produce disaggregated data	

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## How to use this guide

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This guide is divided into three parts, each with a unique purpose.

**Part 1. Case for inclusive electoral process.** The benefits of implementing best practices for inclusive electoral process are compelling. This part reviews the procedural barriers to voting and its effects and explains why stakeholders should make concerted efforts to improve election administration practices.

**Part 2. Existing framework for inclusive electoral process.** There are three main structures that currently exist, and which provide the basis for inclusive election administration practices in Nigeria. This section presents and reviews those structures.

**Part 3. Making the electoral process more inclusive.** This part outlines tangible actions that the Independent National Electoral Commission (INEC) can undertake to make the electoral process more inclusive and provides resources and tools. It groups inclusive election administration practices into various categories and explains these practice categories.





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## Case for Inclusive Electoral Process

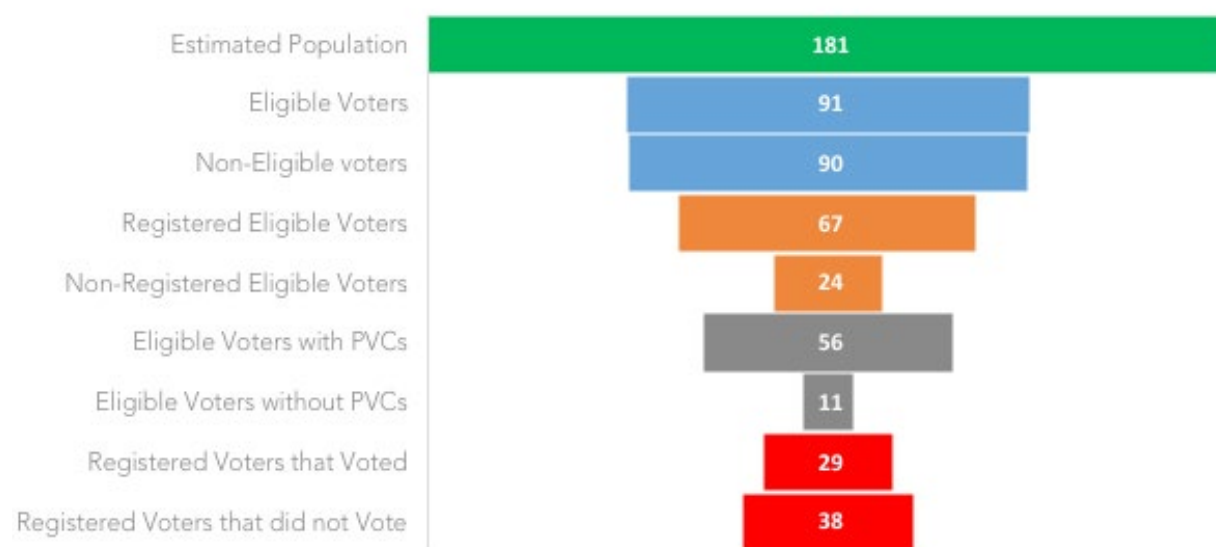
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***Elections are complex affairs, requiring an administrative apparatus that can undertake a wide range of activities prior to, during, and after election day. Given the complexity of conducting elections, potential exists for exclusion of some voters at numerous stages in the process.***

Many of the procedures involved in conducting an election bear directly on the ease or difficulty with which citizens can exercise their right to vote. Indeed, election administration practices, and the institutions that govern them, vary considerably across countries in the extent to which they make the voting process accessible to all citizens. In some countries, citizens are required to register to vote on their own initiative months in advance of an election, while other countries automatically register voters up until Election-Day. In some areas, voters must travel long distances to reach their polling units to cast their votes, while elsewhere polling units are located in even the most remote villages. From voter registration requirements and the location of polling units to the voting technology used and the identification documents that voters are required to show, there is a great deal of diversity in the extent to which countries holding elections make voting accessible to all citizens.

In Nigeria, a large number of eligible voters miss the opportunity to cast their vote due to several barriers to voting that exist. For instance, in 2015, about 91 million out of Nigeria's estimated population of 181 million were eligible to vote. Of this number, only about 67 million were registered as voters, leaving behind 24 million others. Out of 67 million registered voters in the country as at then, only 56 million received their Permanent Voter Cards (PVCs); leaving behind 11 million registered voters without PVCs. In the Presidential election of that year, only 29 million registered voters voted; leaving behind 38 million as registered voters who did not vote; in addition to 24 million unregistered voting population. This gives us a total of 62 million eligible voters (or 68 percent of the voting population) who excluded themselves or were excluded from voting.

**Table 2 : Voting data for the 2015 Nigerian General Elections**

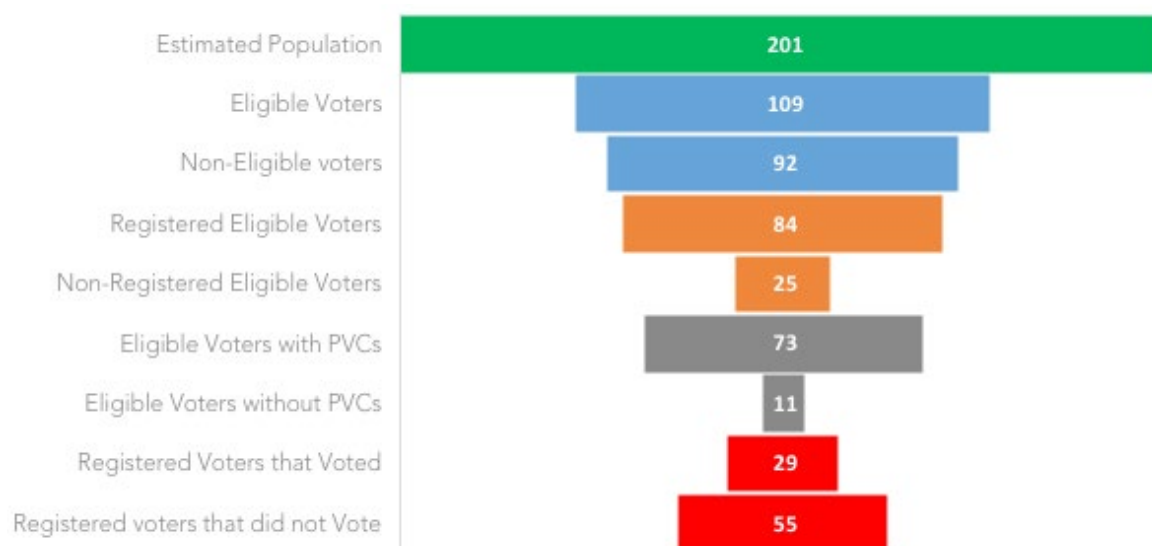


*Values are estimated in Millions*

In 2019, the number of eligible voters excluded from the electoral process increased. Of the nearly 109 million Nigerians that were eligible to vote (i.e. 54 per cent of the country's estimated population of 201 million), only about 84 million registered as voters, leaving behind 25 million others. Out of the 84 million registered voters, only about 73 million collected their Permanent Voter Cards (PVCs); leaving behind 11 million registered voters without PVCs. Only about 29 million registered voters voted

in the 2019 Presidential election, leaving behind 44 million voters with PVCs who did not vote; 55 million registered voters who did not vote; and 80 million eligible voters who did not vote. In other words, 80 million eligible voters (or 74 per cent of the eligible voters) excluded themselves or were excluded from voting.

**Table 3 : Voting data for the 2019 Nigerian General Elections**



*Values are estimated in Millions*

## Barriers to Voting

There are four main areas where the voter may encounter serious obstacles to voting. These are voter registration, getting to the ballot, casting the ballot, and voter education.

### **Registration of voters**

Voter registration is a principal election administration measure that may pose an obstacle to voting. As Wolfinger and Rosenstone (1980, 61) explains:

Registration raises the costs of voting. Citizens must first perform a separate task that lacks the immediate gratification characterizing other forms of

political expression (such as voting). Registration is usually more difficult than voting, often involving more obscure information and a longer journey at a less convenient time, to complete a more complicated procedure. Moreover, it must usually be done before interest in the campaign has reached its peak.

A range of factors make the voter registration process more or less accessible. These include:

1. whether the responsibility for registration falls primarily on the citizen or the state;
2. the complexity of the registration process, including the accessibility of registration centres and their hours of operation and the number of required visits to a registration centre;
3. the documents required to register;
4. the registration deadline;
5. how a change of residence affects one's registration status;
6. the ability of underage citizens to provisionally register;
7. the measures in place for voters to consult the registry and correct inaccuracies; and
8. the conditions for removing voters from the voter rolls (ACE Project 2013a; Rosenstone and Wolfinger 1978, 24).

The types of obstacles that voter registration impose depend on the particular voter registration system used by a given country. A basic distinction is between an ad hoc voter register (that is compiled before each election, either through door-to-door visits by enumerators or the use of registration centres), and a permanent voter register, which is maintained from one election to the next and updated to incorporate new voters and changes of residence. Ad hoc registration tends to be more inclusive as the burden placed, is on election administrators to register voters, but it is expensive (Robert 2009, 3-4). Permanent registries are much more common.

Of central importance is the extent to which the State takes the initiative in two related aspects of voter registration: distributing the identification documents that citizens need to register and actually registering voters. Registering to vote often requires that a citizen provide documentation to prove his or her identity, which in

turn necessitates obtaining the required identification. Countries vary widely in the documentation accepted for registration, with some countries accepting only one or a small number of forms of identification and other countries accepting many ID forms or witnesses that attest to a voter's identity (Carter Center 2013).

The most inclusive systems make obtaining the necessary identification documents simple and automatically register documented citizens to vote through various methods of data-sharing between government agencies (commonly by adding data from the civil registry directly to the voter registry). Such automatic registration eliminates the need for citizens to carry out the additional step of registering to vote and is common in Western Europe and Latin America where many countries have a single national ID card, which citizens are required to possess (Rosenberg 2009). While some states take responsibility for registering citizens through automatic registration, in other countries the responsibility to register is placed on the citizen. When, where, and how a citizen must register in these systems vary greatly, and different methods can present greater or lesser difficulty.

In some countries, the voter registration period may be limited, and the voter rolls may be closed months prior to election day – before the election campaign and media coverage reach their peak. In other cases, registration is allowed up to and including election day – such as in a number of States in the United States of America that allow Election Day Registration (EDR). Where EDR occurs at the polling place, it also spares the voter the time and potential expense needed to travel to a separate registration site. EDR is of particular use to youth and the residually mobile who may be inclined to register up to the last moment before an election. An additional measure related to the timeframe of registration is provisional registration, whereby young people can be added to the voter registry within one or two years of turning voting age and are then automatically added to the active voter register upon coming of age. Provisional registration is used in a number of countries such as Argentina, Australia, New Zealand, and Portugal, as well as in a number of US states (Robert 2009, 15; Rosenberg 2009, 3).

Aside from the registration deadline, the location and operating hours of voter registration sites affect the ease with which citizens may register. Distant registration centres and limited hours (for instance, offering registration services only during



weekdays) can present barriers to registration. These obstacles can be minimized where election administrators complement their ordinary voter registration procedures with targeted door-to-door registration of certain populations, such as remote rural communities (Robert 2009, 4; Rosenberg 2009, 13-14, 21). This is the case, for instance, in Mexico, where “the government deploys mobile units to register voters in rural areas and other places with historically low registration rates” (Rosenberg 2009, 5). The obstacles posed by distant locations and limited hours are also eliminated through mail or online registration, both of which are becoming more common, at least among high income countries (Robert 2009, 6-7). When in-person registration is required, a further impediment can be the need to make multiple visits to a registration centre – for instance, one visit to fill out registration paperwork and a later visit to collect the voter registration card.

Once a voter is registered, a change of residence may affect one's registration status. In some countries, a change of residence (especially to a different electoral constituency) requires re-registration to update one's residence on the voter register. Like first time registrations, such changes of residence on the voter register may be prohibited many months before election day in order to prevent fraud, and a voter may be required to live in a jurisdiction for a specified period before being eligible to register. In other countries where the state more actively registers voters, election authorities share data with other agencies (such as the postal service) “to learn of address changes without having to rely on voters to remember to submit the necessary paperwork to election authorities every time they change residences” (Rosenberg 2009, 16). Even after being registered, the voters' register may contain inaccuracies that may prevent qualified citizens from voting. Many countries try to minimize the risk of disenfranchisement by publicizing the provisional voters' register before election day, either by posting them in local public spaces or mailing personalized registration information to voters and allowing voters the opportunity to correct any errors (Rosenberg 2009, 20).

Unlike countries that use some form of automatic registration, voter registration in Nigeria is voter-initiated and involves several steps. The voter registration process requires eligible voters to visit any of the registration centres designated by the EMB. In 2018, there were 1,446 approved registration centres in the country, including those located at INEC offices in each of the 774 Local Government Areas. The need

to travel to a centrally located registry, often a great distance from one's residence, creates a burden for many people, especially for those in rural areas and those lacking transportation.

To register as a voter in Nigeria, the prospective registrant is required to make at least two trips to the registry: a first visit to fill out the registration form and submit oneself for biometric capture; and a second visit to collect the Permanent Voter Card (PVC). When initiating the registration process, the citizen may be required to prove their eligibility by presenting their identity document. Thus, rather than automatically adding citizens to the voter register from the information available in the civil registry, citizens are required to initiate and carry out a separate process to register as a voter. Traveling to the registration centre to carry out these transactions could require citizens to spend an entire day away from their home or work.

When prospective registrants eventually make the trip to the registration centres, they may face additional difficulties. In many registration centres, there are usually more people than the officials can register in a day. This implies that some people would have to make a repeat visit to the registration centre due to long queues. Furthermore, potential registrants can miss getting registered on first visit to a registration centre due to the prevalent occurrence of equipment failure. If an error is observed in a person's registration information, it is the duty of the registrant to return to the registration centre to make correction. These hurdles could affect people whose personal circumstances may not permit to make repeated trips to the registration centres.

In addition to what citizens must do to register as voters is the issue of when they must do it. The electoral law requires voter registration to close at the latest 60 days prior to election day, meaning that voters must register before campaigns and civic education programs reach their most intense stages. The 60-day closing date is relative to the first round of elections; because Nigeria employs a run-off election for the presidency if no candidate emerges winner in the first round, voters cannot participate in the final election of president without registering some three months ahead of time. While there have been efforts to reduce the difficulty associated with voter registration in Nigeria, the process continues to be burdensome for potential voters.

### ***Getting to the ballot box***

In addition to registering as a voter, citizens also face the hurdle of getting to their polling units in order to cast their ballot. Many polling units in Nigeria are either overcrowded or remote, placing the burden of time and travel costs on potential voters. Thus, decongesting polling units and dispersing voters as evenly as possible among all the polling units constitute critical challenges. There is a need for the creation of additional polling units to cater for the splitting of large polling units as well as for new settlements not serviced by any existing polling unit. These obstacles are made more severe by the practice of restriction of movement on election day. The absence of public transportation on election day calls for the siting of polling units within commuting distance; but this has not been done. In addition, INEC has not been able to relocate all polling units 'in-front of' private houses, and such other unsuitable places, to public buildings or where this is not possible, to public open spaces where tents can be provided. Locating polling units at unsuitable places can discourage many eligible voters from accessing the units to cast their votes. Furthermore, eligible voters are discouraged from accessing polling units located in open places without adequate provision for shed. Locating polling units inside classrooms or such other suitable enclosures is in line with international best practice.

There is a strong indication that the existing polling arrangement in Nigeria is inadequate. The present structure of polling units was put in place in 1996 by the defunct National Electoral Commission of Nigeria (NECON), and it involved the outlining of 120,000 polling units and 8,809 registration areas (or wards) across the country. This polling arrangement has been in place since 1999. From 1996 to date, there has been an exponential growth in Nigeria's population; and there have equally been massive demographic shifts as a result of development of new settlements in many urban areas as well as population displacement all over the country. For example, in 1996 when the current polling unit arrangement was established, the estimated population of the country was about 110 million. In 2006, after a national population census, Nigeria's population was put at 140 million. During the 2015 general elections, the country's population was estimated to be about 181 million. In 2019, the country's population increased to about 201 million, representing more than 78 percent rise in population since 1996.

In addition to rise in population, the existing polling arrangement in Nigeria has been affected by widespread population displacement caused mainly by conflicts and urban renewal projects across the country. One study puts the number of people displaced by urban renewal projects between 1990 and 2010 conservatively at nearly 1.4 million (Adekola 2016, 20). According to the Internal Displaced Monitoring Centre (IDMC), over 1.7 million people were displaced by conflict and violence as of 31 December 2017, while about 122,000 new displacements were caused by natural disasters.<sup>1</sup> Similarly, conflict and violence triggered 248,000 new displacements in 19 states, while natural disasters gave rise to 157,000 new displacements in 2019. Together, human and natural disasters raised the number of internally displaced persons in Nigeria to about 2.6 million at the end of 2019.<sup>2</sup>

In 2015, INEC was confronted with the challenge of dealing with the high number of IDPs caused by the Boko Haram insurgency. Public pressure forced the Commission to, among other things, set up a Task Force to come up with modalities for voting by IDPs. The Task Force recommended, among other things, the amendment of Section 25 of the Electoral Act to create an adequate legal basis for the Commission to make arrangements for voting by IDPs, considering that a gap exists in this regard. The recommended amendment sought to make the law flexible enough not to restrict INEC's operational capacity. Thus, the phrase that INEC should "as far as possible, ensure that persons displaced by the emergency are not disenfranchised" provided the needed flexibility.

To decongest and make the polling units more accessible, INEC introduced the concept of "Voting Points" (VPs); where polling units with large numbers of voters are sub-divided into multiples of manageable number of about 500, with a maximum of 750 registered voters, which when exceeded, the polling units are split into two or more voting points, in multiples of about 500 registered voters per voting point. The use of voting points has contributed to the decongestion of the polling units. However, it negates the efforts of the Commission to ensure the use of enclosures for more conducive voting environment. Since several Voting Points are sometimes located in a particular Polling Unit, the Commission finds it difficult to provide enclosed facilities for voting.

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1 <http://www.internal-displacement.org/countries/nigeria>.

2 <https://www.internal-displacement.org/countries/nigeria>.

Population rise and demographic shifts have made it imperative for INEC to re-organize and create additional polling units, and the Commission appears to have recognized this need. However, attempts by INEC to review electoral boundaries and polling arrangements have not been successful. For example, on 16 November 2011, INEC inaugurated a Technical Committee on the Review of Electoral Districts and Constituencies (TCRED&C) to appraise past constituency delimitation efforts and suggest measures that would improve future demarcation undertakings. Based on the Committee's report, INEC formulated a four-phase work plan for constituency delimitation. But the Commission could not proceed beyond the first phase of the plan due to poor coordination and failure to secure the consensus required to implement the exercise. In September 2014, INEC suspended its constituency delimitation plan and introduced a scheme to create 30,000 new polling units to relieve pressure on the existing 120,000 units (Jega 2014). The INEC's polling unit reorganization plan was similarly abandoned after it was severely criticised for allegedly favouring northern constituencies (Ndiribe et al. 2014; Olorokor 2014).

A final hurdle to getting to the ballot box for many voters is the unavailability of absentee or early balloting for those who are not in their electoral constituency on election day. Absentee voting can reduce the burden of reaching a polling unit. It can be conducted in a variety of ways, including mail voting or in-person voting at a restricted number of polling stations, or in-person at any polling station. Some countries make absentee voting available for all voters, while others provide for some subset of voters (such as those hospitalized or serving in the military). One category that is severely affected by the unavailability of absentee voting is the large number of women and men that serve as election officials. For the 2019 general elections, INEC proposed to hire up to one million ad hoc staff (Ogunwale 2017). This figure excludes the huge number of people that would serve as security agents, party agents, election observers, and INEC's own staff on monitoring duties. The lack of absentee voting also means that no provisions were made to allow the hospitalized or prisoners awaiting trial to vote. Early voting allows voters to cast a ballot, either in person or by mail, before the official election day, and thus reduces potential time constraints for voters. Where it is used, the early voting period may range from several days to several weeks, and like absentee balloting may be available to all voters or only certain types of eligible voters (ACE Project 2013b).

Polling unit accessibility is determined not only by where polling units are located, but also by when voting is held. The hours that the polls are open affect accessibility, as does the day(s) on which voting is held. Convenience is increased when voting is held on the weekend or election day is a holiday, and when election day falls during a time of year when travel is convenient (Katz 1997, 116).

### ***Casting a ballot***

Even when voters arrive at the polling unit, they may be impeded from casting a ballot by several factors. Overcrowded polling units may lead to long waits and confusion, and some voters may give up without voting. A potentially greater obstacle is that voters may be required to prove their identity by showing ID before voting. Countries vary in the conditions under which voters must show their ID, the types of identification papers accepted to vote, the ease with which citizens can obtain the necessary documents, and the provisions in place for voters who lack identification documents (Schaffer and Wang 2009). Identification requirements pose little burden on voters where the government or election officials make significant efforts to ensure eligible voters obtain ID (as in many European countries) and where witnesses can vouch for the identity of voters lacking ID (as in Canada, Italy, and Portugal) (Schaffer and Wang 2009, 401- 403). Where obtaining the requisite identification is onerous and where there are few provisions for voters lacking identification, however, voter ID requirements may impede participation. In Africa, most countries require a national ID card to vote, although the difficulty of obtaining the ID varies, in part due to differences in formal regulations and state capacity.

In Nigeria, a voter would need to show his or her Permanent Voter's Card (PVC) to the poll official before being accredited. The poll official is required to verify the PVC using the Smart Card Reader and check the Register of Voters to confirm that the voter's details are as contained on the Register. The poll official would then request the voter to place appropriate finger in the place provided on the Smart Card Reader for finger print authentication. In the event that the PVC fails to be authenticated by the Smart Card Reader, the voter would not be allowed to vote. A voter would also be turned back if his/her name was not on the Register of Voters, even if the Smart Card Reader verifies his/her PVC. Even a duly registered and documented voter may find that his or her name does not appear on the voters list when trying to cast a ballot. Erroneous omissions from the voters list can result from technical

problems and administrative inefficiencies. This has been experienced even in advanced democracies like the United States, where paper-based registration in many jurisdictions results in some registered voters not appearing on the rolls (Pew Center on the States 2010; Ponoroff 2010). Before the compilation of a new Register of Voters in 2011, many eligible voters in Nigeria were disenfranchised due to errors in the voter rolls. Errors in the voter lists have also contributed to excessively long waits to cast one's vote, another potential barrier to participation. There is little systematic evidence regarding how many voters were affected by such problems.

A partial remedy for such situations is provisional balloting, which "provide[s] an opportunity to vote for persons who allege that they have been subject to administrative error in the compilation of voters lists, or in the marking on these lists of persons who have already voted" (ACE Project 2013b). Where poll workers erroneously mark someone on the voters list as having voted, or "a voter claims to have registered to vote at that voting station yet their name cannot be found on the voters list" (ACE Project 2013b), provisional balloting can prevent disenfranchisement. Yet the availability and ease of provisional balloting varies by country, and its use requires safeguards against multiple voting.

### ***Voter education***

The obstacles of onerous voter registration procedures, suboptimal allocation of polling centres, and restrictive procedures for allowing voters to cast a ballot have been compounded by voter education efforts that have been generally characterized as insufficient, given Nigeria's socioeconomic and cultural context. Numerous observers have noted the insufficiency of efforts to provide voters with information concerning the registration and voting process (EUEOM 2011, 54). The effectiveness of voter education programs has been limited by their uneven territorial coverage and a lack of a unified pedagogical method, as well as the lateness with which education campaigns are launched and the challenges of translating voter information into different indigenous languages (Ibeanu and Orji 2014).

In order to meet the requirements of voter registration and identification, and to reach one's polling place at the appropriate day and time, equipped with some familiarity with the voting process, citizens must be informed of the administrative procedures to follow. Voter education efforts consist both of general "get-out-the-vote campaigns"



and (more importantly for our purposes) informational campaigns to instruct voters about the registration and voting process – such as when and where to register, what documents are needed, where to vote, how to find the appropriate polling unit and check one's status on the voters' register, what documents to bring to the polling unit, how to mark one's ballot, and so on. Modes of voter education range from printed flyers and posters in public spaces to telephone hotlines, newspaper advertisements, mobile brigades and kiosks, radio and television advertisements, websites, direct mailings, and text messaging (ACE Project 2013b; Ellis et al. 2006, 20-21). Such voter education activities are typically considered the responsibility of electoral management bodies, although political parties and civil society organizations are also expected to carry out similar activities. INEC has invested enormous resources in voter information efforts, but these efforts are still widely regarded as insufficient to inform the country's diverse population of the voting process.







# 2

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## Existing Framework for Inclusive Electoral Process

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### International, Constitutional and Statutory Frameworks

The right to vote is one of the rights protected under international human rights law.<sup>3</sup> The international human rights law provides that the right to vote shall not be subject to unreasonable restrictions and distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>4</sup> Several international, regional and sub-regional conventions and declarations on human rights and other relevant legal documents provide support for the right to vote. The more prominent of these instruments include the following:

- The 1948 Universal Declaration of Human Rights;
- The 1966 International Covenant on Civil and Political Rights;
- The 1981 African Charter on Human and People's Rights.

It is expected that national laws should mirror the international framework by

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3 See Universal Declaration of Human Rights, 1948, Article 21, International Covenant on Civil and Political Rights, 1966, Article 25, African Charter on Human and Peoples Rights, 1981/1986, Article 13.

4 See Sections 2(1) and 25, International Covenant on Civil and Political Rights, 1966.

domesticating their provisions and adopting international standards, especially in countries like Nigeria that have ratified the international legal instruments. However, in Nigeria, the right to vote has not been clearly articulated and stipulated in the Constitution and other legal instruments. This is, perhaps, the reason why the right to vote is largely unenforceable. Although it is assumed that the right to vote in Nigeria is conferred by the Constitution, a closer look at the provisions often cited in support of this assertion (that is, sections 77, 117, 132 and 178 of 1999 Constitution) shows that these provisions do not clearly provide a constitutional basis for exercise of the right to vote.

The first provision usually mentioned is section 77 which deals with the process of electing members of the National Assembly as well as those who could be registered as voters for elections into the legislative houses. The provision is worth reproducing here:

**77. (1)** Subject to the provisions of this Constitution, every Senatorial district or Federal constituency established in accordance with the provisions of this Part of this Chapter shall return a member who shall be directly elected to the Senate or the House of Representatives in such manner as may be prescribed by an act of the National Assembly.

**(2) Every citizen of Nigeria, who has attained the age of eighteen years residing in Nigeria at the time of the registration of voters for purposes of election to a legislative house, shall be entitled to be registered as a voter for that election.**

Section 117 is worded exactly as section 77. The only difference, however, is that, while Section 77 relates to elections to the National Assembly, section 117 deal with elections to the State Houses of Assembly:

**117. (1)** Subject to the provisions of this Constitution, every State constituency established in accordance with the provisions of this part of this Chapter shall return one member who shall be directly elected to a House of Assembly in such manner as may be prescribed by an Act of the National Assembly.

**(2) Every citizen of Nigeria, who has attained the age of eighteen years residing in Nigeria at the time of the registration of voters for purposes**

**of election to any legislative house, shall be entitled to be registered as a voter for that election.**

In the same vein, section 132 of the Constitution, touted as providing a constitutional foundation for the right to vote in Nigeria, does not remotely come close to doing so. The provision is only significant for the manner in which its subsection (5) is crafted. It provides that 'every person who is registered to vote at an election of a member of a legislative house shall be entitled to vote at an election to the office of President'. Section 178(5) makes similar provisions with respect to who can qualify to vote in a state governorship election. Although these provisions contain the words 'shall be entitled to vote', they cannot be taken out of the context in which those words occurred. When they are taken together with all the other provisions already examined, one is compelled to conclude that they were not intended to express a constitutional or enforceable right to vote.

Two major arguments have been made to support the above claim (see Ugochukwu 2013). The first is the difference in the way the right to vote is framed in the Nigerian Constitution compared with the constitutions of other African countries. For instance, Part 2 of the Kenyan Constitution of 2010 contains what it describes as 'rights and fundamental freedoms', among which are political rights, including the right of every adult citizen without unreasonable restrictions (a) to be registered as a voter; and (b) to vote by secret ballot in any election or referendum. Equally significant is the constitutional provision that none of the guaranteed rights and fundamental freedoms shall be limited 'except by law, and then only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom'.<sup>5</sup> In the Kenyan context, the Constitution does not tie the right to vote to one's registration as a voter, therefore, the right to vote is easily enforceable when it is infringed.

The second argument relates to the lack of any legal remedies available for voters if the right is breached or impeded. Nigerian voters are barred from presenting any complaints if aggrieved by the results declared after an election. According to section 137(1) of the Electoral Act 2010 (as amended), 'In an election petition may be presented by one or more of the following persons: (a) a candidate in an election;

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5 Section 24(1).

(b) a political party which participated in the election'. One therefore wonders the effect of the so-called right to vote in Nigeria if voters are unable to exercise the legal right to question a denigration of that right. Again, this is a travesty when no particular remedy flows from the exercise of the right to vote if the vote is diluted or discounted. When denied the right to participate in the electoral process, the Nigerian voter is also incapable of making a case for remedy.

In recent times, however, things have begun to change as some sections of Nigeria's voting population, such as those residing outside the country and those in prison, have started to make a case for exercise of their voting rights and inclusion in the electoral process. For instance, on 25 May 2007, Nigerians living abroad, led by Mr. Hakeem Bello, Professor Bolaji Aluko and Mr. Uzoma Onyemaechi filed a suit at a Federal High Court sitting in Abuja challenging their exclusion from voter registration and voting. The plaintiffs submitted that by the combined effect of the Article 13 of the African Charter on Human and People's Rights, Section 77 of the 1999 Constitution and Section 13 of the Electoral Act 2006, Nigerians who are 18 years and above, living overseas are legally qualified to vote for candidates of their choice in any election conducted in Nigeria. In December 2008, the Court ruled that Nigerians living abroad could vote in elections taking place in the country and ordered INEC to put machinery in place to ensure their participation in future elections (Adewole 2009). Nigerians living abroad are still not able to vote since that court order was made.

Again, in December 2014, a Federal High Court sitting in Benin, Edo State, held that prisoners in Nigerian prisons have the right to vote in all elections conducted in the country (Enogholase 2014). The judgment followed a case filed by Victor Emenuwe, Onome Inaye, Kabiru Abu, Osagie Iyekepolor, Modugu Odion (for and on behalf of inmates of Nigeria Prisons), against the Independent National Electoral Commission (INEC) and the Controller-General of Nigeria Prisons Service. The plaintiffs had, in the suit, asked the court to determine "whether, having regards to the provisions of Section 25 of the 1999 Constitution (as amended), and Section 12 (1) of the Electoral Act 2010, the plaintiffs were not entitled to be registered as voters by INEC". They had also prayed the court to determine, whether having regard to the provisions of Section 77 (2) of the 1999 Constitution and Section 12 (1) of the Electoral Act 2010, the plaintiffs were not entitled to cast their votes at any election in the country. They

further asked the court to determine whether the failure of INEC to make registration and voting provisions for the inmates in the custody of Nigerian prisons does not constitute an infringement on their rights as citizens of Nigeria as enshrined in section 14 (1) (2) (a) (b), section 17 (2) (a), section 24 (b), (c), section 39 of the 1999 constitution and Article 13 (1) and Article 20 (1) of the African Charter on Human and People's Rights.

## Reforms and Initiatives

The Independent National Electoral Commission (INEC) has responded to the pressures for expansion of voting rights by undertaking several reforms and initiatives. These involve establishing policies, plans and frameworks to ensure that standards set in national and international legal instruments for full participation of citizens in the electoral process are met. The reforms and initiatives currently undertaken by the Commission have touched on four major issues: 1) expanding the participation of women in elections, 2) protecting the electoral rights of Persons with Disabilities (PWDs), 3) protecting the rights of Internally Displaced Persons (IDPs) during elections, and 4) preserving the right to vote during health emergencies.

### ***Expanding the participation of women in elections***

Entitlement to equal rights, including to political participation, regardless of gender, has been recognized in international and regional human rights documents since the early 1950s. More recent documents call on states to take all appropriate measures to eliminate discrimination against women in political and public life in their countries and, in particular, to ensure, on equal terms with men, the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.<sup>6</sup> Nevertheless, women often face strong barriers to voting and effective participation in the electoral process.

Ensuring greater participation of women in the electoral process requires political commitment by various stakeholders, especially the Election Management Body. An explicit manifestation of that commitment by INEC can be seen in the adoption of a gender policy by the Commission. A gender policy clearly acknowledges the place of gender equality within the work practices, processes and outputs of an EMB. The policy is usually accompanied by an action plan to ensure gender equality

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6 UN Convention on the Elimination of All Forms of Discrimination against Women, 1981, Articles 2 and 7.

is monitored, evaluated and achieved across each of the priority areas. A gender policy should not be confused with the general clause in a constitution, for example, that states that men and women are equal before the law, nor with a national gender policy often developed for governments by the national women's machinery. In this context, it is a policy specifically developed by an EMB for its own strategic direction and adherence. It might begin with those areas of inequality identified in the gender assessment, moving to a general action that seeks to remedy that inequality and then outline specific targets to monitor progress of that change.

In 2014, INEC demonstrated its commitment to address gender issues in the electoral process by adopting a gender policy. The Commission's gender policy seeks to achieve four main objectives:

- a. Ensure that INEC's policies, plans, processes and operations are gender responsive;
- b. Encourage gender equity and balance within political parties especially in the identification of candidates in line with the provisions of their statutes.
- c. Increase budgetary provision and mobilizing partners to effectively provide funding for gender sensitive actions within their purview.
- d. Support an enabling legislative environment to achieve gender equality and bridging gaps in political representation in elective posts at all electoral levels.

Since its adoption in 2014, no major assessment has been carried out to evaluate the extent to which the overall goal of the policy has been achieved. A gender assessment is required in order to clearly identify those issues that still constrain women's voting rights and measures needed to address the issues.

### ***Protecting the electoral rights of Persons with Disabilities (PWDs)***

Persons with disabilities are often excluded from exercising their human rights, including the right to political participation. The UN Convention on the Rights of Persons with Disabilities (CRPD)<sup>7</sup> responds to this circumstance by providing a holistic

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<sup>7</sup> Convention on the Rights of Persons with Disabilities, adopted 13 December 2006 (entered into force 3 May 2008).



solution. Article 29 of the Convention addresses the design and implementation of an electoral process that is non-discriminatory, while also requiring states to provide voters with disability-related accommodation and other facilitative measures to enable their equal right to vote. Emerging practices around the world show that persons with disabilities can be successfully incorporated in all phases of the electoral process, and that they can perform a variety of roles beyond exercising the franchise—as voter educators, election commissioners, observers, monitors and committee members, and as candidates (Lord et al. 2012).

Yet, in Nigeria there are restrictions on the right to vote or to be a candidate on the basis of physical or sensory disability, literacy or education, or intellectual disability or psychiatric illness. How the voting rights of persons with disabilities is addressed, both in restrictions and affirmative measures to facilitate their participation, must be carefully considered. Any review of electoral legislation and activities should provide recommendations for removing unreasonable restrictions and suggestions for including persons with disabilities in the electoral process. Discrimination, ignorance, poverty and neglect, all contribute to the political and electoral disenfranchisement of people with disabilities. Some good practices to address this problem include assisting voters with disabilities to reach polling stations and cast their ballots in a dignified manner that preserves the secrecy of the ballot and prevents undue influence, and the utilization of special voting methods (such as absentee or mobile voting). In addition, the authorities responsible for civic education and voter information should consider the needs of special voters in designing and carrying out these activities.

The Independent National Electoral Commission (INEC) appears committed to addressing the issues that limit the voting rights of PWDs. This commitment is demonstrated in the development of the INEC Framework on Access and Participation of Persons with Disabilities in the electoral process as an internal work instrument to deliver the Commission's goal of facilitating the access and participation of PWDs in all aspects of the electoral process<sup>8</sup>. The objectives and strategic actions of the Framework are as follows:

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8 The Framework was launched in Abuja on 25 September 2018.



## **Objective One**

To strengthen the Commission as an institution that is inclusive in its human and financial resources as well as in its practices and process.

### **Strategic Actions:**

- a. Develop an electoral database on PWDs (including staff, voters and candidates). Establish a benchmark on percentage of PWDs to be recruited as personnel of the Commission.
- b. Inclusion of specific budget heads on provisions of assistive devices in all electoral facilities including INEC offices.
- c. Strengthen PWDs Desks at all INEC State offices with information, knowledge and resources.
- d. Train all INEC permanent and ad hoc staff on inclusive and accessible electoral process.
- e. Mainstream disability-inclusive practices in all aspects of INEC operations including human resources management, budget, planning, procurement, plans and processes.
- f. Mainstream disability issues into existing training and operational documents as well as design and develop disability friendly electoral materials for training of Ad hoc and permanent staff.
- g. Support electoral reforms on PWDs access and participation.
- h. Promote a safe and conducive electoral environment devoid of fear, coercion and intimidation before, during and after voting.

## **Objective Two**

Work with relevant stakeholders to facilitate the development of accessible electoral facilities and infrastructure.

### **Strategic Actions:**

- a. Conduct and establish a baseline statistics and data on accessible facilities and infrastructure currently available in the country.
- b. Utilize findings and recommendations of baseline by staff of the Commission and other relevant stakeholders.
- c. Collaborate with relevant stakeholders to ensure that centers used for electoral activities are disability friendly and accessible.

### **Objective Three**

To encourage the participation of PWDs in all aspects of the electoral process.

#### **Strategic Actions:**

- a. Conduct targeted and customized sensitization and voter education on the role of PWDs in the electoral process.
- b. Promote meetings of electoral stakeholders on disabilities and elections in Nigeria.
- c. Develop electoral cycle based interventions on electoral issues affecting PWDs.
- d. Develop a disability inclusion checklist to monitor progress on implementation of the Framework.

### **Objective Four**

To establish strong partnerships with relevant stakeholders to promote access and participation of PWDs in the electoral process.

#### **Strategic Actions:**

Development Partners:

- a. Collaborate with development partners on mainstreaming disabilities issues into interventions in the electoral process.
- b. Share relevant information on Nigeria's electoral process and disability issues.

Ministries Departments and Agencies:

- a. Partner with MDAs on security with special attention to PWDs.
- b. Partner with MDAs on disability friendly materials and resources for the electoral process.

Civil Society Organizations (CSOs):

- a. Partner with CSOs on disabilities and elections matters
- b. Assist in strengthening the capacity of OPDs on different aspects of the electoral process.
- c. Support OPDs to implement full electoral cycle activities including training, mobilization, involvement in registration process, disability responsive voter education, etc.

Media:

- a. Revise INEC's current communication policy to mainstream disabilities and election matters.
- b. Enhance INEC's media programming on PWDs and elections.

### **Objective Five**

To encourage political parties on access and participation of Persons with Disabilities in the electoral process.

### **Strategic Actions:**

- a. Encourage mainstreaming of disability issues into political parties' development and operations.
- b. Encourage political parties to have quotas or set affirmative action percentage for PWDs.
- c. Work with political parties on inclusive campaigns.
- d. Design a template to monitor political parties' compliance level of inclusivity and accessibility standards.

### ***Protecting the rights of Internally Displaced Persons (IDPs) during elections***

Conflicts, natural disasters and urban renewal projects in Nigeria have created internal displacement of a sizable part of the country's population from their normal places of residence. To protect the voting rights of internally displaced persons (IDPs), experts noted that INEC would have to deal with several challenges, which Ibeanu (2015: 22-23) summarized as follows:

1. Residency requirement: The Electoral Act ties voting to where people normally reside, and to pre-assigned polling units located in a constituency.
2. Problem of documentation: When persons are displaced or forced to relocate from their home, the last thing on their minds is to take their voter's cards. The Electoral Act requires the presentation of a voter's card before a person is allowed to vote.
3. Insecurity: IDPs are still located in areas experiencing insecurity. They would need to be assured of security if they are to participate in the elections. The

- security of INEC staff and materials should be considered as well.
4. Lack of access/information: IDPs need to be able to access electoral services, especially voter education to be able to participate in the elections. The dispersed location of IDPs outside camps poses a peculiar problem as well.
  5. Legal and political issues: Although Section 78 of 1999 Constitution (as amended) guarantees the right of every Nigerian to vote and several sections of the Electoral Act 2010 (as amended) give INEC the discretion to manage registration of voters, assignment of Polling Units and determination of election procedures, the lack of explicit provisions in the existing electoral legal framework on the right of IDPs to vote creates a challenge. On the political side, because there are persons displaced internally all over the country, for instance those displaced by communal conflicts and environmental disasters, limiting IDP voting only to the North East could lead to accusations of political interest against the Commission.
  6. Counting the votes of IDPs: After voting, managing the votes of IDPs could pose a challenge. For instance, where IDPs are located outside their Local Government Areas, will their votes be counted as cast in their home LGA or their current location? This is important for instance in calculating the spread of votes in Governorship elections.
  7. Actual number of IDPs: Establishing the actual numbers of IDPs for planning is also a major challenge. The figures from different sources at the time ranged from 750,000 to 3.5 million.

In view of the challenges mentioned above, INEC set up a Task Force on IDPs and the 2015 general elections on 18 December 2014, to advise the Commission on the inclusion of IDPs in the conduct of the 2015 general elections. The Task Force recommended urgent amendment of Section 25 of the Electoral Act to ensure that in future citizens facing situations of displacement are not disenfranchised. Other important recommendations of the Task Force include (Ibeanu 2015: 33-34):

1. Review of INEC Guidelines and Manuals to accommodate voting, collation, announcement and transmission of results from IDP Camps/Centers.
2. Conduct of some sort of enumeration to separate IDPs with PVCs and those without. Only the former should be allowed to vote.
3. The IDPs shall be assembled in camps that shall be classified by Constituencies

of origin. This is important to ensure that returns are made for all constituencies and that candidates in the affected areas do not lose out when collation takes place and results announced. Resident Electoral Commissioners should map out the camps in this regard.

4. IDPs should further be sub divided by their LGAs, RAs, and PUs to ease the process of voting and collation, just as in all normal situations. However, any relocation of PUs across Constituencies will require new legislation.
5. The same Register of Voters as certified by the Commission should be used at the IDP voting Centres in the affected States. Related to this, the actual Register of Voters configured for Card Readers and meant for their original places of abode shall be used to avoid abuse.
6. Outstanding PVCs for the IDPs should be distributed in camps.
7. The Commission working with the Inter-Agency Consultative Committee on Election Security (ICCES) should ensure that a secure environment is created for both IDPs in camps and those outside to vote.
8. There should be an intensive programme of voter education and publicity on the INEC Guidelines for IDP voting targeting IDPs, electoral stakeholders and the general public.
9. A broad spectrum of stakeholders should be engaged at the national and state levels and their endorsement and ownership of this initiative should be sought.
10. The Commission's existing administrative/logistic structure for the deployment of men and materials should be adapted for implementation at the IDP voting Centers.
11. The existing Constitutional and Statutory frameworks, as well as INEC Guidelines and Regulations should be strictly adhered to in IDP voting.

The work of INEC Task Force on IDPs and the 2015 general elections provides the framework on which the Commission have conducted IDP voting since 2015. To ensure that its commitment to IDP voting is sustained, INEC must continually engage issues that constrain IDP voters such as access to the documentation necessary to register as voters or candidates; the effect of residency requirements for voters and candidates; alternative voting procedures to accommodate IDPs who cannot be present to vote at a regular polling station; and the provision of timely information concerning registration for voters and candidates and concerning election procedures.

### ***Preserving voting rights during public health emergency***

In late 2019, the world was hit by an outbreak of the deadly novel coronavirus, otherwise known as COVID-19. The public health emergency which began in China quickly spread all over the world, such that by the end of June 2020, the virus had affected about 9.7 million people globally and resulted to more than 490,000 deaths.<sup>9</sup> In Nigeria, there were 25,133 confirmed cases and 573 deaths arising from the virus as at 30 June 2020.<sup>10</sup> The outbreak of coronavirus complicated the election schedule in many countries leading to polling delays, suspension and uncertainties.<sup>11</sup> COVID-19 has brought to the limelight the challenges of conducting elections during a public health emergency, an issue which is yet uncharted waters, of which only very few countries have any experience. A handful of African countries, including Guinea, Cameroon, Mali, Benin and Burundi, that went ahead to hold balloting in the midst of COVID-19 faced many daunting challenges such as serious health risks, low voter turnout, logistical challenges caused by observance of the new health protocols introduced as a response to the pandemic as well as increase in election costs and reduced election funding, reduced election observation, and threats of voting and other rights violations.<sup>12</sup>

In response to the impact of COVID-19 on the electoral process in Nigeria, the Independent National Electoral Commission (INEC) adopted a Policy on Conducting Elections in the Context of the COVID-19 Pandemic on 21 May 2020.<sup>13</sup> The purpose of the policy is to enable officials and staff of the Commission to understand and respond adequately to the challenges of conducting elections in the context of the COVID-19 pandemic and its health and financial implications. The policy addressed issues relating to health, legal, election planning, electoral operations, ICT and voter registration, training, voter education and stakeholder engagement, political parties and election observation, and election security.

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9 <https://news.google.com/covid19/map?hl=en-NG&gl=NG&ceid=NG%3Aen>

10 <https://covid19.ncdc.gov.ng>

11 See, IFES, “COVID-19 Disrupts Elections Across Africa”, <https://www.ifes.org/news/covid-19-disrupts-elections-across-africa>.

12 See, Erik Asplund and Olufunto Akinduro, “The COVID-19 Electoral Landscape in Africa”, 19 May 2020, <https://www.idea.int/news-media/news/covid-19-electoral-landscape-africa>.

13 The document can be accessed at <https://www.inecnigeria.org/wp-content/uploads/2020/05/INEC-POLICY-ON-CONDUCTING-ELECTIONS-IN-COVID19.pdf>.

Drawing from its COVID-19 policy, INEC further developed Voters Code of Conduct (VCC) for elections during the COVID-19 pandemic. The Code of Conduct outlines ten key areas where changes in electoral process and behaviour of voters, as well as display of good conduct are required. These include mandatory wearing of face mask at the polling units and all election locations, minimum sanitary requirements, and compliance to the directives issued by election officials.

To provide a legal backing to its COVID-19 policy and code of conduct, INEC issued the First Supplementary to Regulations and Guidelines for the Conduct of Elections on 9 June 2020.<sup>14</sup> The Supplementary amended the Regulations and Guidelines for the Conduct of Elections 2019 and introduced issues such as mandatory wearing of face masks and observance of all protocols issued by the Nigeria Centre for Disease Control (NCDC) and other relevant health authorities as part of the regulations and guidelines for the conduct of elections.

In particular, Clause 3 (b) and Clause 10 (c) of Regulations & Guidelines 2019 were amended. Clause 3 (b) was amended in order to reduce the number of points in a Polling Unit to be monitored for COVID-19 prevention compliance. In this regards, Voting Points shall be created out of Polling Units based on multiples of 1,000 voters and a maximum of 1,250 voters instead of 500/750 that was previously the case. In order to accommodate additional activities in setting up the Polling Unit due to COVID19, Clause 10 (c) of the Regulations and Guidelines 2019 was amended to adjust the commencement and closing time of elections. Consequently, accreditation and voting shall commence at 8:30am instead of 8:00am and end at 2:30pm instead of 2:00pm.

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14 The document can be accessed at <https://www.inecnigeria.org/wp-content/uploads/2020/05/INEC-POLICY-ON-CONDUCTING-ELECTIONS-IN-COVID19.pdf>.





# 3

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## Making the Electoral Process More Inclusive

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*For an electoral process to be truly Inclusive, the institutional structure and activities of the electoral management body must be framed in a way that they can be easily accessed by the public. In other words, inclusivity in the composition and activities of the electoral management body is critical in achieving an inclusive electoral process. A well-balanced electoral management body is more likely to be sensitive to all voters as it undertakes electoral activities. This section considers the fundamental steps required to ensure that the Independent National Electoral Commission (INEC) is inclusive in its institutional structure and activities.*

### Inclusiveness of the Electoral Management Body

The Independent National Electoral Commission is made up of four essential components, and if changes regarding inclusivity of the electoral process are to be made, it is important to ensure that each of these components is composed in a balanced manner. The different components of INEC are as follows: the Commission, the Resident Electoral Commissioners, the Secretariat, and the ad hoc staff.



The Commission is the policy decision-making organ of INEC. The Commission comprises a Chairman, who is the Chief Electoral Commissioner, and twelve other members known as National Electoral Commissioners. The Nigerian Constitution provides for the appointment of a second component of INEC officials known as Resident Electoral Commissioners (RECs). Like members of the Commission, RECs are to be appointed by the President. But unlike the Commission members, they are responsible for overseeing the activities of INEC in the 36 States of the Federation and the Federal Capital Territory. As stipulated in the Third Schedule (Part 1) of the 1999 Constitution, RECs exercise only the powers delegated to them by the Commission.

The Secretariat is the policy implementation arm of INEC, composed of all staff of the Commission, and headed by the Secretary to the Commission. The Commission Secretary is responsible for direction and control of all staff of the Commission, with the approval of the Commission. INEC staff are mostly career professionals in electoral administration employed on permanent basis by the Commission in accordance with its recruitment procedures and employment conditions. Occasionally, the Commission appoints temporary or ad hoc staff to carry out some of its electoral duties. During the 2015 general elections, the Commission employed about 750,000 ad hoc staff. In 2019, the number of ad hoc staff reached nearly one million. These officials take up various roles in the electoral process such as Registration Officers, Returning Officers, Collation Officers, Supervisory Presiding Officers, Presiding Officers, and Assistant Presiding Officers.

In the selection and appointment of National and Resident Electoral Commissioners, secretarial staff, and ad hoc staff, the existing legal framework did not make any specific provision for inclusivity, beyond ensuring that geo-political spread is maintained. Measures such as quota, which have been adopted in other countries to ensure that all categories of voters are represented in the Electoral Commission, are conspicuously absent in Nigeria's electoral laws. Usually, such quota works very well when one person or organization is responsible for the overall composition of all members of the Commission. In many countries, the EMB is constituted by individuals nominated by different political parties, so no one person or body has oversight of the overall balance in selection. In Nigeria, there is a clear opportunity to ensure parity, since responsibility for appointment of all INEC Commissioners rests with the President. If strong political will exists, balanced composition of the EMB

can be achieved without a legal stipulation, as the experience of some countries indicates. For instance, in 2011, equal number of women and men were appointed to the electoral Commission in Malawi, despite the absence of any law or regulation to enforce this.

It is important to ensure that INEC complies with international obligations and targets on inclusivity in its composition. As much as possible, individuals from various strata of the society such as women, PWDs, and youths, should be included in the Commission to enable them contribute to the policy and decision-making processes of the body. Balanced composition of INEC would ensure that the processes by which elections are administered do not discriminate against any group. Targets for balance in staffing may be determined by an official recruitment policy based on the principle of parity, or staffing quota, or may be based on voluntary guidelines, or targets within INEC. Any policies set by INEC should also, where possible, be applied to ad hoc staff such as registration and polling staff. When INEC relies on the secondment of staff from other public bodies to undertake temporary electoral duties, consideration should still be given to the principle of equal opportunity.

INEC's internal policies provide the basis for ensuring equal opportunities for staff, regardless of whether they are prescribed by the law. In designing its own rules and frameworks for recruitment and promotion, it would be important for INEC to ensure that a formal equal opportunity policy for staff is adopted, and that this aligns with national and international employment frameworks. It is important for INEC to consider whether its selection procedures provide for equal opportunity and whether advertisements for the positions include an equal opportunity phrase and encourage underrepresented groups to apply. INEC should review how job description is written to ensure that job specifications, selection criteria, and desired qualifications are not biased. All job descriptions should be screened to ensure that there is no underlying assumption as to, for example, the profile of the eventual occupant, and that tasks are scrutinized to make sure that they can be performed equally by all. A good practice is to include in the job description a statement of the equity process and, in some cases, to explicitly invite applications from underrepresented groups.

## **Making Electoral Activities More Inclusive**

Electoral activities are the complex and wide ranging tasks that election management bodies undertake before, during, and after election day. They include appointing and training election officials, registering voters and candidates, distributing voter identification documents, carrying out voter information campaigns, establishing polling units and delivering election materials prior to election day, administering the voting process, and counting the ballots and transmitting the results. In Part One, we looked at a range of issues that could prevent voters from participating in electoral process. Here, we would identify good practices that could be implemented to overcome barriers to voting, placing emphasis on voter registration, access to polling units, ease of voting, and voter education.

### **Registration of Voters**

In addition to eliminating all technical and procedural barriers to voter registration, INEC could implement the following targeted interventions to increase participation, namely mobile registration, voter outreach, and specialized training on registration.

#### ***Mobile registration***

A major obstacle to effective participation in the voter registration process is that voters have insufficient time and resources to go to the voter registration centers. A direct remedy to this problem is for INEC to take the registration process to the people. Although the Commission in some states have established mobile registration units, the Commission needs to come up with a more coordinated approach to mobile registration. Mobile registration units can target specific groups such as PWDs, students, individuals awaiting trial in the prisons, and residents of remote areas. Where mobile registration is made available, it is vital that voters are provided with information on the timetable and location of the registration in their area. It is important to note that mobile registration can be costly, but, in many instances, it may be the only way to reach voters in remote locations. In addition to mobile registration, the Commission can explore the possibility of online registration based on the experiences of countries such as Australia, Canada, Denmark.

#### ***Providing voters with information***

Voters need information about how to register, where to register and when the registration center is open. Some individuals may need encouragement to register,

in particular, where there is high level of illiteracy or where there is widespread political apathy. In some contexts, it will also be necessary to ensure that information is provided in local languages.

### ***Specialized training for registration officials***

Even though registration teams are trained to be sensitive to individuals with special needs, specific actions may not be prescribed in their job descriptions or followed through on the ground. Inclusivity considerations may be neglected or superseded by other demands once teams are on the ground. Ensuring that the procedures are followed requires that they be incorporated into the instructions, checklists and role descriptions used on a daily basis by registration staff.

### **Getting to the Ballot Box**

After getting registered, citizens face the hurdle of getting to the polling units in order to cast their ballot. There are several factors in the location of polling units that may have an impact on participation of voters. The distance that people need to travel, the availability of public transport, the convenience of the polling unit, and safety of the local area are important considerations. Voters are more likely to cast their ballot if there is a polling unit near them or there is ease of movement to the polling units. On the other hand, voters may be discouraged from participating in elections if polling units are located in areas prone to ethnic, religious or gender-based violence in the past.

The nature of the actual building used as a polling unit can also have an impact on eligible voters. Polling units located in buildings with stairs, physical obstacles, or security concerns can pose obstacles to some voters, particularly People with Disabilities (PWDs). Therefore, the use of polling units with level ground floor entry, will not only facilitate access for voters with mobility impairments of any kind, but will likewise benefit pregnant women and older persons. Furthermore, in selecting polling units for an election, it is important to think about the comfort of those in the queue, particularly the availability of basic amenities such as toilets. These factors may be incorporated into the criteria or checklist used when selecting polling units and when deciding how many polling units will be needed. Voting in the context of public health emergency, which requires compliance to additional measures such as maintaining of social distance may raise the standards required for a location

to be accepted. Site selection is likely to have a major impact on accessibility to balloting, particularly insofar as alternatives, such as off-site voting, voting by mail, and mobile voting mechanisms, are by no means available. To ease the difficulty faced by voters in accessing the polling units, targeted measures such as setting up of mobile polling units and priority queues are crucial or relevant.

### ***Mobile polling units***

In some countries, taking the polling station to the voters with mobile units is used in rural areas and to assist people who cannot travel far due to disability, illness or age. Domestic responsibilities, like caring for children and the elderly, together with prohibitive transport costs from remote places to the polling station, can prevent some eligible voters from voting. Mobile polling units can increase the turnout of voters in remote areas. Arrangements for mobile polling units should be included in the law or regulation for polling day, and procedures for implementation of the arrangement should be clearly articulated. Special equipment will be needed, staff trained, and the location of the mobile stations advertised. The secrecy of the ballot needs to be maintained during any mobile voting and steps should be taken to ensure that voters do not vote more than once. If a mobile polling unit visits an extended family, village or tribal area, then the polling official should ensure that each person casting his or her own vote do not come under family pressure on how to cast that vote. Canada provides mobile or flexible voting options for voters in special conditions. Specifically, Elections Canada makes mobile stations available to all voters in need. IDPs may register to vote by special ballot. Given the cost of mobile polling, it is vital for INEC to consider deeply whether using mobile polling stations will address the challenges that voters face in accessing the polling units, particularly in rural or remote areas. The same considerations apply to other forms of remote voting – such as voting by post or by internet – that are used in some countries.

### ***Priority queues***

Often, voters need to queue for some time before they can receive their ballot papers and cast their vote. In the context of COVID-19, for example, a two-tier queuing system, comprising of inner and outer queues, is proposed. While the inner queue will be established in the voting area, an outer queue will be maintained outside the voting area from where prospective voters shall be invited to the inner queue. This arrangement, which is aimed at ensuring that the voting area is decongested and

social distancing is maintained, may pose fresh burdens. Some people will find the long queue to be a hardship, e.g., pregnant women, parents with young children, the elderly and People with Disability. Anything that reduces the length of time that voters spend in the queue will make it easier for everyone to take part in the election. However, for voters with particular needs, receiving priority in the queue can be a crucial determinant for whether they are able to cast their vote. The training and checklist for the officials that manage the queue need to include instructions about who is given priority and how it is handled.

### ***Support for illiterate voters***

There are several initiatives that could promote electoral access for illiterate citizens. This may include the instructions that are provided to voters, voter education materials, signposts in the polling units and the use of logos and/or photos as well as names on the ballot paper. Planning for polling unit signage and voting instructions should consider disparate literacy levels. Details of the layout, design and content of the ballot paper are often specified in the law, including how to determine which logo to use for each party or candidate or whether to use photographs. There is a need for clear provisions on what to do in case a voter mistakenly spoils their ballot before casting it in the ballot box and asks for a replacement or 'second chance'.

### ***Specialized training and tools for poll officials***

Rules, procedures and training may need to be implemented for all staff, especially ad hoc staff who have the most contact with the public. While poll staff may be trained to be inclusivity-sensitive, if actions are not included in their role descriptions or checklist, they may be forgotten in the business of election day. To make sure that the procedures are followed, they may need to be incorporated into the instructions and checklists and role descriptions.

### ***Regulations for displaced persons***

The United Nations 'Guiding Principles on Internal Displacement' include the right of the internally displaced to vote and to have access to the means necessary to exercise this right. Provisions for absentee voting are often central to ensuring that internally displaced people can vote, either for the area where they normally live or where they are currently living. For some large refugee populations, facilitating the provision of out-of-country voting can be a key element in achieving inclusivity. Clear

information should be provided in appropriate languages. Security of the polling unit and its location relative to sensitive conflict areas is also important in encouraging internally displaced people to vote.

### ***Women-only queues***

In some communities, polling units may be mixed, but women and men are asked to stand in separate queues as they wait to vote. The primary objective of separate queues is to respond to security or cultural norms and to protect women from contact with men as prohibited by cultural or religious standards. This separation may allow women additional time to consider their own choice in the vote without pressure. Separate queues may be legally mandated within the electoral law, adopted systematically by the Commission or implemented in an ad hoc manner at the discretion of the Presiding Officer.

### **Casting a Ballot**

There are several factors that could prevent a voter from casting a ballot at the polling unit: not having either the required identification document, or having this but not appearing on the voter register, a mismatch between information on their identity document and that on the voter register, or the Smart Card Reader fails to authenticate the PVC. Some voters may be discouraged where the secrecy of the ballot is not guaranteed. Furthermore, several eligible voters may miss the opportunity to vote because of their inability to be at their polling unit at the time of election. There are existing measures that could be adopted to address these challenges. The measures include protecting the right to a secret ballot and introducing alternative and convenient ways of voting.

### ***Protecting right to a secret ballot***

International obligations require states to ensure that all voters have the right to vote in secret. Where this right is threatened by local practices such as vote buying, men casting votes 'on behalf of' the family, or violation of the rights of illiterate members of the society, then stronger measures may be required to ensure that the right to vote in secret is protected. This could include targeted measures to protect against family/community voting and/or other violations of secrecy of voting and free choice. A strong legislative and regulatory framework, including meaningful penalties for those who contravene the law, and a willingness of the law enforcement agencies



and judiciary to prosecute make it easier to enforce the law. Strong messages from the electoral commission restating the right of all voters to vote in secret may be an important first step in establishing the commission's leadership in this area. The commission needs to follow up its public pledges with actions and take its commitment seriously.

In places where family/community voting is a cultural norm, the electoral commission may consider if polling staff recruited from the local area could also be under cultural pressure to allow the practice or could be concerned as to adverse consequences for community members who may not allow the family/community to control their vote. The following are actions that may be implemented:

- Strengthening the electoral law before the election or enacting clearly defined operational regulations and guidelines to protect the secrecy of the vote, including prescribing specific measures for orderly operation of polling units, providing sufficient space and isolation booths in polling units, only allowing one voter at a time in isolation booths and issuing ballot papers one at a time.
- Prioritizing training of poll workers to comply with secrecy provisions.
- Conducting targeted public outreach to educate voters on their right to secret balloting, especially among vulnerable populations such as women and illiterate voters.
- Promoting confidence and transparency by ensuring that, once a vote is cast, the electoral commission will protect secrecy of voting and that the choice of voters will never be revealed.

### ***Convenience voting measures***

In general, most voting is done on election day by voters who personally go to the polling unit. Some voters, however, may not be able to personally go to the polling unit on election day due to physical infirmity, election duty engagement, travel or incarceration. In some countries, the electoral legislation to provide for convenience voting methods, such as early voting, postal voting or "mobile voting", to facilitate greater participation.



### ***Mobile voting***

It is common for election legislation to provide for mobile voting by voters who are physically disabled or who cannot come to the polling station for other valid reasons. The voter accommodation principle underpinning the concept of mobile voting is commendable. However, provisions for mobile voting must be carefully drafted in order to minimize the potential for fraud.

### ***Postal voting***

A number of countries allow voters to cast their votes by receiving blank ballots and returning marked ballots through the national postal service. Postal voting can present logistical challenges, including dependence on the national postal service, the printing and processing of ballots, inner envelopes for securing marked ballots and outer envelopes for mailing them, and in providing special instructions to voters receiving the postal ballots. There may also be logistical challenges relating to the printing and processing of forms used by voters to request that a postal ballot be mailed to them. The most serious challenge, however, is maintaining the secrecy of the vote, since the voter receives a ballot that is to be marked in an uncontrolled environment outside of the polling unit. There may also be issues as to whether a marked ballot should be counted if it was mailed by an established deadline but, as a result of postal service delay, is not received by election day. Although it is not possible for the legal framework to prevent violation of the principle of secrecy of the vote in postal voting, it is possible to provide for legal sanctions for violation of the secrecy requirement and to include other provisions to reduce the opportunity to undermine the integrity of an election through fraudulent postal voting.

### ***Early voting***

Early voting has been introduced in a number of countries to facilitate voter participation in elections. Early voting allows voters to vote prior to the scheduled election day. The goals of early voting are usually to increase voter participation and relieve congestion at polling stations on election day. The categories of people who vote early include those who will be out of the polling area during the election period, poll workers, campaign workers, people with medical procedures scheduled for that time, and adherents to religious commitments, among others. The numbers of voters who vote early has increased in recent years. Unlike postal voting, early voting

takes place in a controlled environment. Early voting in a controlled environment means that, from a certain day determined by the law, voters are able to cast their ballot at a specified voting centers, where an official will ensure that secrecy of the vote is maintained. This voting center may be located at the election commission or some other government office. The length of the period during which early voting is allowed varies among the countries that permit such voting.

### ***Proxy voting***

In some countries a voter may be allowed to designate a proxy to vote in his or her place, if the person is not able to travel to the polling station on election day, whether due to physical incapacity or some other legitimate reason. In many countries, however, proxy voting is not allowed, due to constitutional requirements that the secrecy of the ballot must be maintained and that the right to vote must be exercised personally by the voter. Proxy voting is open to abuse and, in some communities, often for cultural reasons, family members may give their votes to the head of the household to cast as he or she deems appropriate. It is difficult to justify the use of proxy voting, particularly where postal, early or mobile voting is available.

### ***Diaspora and Out-of-Country voting***

Diaspora and Out-of-Country voting is the procedures which enable some or all electors of a country who are temporarily or permanently abroad to exercise their voting rights from outside the national territory. It may be disputed whether voting by proxy can strictly speaking be treated as a case of external voting, since the act of voting actually takes place in the state territory. Similarly, consulates or military bases are usually the sovereign territory of the state in question. However, voting by proxy and voting in diplomatic missions or military bases are included here as types of external voting because the electors concerned need not enter their home country in order to vote, but may do so from their place of residence.

As alternative ways of voting are gaining ground, some critics have condemned them as damaging to the democratic process in many ways. Critics claim that early voting, for example, is expensive for states and campaigns, and sends voters to the polls prematurely. Furthermore, they claim that alternative voting methods can actually depress turnout — largely by mitigating get-out-the-vote efforts and diminishing the civic engagement attraction of Election Day. Then there is also the issue of fraud,

especially with proxy and absentee ballots. Supporters of alternative voting methods, however, dismiss these criticisms arguing that the issue of ballot fraud is a myth, the cost issue is either the campaigns' problem or up to the voters of each state, and the argument about alternative voting depressing turnout is not tenable.

### ***Voter education***

INEC's strategic plan lays out the broad objectives of the Commission's voter education programme. More planning objectives are also stipulated in the Commission's communication policy. When complex voter education campaigns are planned – for instance, on how to register or how to vote or encouraging specific sectors, like women, PWDs or youth, to participate – then a good practice may be to create an overall communication strategy to ensure that the different campaigns are complementary. This strategy should involve stakeholder partnership.

### ***Stakeholder partnership***

Civil society organizations, political parties and the media are likely to play a part in delivering all types of voter education. Many of these groups have good access to communities across the country. INEC must work closely with these organizations to ensure that the correct messages are being passed on. An overall voter education plan is also good practice when working with CSOs to deliver the programme because it serves as a master plan and a mapping tool of all activities, their content, geographic coverage and how they relate to each other. CSOs may use materials created by INEC or create educational material themselves in close coordination with INEC. In some cases, where skilled civil society groups specialize in grassroots education, INEC may work jointly to design materials or adopt materials developed by a CSO. Offering to check the accuracy of materials created by other organizations and sharing key graphics and descriptions can help to ensure that voters are provided with accurate and consistent information.

### ***Messaging***

An effective voter education campaign has a very clear message that is delivered consistently in a number of different ways. During the election period, voter information messages need to explain how to vote and encourage voters to turn out and vote. In the period between elections, outreach messages can focus on broader messages about democracy and the importance of taking part as voters and candidates. When producing voter education materials, attention should be paid to avoiding subliminal

messaging. For instance, a poster showing only male voters may give a message that only men can vote. Outreach materials should show various sections of the society participating in every task and in every role – as registration and polling staff, as observers and security forces, as registration applicants and as voters. If poorly designed, images intended to show security around polling stations may discourage voters who fear violence instead of relaying a message of security.

Encouraging the participation of all citizens is an important message in all contexts. Certain groups may need to be reminded that they can take part or need to be encouraged to have their say. Generally, campaign messages can be designed to appeal to specific groups such as women and PWDs. Where family/community voting and vote buying are common, it is important both to deliver specific messages about the right of the voter to make his or her own choice when voting and to emphasize the right to vote in secret. Furthermore, where there are cultural norms that give rise to certain myths used to dissuade certain groups from voting, it is important for the Commission to counter these myths with accurate information and to encourage participation. For instance, where many people see the ability to read and write as a requirement to be eligible to register to vote, the Commission can dispel this belief with a voter information campaign that explicitly clarifies that the registration team would fill in the form for illiterate voters after asking the appropriate questions.

### ***Target audiences***

Voter education can target the voting population at large or be tailored to particular groups. When the voter education programme is delivered to the general population, it is important that inclusivity considerations be mainstreamed into the messages and delivery. When voter education is targeted to women, for example, the target may be all voting-age women or a subset of women defined by location, age or circumstance, such as rural women or young women. When tackling particular issues – for instance, that women should not vote or that family voting is acceptable – then the messages need to be targeted at men as well as women. Voter education may also be used to educate new voters and ‘future’ voters by targeting educational institutions. This form of outreach may seek to educate first-time voters to their rights and responsibilities as voters, explain the process or assist in first-time registration. Outreach to youth population seeks to sensitize children and adolescents to the basics of democratic participation in order to promote their future active participation as voters.

### ***Targeting students***

Students can be targeted through the school curriculum to provide civic and voter education. In most countries, young voters are often registered in fewer numbers than older voters, and are less likely to turnout on election day. Providing voter outreach in schools is one way to encourage civic engagement from a young age.

### ***In-person sessions***

Face-to-face or in-person sessions are an effective method for most learners. While INEC cannot provide face-to-face educational sessions for the entire electorate, targeted sessions for specific populations can be highly effective. CSOs can complement the efforts of the Commission, especially in areas where there are low voter registration or turnout rates among specific groups. Such sessions are particularly useful for groups with low literacy levels or who have been traditionally marginalized in electoral processes. However, in the context of public health emergency, the use of in-person sessions is highly discouraged despite its potential benefits.

### ***Radio and other audio messages***

Radio messaging remains one of the most widely accessible media formats in the world and, as such, is a key source of public information, especially for those who are illiterate. In addition to delivering information, it can also generate information through debates and call-in programmes, where listeners can ask their own questions. One of the benefits of radio messaging is that it can be created in a range of languages at relatively low cost. Audio clips can easily be disseminated via a website at no additional cost once the material has been produced. The value of radio messaging has increased, especially in the context of COVID-19 where social distancing is advocated.

### ***Mock elections or polling day rehearsal***

Many voters, including first-time voters, may be unsure of how to mark their ballot papers and what to do in the polling unit. In these circumstances, conducting mock elections can provide a hands-on tool to educate the electorate about the mechanics of the process. For example, in Mali, a television programme aimed at educating young people on the electoral process showed a model ballot with candidates'

pictures and party logos so that voters could familiarize themselves with the ballot before they went to the polling unit. In South Africa, CSOs used voting exercise and rehearsals in their workshops for women to dispel fears about the voting process.

### ***Resource centres***

Voter information and resource centres, which provide information and a venue for training, can be important to make the voter education visible and easily accessible. Resource centres may be open for the entire local population or open to the full population but target specific groups such as women. In some cases, such as Timor Leste, they may target well-educated users to further legislative agendas, but, most often, they provide access to information for grassroots populations with otherwise limited access to civic education.

### ***Information Communication Technology***

Many other examples of creative approaches to civic education include using the internet and information communication technology. Taking voter awareness into popular social media sites can be effective in some contexts. The internet is a powerful tool to reach broad audiences. Information on the website of the electoral commission is important and can include written material, pictures and audio for download. INEC may deepen its communication through social media channels such as Facebook and Twitter. Care should be taken, however, that such new channels are complemented by time-tested delivery channels, such as radio.

### **Enhancing inclusiveness through training**

Making INEC inclusivity sensitive requires that the staff of the Commission can understand and implement measures aimed at promoting inclusivity. Both the understanding and the capacity to implement can be fostered through a range of training interventions, targeted at specific groups within the organization. Training on specific inclusivity policies can be delivered to staff to foster widespread appreciation for inclusion in the electoral process. Specialized training, including on-the-job instruction, might be provided to focal persons or the staff who have been tasked with specific responsibilities with regards to inclusivity issues. Specific professional development opportunities might also be developed to promote the growth of underrepresented groups in the organization.

There are several ways in which inclusivity can be considered in staff training:

1. Mandatory inclusivity awareness training can be delivered to all staff at all levels
2. Inclusivity considerations can be mainstreamed into all training undertaken by INEC staff
3. There can be specialized training for staff in charge of specific desks or on specific policies or topics
4. There can be training to ensure equal employment opportunities and build capacities in specific areas

### ***Mandatory training for all staff***

Training on the basic concepts and premises of inclusivity may be made mandatory for all election staff. Training on specific inclusivity policies should also be made available to all election staff. When a new inclusivity policy is introduced, training on the policy for all staff will ensure that the policy is recognized and understood across the organization. Senior staff of the electoral commission need training about the policy to ensure that it is incorporated into all decision-making, policy creation and operational planning.

### ***Mainstreaming inclusivity in the Commission's training programme***

Because exclusion can occur at all phases of the electoral cycle, all training offered by the electoral commission should include inclusivity mainstreaming elements. This includes training that is routinely provided to election staff on electoral operations. Different BRIDGE training modules could be offered to provide a basis for inclusivity analysis and action in all training materials.

### ***Training of staff with specific responsibilities***

Some staff of the electoral commission may require specialized, or more in-depth, training on inclusivity issues because of the specific responsibilities they have. For instance, in addition to gender sensitivity training for INEC staff in general, it is also important to ensure that the Desk Officer(s) for gender, PWDs, Diaspora, and Youth, have access to adequate training and support. This is especially true where



the position has been newly introduced and little previous experience or capacity has been developed. This is often achieved through on-the-job training and/or customized training, with support of technical assistance partners and experts.

### ***Inclusivity sensitivity training for polling staff***

Training is always an important part of the preparation for an election. While polling staff are trained in the process and rules of the election, training on inclusivity issues is also important and may be required for all staff. It is important for polling staff to know whether the Commission is committed to encouraging all eligible voters to vote. The training can also provide an opportunity for staff to practice dealing with particular situations. Such training makes it easier for poll workers to enforce regulations.

### **Collecting and Analyzing Disaggregated Data**

Collection and dissemination of data is an essential task for an inclusive electoral commission. However, data is not always disaggregated by variables such as sex or age. Disaggregated data on a range of points is helpful for the electoral commission to analyze, report and use it in policy and planning decisions. Knowing the breakdown of those registered on the voter list, of voters on election day and of staff at all levels is crucial to allow assessment of balance in elections as well as in the development of policies that may redress any identified imbalances in participation and access. Post-election period assessments could benefit from analysis and reporting using disaggregated data on registration, voter turnout and staff who worked on the election. Understanding the precise nature of political participation, on the basis of disaggregated data, is crucial to consolidating democracy.

### ***Data collection***

There are several ways in which disaggregated data collection can be institutionalized by the electoral commission. The first step is to ensure that, when data collection exercises are designed, all relevant categories are included as part of the data fields. Second, the data for each category should be recorded at the time of the data collection because of the costs and inefficiency associated with revising large amounts of data retroactively at a later stage. Staff and polling officials may require training to understand the processes; otherwise, this should be included in standard training of electoral officials. An inclusivity mapping or assessment will help the



electoral commission to identify any gaps in its collection (and dissemination) of disaggregated data.

### ***Voter registration data***

Disaggregated registration data is captured in countries where vital socio-demographical details of each registered person are recorded. Where these details are not recorded, then a change in the law or regulations may be needed in order to gather this data. When the records are stored electronically, analysis of inclusivity within each electoral area and for the whole country is easy. Although high-tech systems can facilitate the collection and analysis of disaggregated data on registration, only simple technology is needed to implement effective data disaggregation. In countries where the register is kept manually, such as the Central African Republic and Mozambique, disaggregating is still not possible unless it is done manually. In several countries, the registration rates are monitored to track areas where there may be low registration rates of women or young people. In these areas, voter outreach and information campaigns may be deployed to target the under-registered groups.

### ***Voter turnout data***

Collecting and reporting data on the proportion of the voting population who voted (voter turnout) is not yet the norm in many countries. Without this data, it is not possible to know if there is a gap in the turnout overall or for a particular geographic area or specific groups. Some stakeholders raise concerns that the secrecy of the vote can be undermined by the disaggregation and reporting of voter turnout by various categories. However, this is not the case. First, only turnout data should be disaggregated, not voting results. Second, disaggregated statistics are useful and instructive only at cumulative levels: the level of towns, cities, regions and the country as a whole.

The electoral commission can therefore determine how to report turnout information at a level that is meaningful and open while also protecting the secrecy of each individual voter at the polling unit, constituency or regional level. Thus, reporting of disaggregated turnout (not results) should not be seen to infringe the secrecy of the vote. Therefore, when gender is recorded on the voter list, for example, then a polling staff could be given the task of tallying the number of men and women who cast a

vote at each polling unit by recording it when votes are tallied at the end of polling. The tally or results forms that record the overall number of voters, ballots papers, spoiled ballots, etc. could include a field on the number of women, PWDs, and other underrepresented groups who voted. If a voter list is used in polling units to check voter eligibility and then marked when ballot papers are issued, polling staff may record the number of persons of specific underrepresented group receiving ballots separately on the tally sheet including a data field specifically for that purpose. In this manner, disaggregated data can be collected.

Overall, however, recording of disaggregated data is greatly facilitated where the voter list used is electronic and/or if the voter registration list already contains the voters' demographic details. Recording disaggregated voter turnout data officially and systematically is a good practice. However, in cases where this is not possible, a non-scientific snapshot of turnout may be recorded by domestic and international observer groups to record such data, unofficially. If, as in most cases, there are insufficient observers to record data in every polling unit all day long, then observer groups may seek to develop a sampling plan that will provide a statistically representative record. This sampling plan may include demographic issues, geographic distribution and inclusivity-sensitive planning. Many of the established international observer organizations have proven methods for sampling polling units to give a representative picture

of the whole country and these methods could be used to choose the polling unit where disaggregated turnout data can be collected. Despite the growing accuracy of observation sampling, this method should not replace official data collected systematically by the electoral commission.

### ***Reforming regulations***

In order to collect and report disaggregated data, changes in election regulations may be needed. This is because the existing data collection forms may not include the provision to record and report demographically disaggregated data for registered voters and voter turnout. Similarly, the electoral commission may not be collecting inclusivity-related disaggregated data because there is no legal requirement to do so. Therefore, unless the law or regulations were amended, it would not be possible to collect disaggregated data.

### ***Candidate registration data***

While data on the number of persons elected during an election is widely reported, disaggregated data on candidate registration is not. When demographic details of the candidates are reported on the candidate nomination form and the details are stored electronically, then this data should be easy to collect and report. If full demographic details of the candidates are not captured, then the law or regulations may need to be changed so that this data can be collected. Disaggregated candidate registration data are not only important to report as an indicator of the level of political participation of various groups in a country; they are also a useful tool for analysis of political party performance.

Another reason to collect this data is to monitor compliance with candidate quota nomination laws, where they exist. In countries where a target is set for women's nomination as candidates, such as 30 percent or 50 percent, the reporting of candidate data by sex is required in order to ensure that the law is being implemented. In some countries, there may also be a 'placement' provision of women candidates, such as one that women should occupy every third position on a political party list. Reporting of candidate data may also necessitate information on the placement of women on party lists in order to confirm compliance with legislated quotas.

### ***Staffing data***

The demographic details of permanent and ad hoc staff at different levels within the Commission can easily be recorded. Collection and monitoring of this data can be built into the basic human resources function. The percentage of various groups in each staffing level for permanent staff can be compared to the level in other public bodies. Collection of additional data points may be necessary to determine whether specific groups are equally represented at different levels of responsibility within the Commission and polling staff.

### ***Data analysis and reporting***

Collecting data has no impact unless it is analyzed, reported and disseminated. Most of this reporting and analysis is conducted during the inter-election period. For instance, it is good practice to include disaggregated data of the different staffing levels in an annual report on the work of the Commission and to include

disaggregated polling unit staff and voter data in all reports about the election. Likewise, the Commission may seek to promote disaggregated data collection for external areas as well as internal (i.e., data on voter registration, turnout, candidates, etc.). When cross-referenced with other statistics commonly collected in these areas (regions, age, etc.), this data can provide a powerful and detailed snapshot of political participation. Good analyses can help the Commission to better understand the challenges and successes; for example, by comparing disaggregated registration data with disaggregated turnout data, the Commission can assess whether there is a correlation or gap that may require action.

### **Improving Election Security**

Electoral violence is usually employed to influence the electoral process or outcome in Nigeria. The regular occurrence of electoral violence in the country may discourage specific groups from voting or participating in the electoral process. Acts of electoral violence can be psychological, physical, sexual and/or economic in nature and include loss of livelihood, intimidation, physical or sexual assault, residential displacement and murder. INEC has a vital role to play in preventing and reducing political violence in the country.

#### ***Assessing and monitoring election risks***

In order to determine if and how the Commission may mitigate electoral violence, a mapping or assessment may be necessary. The Commission may undertake a mapping or assessment to identify hotspot areas and design appropriate mitigation and monitoring mechanisms. International and local organizations and CSOs also have a critical role to play in electoral security assessments and the Commission may consider using these as appropriate. Beyond the initial assessment, the Commission may also initiate ongoing monitoring and reporting on electoral violence through the state and local government offices. The Commission's state and local government offices could be called on to identify and report on electoral violence trends in their areas so that appropriate measures can be adopted.

#### ***Prevention and mitigation measures by INEC***

The Commission may also draw upon collaborative partnerships with international or non-governmental organizations to enhance risk assessments. An example is the collaboration between the Commission and International IDEA on development of

an Electoral Risk Management Tool. The Commission has adopted the Tool as part of their strategies for preventing electoral violence. The ERM Tool aims to build the capacity to understand, analyze, prevent and mitigate outbreaks of election-related violence, enabling the Commission and other bodies to respond as needed. Such tools should ensure the inclusion of an inclusivity perspective and consider the different types of violence that specific groups may face during elections.

Such partnerships may also include working with long-term international and/or domestic electoral observation missions to collect data on electoral violence in order to respond to it. In recent years, many organizations have been increasingly integrating inclusivity considerations into their observation by disaggregating data, increasing the use of long-term observers who collect data on the political environment, employing dedicated experts as part of their observation core teams and developing specific guidelines for monitoring participation by specific groups. By actively coordinating with these groups and requesting feedback on electoral violence observations, the Commission can draw on the resources invested by these researchers to improve on their performance during the course of an electoral cycle. There is potential for more coordination in this area as monitoring tools increase in use and quality. Many technology-based solutions are being introduced around the world which use public media and crowd-sourced data to record incidents of electoral violence.

### ***Security sector coordination***

INEC is an important actor in developing security responses to electoral violence, with the responsibility to coordinate with the responsible security agencies to ensure safe conduct of elections for all electoral stakeholders. These stakeholders include poll workers, candidates and voters. The Commission can advise and lead inclusivity-sensitive risk assessment and planning

for election day, which may include planning for scenarios where police are required to intervene in sensitive situations. The Commission needs to sustain and expand the Inter-Agency Consultative Committee on Election Security (ICCES), a platform it established to coordinate election security.

## Inclusivity Mapping

Assessing inclusivity and how the participation of all eligible voters is being actively promoted means considering all policies, decisions and actions taken by the electoral commission from a mainstreaming perspective. To this end, inclusivity assessment needs to include all internal organizational activity as well as all elements of the conduct of elections.

### ***Inclusivity assessment or mapping***

Inclusivity assessment or mapping exercise can examine the current situation for electoral participation of various groups, but it may also be accompanied by consideration of inclusivity within the Commission to be comprehensive. A well-structured mapping exercise can deliver an all-embracing analysis of the situation and provide a base for planning the changes necessary to close identified gaps.

The Commission can start a mapping exercise by looking at its own composition and practices. The mapping exercise may be designed and communicated as the evidence-gathering phase of a broader process of mainstreaming inclusivity. It is a stock-taking exercise used to identify existing good practices and processes as well as any gaps. On the basis of these findings, the assessment provides an opportunity to propose recommendations for change and improvement. An inclusivity mapping or assessment can be undertaken through a series of interviews or focus group discussions with a range of individuals. The exercise will return better evidence if information, views and ideas are sought from different stakeholders as well as from the Commission's staff and leadership. CSOs who work to encourage participation of underrepresented groups in the election, electoral observers, voter educators, academics and the media are all likely to have information and ideas to contribute, as are political parties. Staff who work in polling units and who conduct voter registration are also likely to have observations about issues faced by vulnerable groups during the process. All these sources provide relevant information for the Commission to consider when devising strategies for the promotion of inclusivity.

### ***Mainstreaming inclusivity in post-election evaluations***

In addition to a targeted inclusivity mapping exercise, promoting inclusivity should be integrated into all other assessments and evaluations. Post-election assessments are a feature of most EMBs and these could include an inclusivity assessment

element. In particular, as such reviews often focus on good practices or reforms needed in the electoral procedures, the review can usually survey the impact of any changes on the role of vulnerable groups as voters and as electoral staff. Similarly, an annual institutional report by the Commission can provide an opportunity to analyze organizational results and outcomes as well as report all statistics in a disaggregated manner.

The Commission can also establish or measure participation issues against baselines through their post-electoral reporting and assessment. The period between elections can be used to analyze their actions and strategize to identify improved approaches. The relatively calm period between elections presents an opportunity to revise internal policies and to offer internal training on inclusivity issues or training opportunities for members of vulnerable groups. International and domestic observer mission reports, which include analyses of inclusivity, may be important sources of information.

Following the mapping exercise or post-election assessment, the Commission, its partners and other stakeholders will have a better idea of areas for priority action. In most cases, it may be useful to divide the findings of the inclusivity mapping exercise into two parts: areas that require attention for inclusivity to be achieved within the Commission and areas that require attention for inclusivity to be achieved in the country's electoral processes.

### ***Inclusivity Action Plan***

Once the Commission has concluded the mapping exercise, it may consider developing an Action Plan. Like all action plans, it should be specific in explaining the challenge identified, the possible areas of action, responsible actors, the resources available and the timeframes. In this regard, it is possible that the Commission may not be able to address all issues in the action plan in one electoral cycle. In this case, the plan could be clearly prioritized and the Commission should commit to returning to the unfinished work after the next election. The action plan may also include a monitoring mechanism.

### ***Post-election legislative reviews***

A mapping of the relevant laws and regulations may also be needed for a comprehensive review of the electoral process from an inclusivity perspective. If

there are barriers to participation within the law, then one possible remedy is an amendment of the law.

***The role of the National Assembly in reviewing the electoral process***

Law makers are primary stakeholders in the electoral process and may invest significant time and resources to reviewing the administration of an election or specific aspects of the process. At the National Assembly, the Senate Committee on INEC and House of Representatives Committee on Electoral Matters are tasked with this review. While these specialized parliamentary committees may not be able to fully resolve all the issues relating to inclusivity in the electoral process, they can play an important oversight function.



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## About PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes.

The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.