2011 NIGERIAN ELECTIONS

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NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

National Democratic Institute for International Affairs

Final Report

NDI

NATIONAL DEMOCRATIC INSTITUTE

FINAL REPORT ON THE 2011 NIGERIAN GENERAL ELECTIONS

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LIST OF ACRONYMS

ACE	Alliance for Credible Elections
ACN	Action Congress of Nigeria
ACPN	Allied Congress Party of Nigeria
AFIS	Automated Fingerprint Identification System
ANPP	All Nigeria People's Party
AP	Accord Party
APGA	All Progressive Grand Alliance
CPC	Congress for Progressive Change
DDC	Direct Data Capture
DEO	Domestic Election Observer Groups
DPP	Democratic People's Party
ECOWAS	Economic Community of West African States
ERC	Election Reform Committee
FCT	Federal Capital Territory
FOMWAN	Federation of Muslim Women's Associations in Nigeria
HDP	Hope Democratic Party
ICCES	Inter-Agency Consultative Committee on Elections Security
IFES	International Foundation for Electoral Systems
INEC	Independent National Electoral Commission
IPAC	Inter-Party Advisory Committee
IRI	International Republican Institute
JDPC	Justice Development and Peace/Caritas
JNAPWD	Joint National Association of Persons with Disabilities
LGA	Local Government Areas
LP	Labour Party
NBA	Nigerian Bar Association
NBC	National Broadcasting Commission
NDI	National Democratic Institute for International Affairs
NOA	National Orientation Agency
NTA	Nigerian Television Authority
NYSC	National Youth Service Corps
PDP	Peoples Democratic Party
PSC	Project Swift Count
REC	Resident Electoral Commissioner
TMG	Transition Monitoring Group

ABOUT NDI

The National Democratic Institute (NDI or the Institute) is a nonprofit, nonpartisan, nongovernmental organization that responds to the aspirations of people around the world to live in democratic societies that recognize and promote basic human rights.

Since its founding in 1983, NDI and its partners around the globe have worked to support and strengthen democratic institutions and practices by strengthening political parties, civic organizations and parliaments, safeguarding elections, and promoting citizen participation, openness and accountability in government.

With staff members and volunteer political practitioners from more than 100 nations, NDI brings together individuals and groups to share ideas, knowledge, experiences and expertise. Partners receive broad exposure to best practices in international democratic development that can be adapted to the needs of their own countries. NDI's multinational approach reinforces the message that while there is no single democratic model, certain core principles are shared by all democracies.

The Institute's work upholds the tenets of the Universal Declaration of Human Rights. It promotes the development of institutionalized channels of communications among citizens, political institutions and elected officials, and strengthens their ability to improve the quality of life for all citizens. For more information about NDI, please visit www.ndi.org.

ACKNOWLEDGEMENTS

To enhance the credibility of the 2011 polls in Nigeria, the National Democratic Institute (NDI or the Institute) fielded a pre-election mission, a long-term observation mission, and two election day missions to monitor various phases of the electoral process. NDI thanks the following individuals for their leadership of the Institute's observer delegations to Nigeria:

October 2010 Pre-election Delegation: Ketumile Masire, former president of Botswana; Joe Clark, former prime minister of Canada; Christiana Thorpe, chief electoral commissioner, Sierra Leone; Nazmul Kalimullah, chairman, National Election Observation Council of Bangladesh; and Peter Lewis, director of African Studies at Johns Hopkins University.

April 2011 Election Delegations: Joe Clark, former prime minister of Canada; Antonio Monteiro, former president of Cape Verde; Mahamane Ousmane, former president of Niger; Jon S. Corzine, former U.S. senator and governor of New Jersey; Marietje Schaake, member of the European Parliament; Natasha Stott Despoja, former senator and party leader from Australia; and Robin Carnahan, secretary of state of Missouri.

NDI also extends its gratitude to members of its observer delegations to Nigeria during the 2011 electoral process for their contributions to the success of the Institute's missions.

NDI expresses deep appreciation to Nigerian political and civic leaders, government officials, election commissioners, and poll workers who facilitated the work of its delegations. Most importantly, NDI thanks the Nigerian people for their warmth and hospitality.

Marija Babic, who served as NDI's Resident Reporting Coordinator for the election observation mission, prepared this report based on the findings of the Institute's international election observers. The report benefitted from editorial comments and guidance by NDI Public Affairs Director Kathy Gest, former Senior Resident Director for Nigeria Carlo Binda, and NDI Washington, DC-based staffers Courtney Creek, Brionne Dawson, Laura Grace and Lindsay Robinson. We are grateful to each and every one of them for their contributions.

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1. EXECUTIVE SUMMARY

Nigeria's 2011 general elections, the fourth since the return to civilian rule in 1999, were significantly more transparent and credible than the three preceding polls in 1999, 2003 and 2007. Conducted in April and May, these polls represented a key milestone in the country's democratic development.

NDI deployed two international delegations of short-term observers (STOs) for the National Assembly and presidential elections. These STOs, 52 in number and from 23 countries in Africa, Asia, Europe, and North America, were preceded by 12 long-term observers (LTOs) who were deployed in Nigeria from January to May 2011. NDI delegations released preliminary statements immediately following each election. This report is based on observations by LTOs and delegates, and facts gathered through sustained monitoring of the political situation by NDI's in-country staff.

The 2011 elections were a significant improvement over the polls of 2007, which were marred by incidents such as excessive pre-election and election-day violence and intimidation, a flawed voter registration process, and opaque tabulation and announcement of the results. Observers agreed that the 2011 results surmounted many of the logistical challenges and more adequately reflected voters' preferences. The 2011 polls saw increased citizen awareness, greater public confidence in the leadership of election authorities, and a higher level of engagement by political parties and civil society.

Nigeria adopted a new legal framework for the 2011 elections following amendments to the electoral act and constitution in late 2010 and early 2011. These modifications addressed flaws in the framework that governed the 2007 polls and incorporated many recommendations proposed by the Election Reform Committee (ERC) constituted after the 2007 elections. For example, the new law provided for the declaration of results at each polling unit, better screening of election officials, and separation of the federal and state electoral cycles. Also, the appointment of Professor Attahiru Jega as chairman of the Independent National Election Commission (INEC) in June 2010 increased public confidence and raised expectations among Nigerians that the serious flaws of the 2007 elections would not be repeated. INEC generally met this expectation with an increased level of transparency and responsiveness to voters' needs.

In an effort to improve the accuracy and credibility of the voter register, INEC re-registered all voters using a biometric data system that included a photograph and a complete set of fingerprints. INEC successfully registered 73,528,040 Nigerians in approximately three weeks. Following a public display of the new voter roll during which voters could verify that they had been registered and contest duplicate or invalid names, INEC announced that 870,612 duplicate entries had been identified and would be removed from the rolls. Many Nigerians viewed that announcement and course of action as a positive sign that measures were being taken to reduce the potential for fraud. INEC also recruited and trained members of the National Youth Service Corps (NYSC) to staff voter registration and election day polling, which further enhanced public confidence in the integrity of the process, as the "corpers" generally showed dedication and honesty in performing their duties.

Nigerian civil society organizations actively contributed to the transparency and overall credibility of the election process. Many of these organizations advocated for electoral reform,

disseminated election-related information to voters, strengthened the participation of underrepresented groups, and mobilized in large numbers to monitor the election. Among them was Project Swift Count, a consortium of four organizations – the Federation of Muslim Women's Associations in Nigeria (FOMWAN), Justice Development and Peace/Caritas (JDPC), the Nigerian Bar Association (NBA) and Transition Monitoring Group (TMG) – which used advanced election observation methodology to obtain and provide to the public representative and accurate information about the electoral process in real time. Project Swift Count also allowed the consortium of Nigerian organizations to verify the official results released by INEC.

The media also played an important role in informing voters about the elections. Candidates used radio, print and television, as well as new media, such as online social networking sites and short message service (SMS), to communicate and interact with voters. In a notable outreach effort, INEC also used Facebook and Twitter to announce major decisions and inform the public about electoral developments. Opposition parties, however, raised concerns that the state media's coverage of the elections was biased in favor of incumbents, both in the amount of time and space and in the tone of reporting.

Despite these improvements, the conduct of the 2011 elections also underscored the need for further reform. The postponement of all three polls after voting had begun in some locations called into question INEC's effectiveness and its level of operational planning. In several constituencies in the Northern and South-South regions, observers noted important procedural shortcomings, logistical challenges and instances of deliberate malpractice. INEC adopted the modified open ballot system, which required voters to stay at polling units for many hours over the entire voting and counting process. While this process offered important safeguards against ballot-stuffing other aspects of electoral fraud, it also required cumbersome election-day procedures that overburdened election officials, disproportionately impacted elderly voters and women, and contributed to lower voter turnout. Observers also noted inconsistent implementation of INEC decisions at some polling sites.

Under the 2011 electoral law, political parties were required to hold primary elections to select candidates. However, most party primaries were conducted under opaque conditions and several party leaders hand-picked many of the candidates. Allegations of vote-buying and candidate replacement led unsuccessful aspirants[1] to petition the courts for redress. Three hundred and seventy-five court petitions were filed. In many constituencies, delayed court decisions made it impossible for INEC to display candidate lists and print candidates' names on the ballots, leaving only party designations. This confusion and delay also affected the campaigns of some candidates and the ability of voters in the affected states or constituencies to determine who would be elected if they voted for a certain party. In some instances, the court decided on the authentic candidate after election day. All major parties signed a political party code of conduct in which they committed to respect the rule of law and promote peaceful and participatory elections. However, the code was not widely publicized among local party leaders, and its existence did not prevent the rising level of violence in the lead-up to the elections.

Voter education efforts both by government agencies and civil society ensured the electorate was informed about key election facts. However, information regarding important aspects of the

[1] In Nigeria, people competing in party primaries are referred to as "aspirants." Once they win their party's ticket, they are referred to as "candidates."

election process, such as the need to register in the same polling unit where a voter planned to vote; procedures for claims and objections to the voter list; and times for accreditation and voting were not available in a timely manner. Overall, election days were calm and peaceful. Voters were eager to cast their ballots and endured long waiting times and harsh weather conditions.

Incidents of violence steadily increased in the lead-up to election day, with injuries and deaths resulting from clashes among party supporters, between party supporters and security services, and against candidates. Press reports indicated that more than 100 people died in election-related violence prior to election day. Violence in the North immediately following the presidential election led to more than 800 deaths, destruction of property and displacement of tens of thousands of people, according to human rights groups.[2]

While the presidential results were announced soon after the end of polling, INEC did not make available the compiled National Assembly election results until early June 2011. Although many legislative candidates alleged electoral malpractice and publicly rejected the election results, fewer candidates filed claims in 2011 than did in previous elections. While the 2011 election petition tribunals operated under an improved legal framework, there was little comprehensive information about their work, and political parties were skeptical that the courts would adjudicate all petitions within the six months allotted by the constitution.

Despite some shortcomings, the 2011 general elections set a new benchmark for democratic elections in Nigeria by expanding the space for democratic participation, improving the environment for political competition, and raising the standard for electoral fairness. NDI offers the observations and recommendations contained in this report to reinforce the good practices from these successful elections and to suggest additional reforms that could further consolidate democracy in Nigeria.

2. RECOMMENDATIONS

In the spirit of international cooperation, NDI respectfully offers the following recommendations for broad, genuine reform of the electoral process. Along with these specific recommendations, NDI encourages the government, legislature, INEC, parties, civil society and others to continue to advance the reforms recommended by the ERC and other impartial observers.

<u>For the Government:</u>

- Finalize the legal framework at least six months before the election, as stipulated by Article 2.1 of the Economic Community of West African States (ECOWAS) Protocol for Democracy and Good Governance;
- Establish an Electoral Offenses Commission with clear guidelines for the management of electoral complaints and litigation of criminal electoral offenders;
- Create a Political Parties Registration and Regulatory Commission so that INEC can focus on election administration and avoid unnecessary contention with political parties;

[2] "*Nigeria: Post-election Violence Killed 800.*" Human Rights Watch, May 17, 2011. http://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800

- Clarify provisions regulating the role of INEC in supervising party primaries and the consequences of a party's failure to comply with the legal provisions for democratic polls in party primaries;
- Introduce strict timelines for all election-related court cases, including pre-election disputes;
- Strengthen INEC's authority over state-level Resident Electoral Commissioners;
- Consider ways to enfranchise Nigerians who work on election day – including poll station staff, security officials, party agents and citizen observers – as well as other citizens unable to participate because of physical disabilities;
- Create a Constituency Delimitation Commission with direct responsibility for re-allocating wards and registration areas based on population changes;
- Consider reforms to strengthen and enforce comprehensive political party finance laws;
- Enable independent candidates to contest elections, in line with international best practices;
- Provide the opportunity for citizens to lodge election-related complaints and petitions;
- Strengthen the participation of women in politics, including by implementing the National Gender Strategy, which calls for at least 35 percent of women at all levels of political representation; and
- Empower women to participate equally in the election process, including as voters, candidates, and election officials at all levels of the INEC structure.

For INEC:

- Conduct a comprehensive internal review of its performance during the 2011 elections to consolidate best practices and identify areas for improvement;
- Develop comprehensive and consistent training programs for permanent and ad hoc INEC staff at all levels;
- Enhance logistical and operational capacity, improve planning and coordination between different departments and between different levels of administration, and ensure the implementation of all decisions, procedures and operational plans;
- Revamp existing internal and external communication strategies and interaction with political parties, civil society, observers and the media;
- Ensure that all relevant information, including INEC decisions, election statistics and official election results per polling unit are available to the public in a timely manner;
- Address identified weaknesses in the voter register process and adopt procedures for continuous voter registration as stipulated by the Electoral Act;
- Design a clear, effective and timely accreditation process to encourage the continued engagement of civil society and the international community in observing elections;

- Take action to provide for an equitable allocation of polling units based on voter registration figures, as the Electoral Act and Constitution provide;
- Undertake more active voter education to increase voter participation and provide essential information about the election process to voters across the country, including in rural communities and among marginalized groups;
- Develop voting mechanisms that will reduce the incidence of invalidated ballots;
- Reduce the number of steps in the results collation process in order to increase the integrity of the vote tabulation process;
- Build institutional expertise by incorporating now-experienced NYSC ad hoc poll workers as future trainers and INEC staff;
- Consider consolidating the number of election days in order to decrease the costs of elections and lessen the burden placed on voters, election officials and political parties; and
- Work with all relevant authorities toward prosecuting perpetrators of election offences and fraud, and widely publicize the actions taken.

For Political Parties:

- Adopt transparent processes for candidate selection and campaign and party finance in compliance with the Electoral Act;
- Participate actively in the Inter Party Advisory Committee to promote dialogue and adherence to the Code of Conduct;
- Support and promote female participation in party leadership at national and state levels, and engage more women in the candidate selection process and as candidates;
- Promote meaningful and peaceful political participation of youth in elections; and
- Take active measures to prevent and sanction election violence that is frequently perpetrated by youth.

For Civil Society:

- Build on the accomplishments of the 2011 elections to strengthen citizen involvement in the political process;
- Continue to advocate for electoral reforms; and
- Enhance collaboration and cooperation among civil society organizations working on elections.

3. MISSION OVERVIEW

In April and May 2011, Nigeria held its fourth general elections since the 1999 return to civilian rule. National Assembly elections for most of the 109 members of the Senate and 360 members

of the House of Representatives were initially scheduled for April 2, but they were postponed until April 9 to allow INEC to complete the delivery of election materials to polling stations.[3] Presidential elections took place on April 16, while elections for 24 governors, members of the 36 State Houses of Assembly and some members of the National Assembly occurred on April 26. As a result of post-presidential election violence, state-level elections in Kaduna and Bauchi were postponed to April 28. Inconclusive results in several states led to rerun elections on May 5 and 6, including rerun gubernatorial polls in four local governments and one ward in Imo state.

NDI fielded a seven-person pre-election assessment mission in October 2010 to meet with leaders of political parties, INEC, the National Assembly, security agencies, civil society, and others to offer observations and recommendations for enhancing confidence and participation in the process. The delegation was co-led by former Botswana President Ketumile Masire and former Prime Minister of Canada Joe Clark.

NDI deployed a long-term election observation mission at the beginning of January 2011. Twelve LTOs were deployed to Nigeria's six geopolitical zones and observed in 28 of the 36 states. For the National Assembly elections, NDI assembled a 50-member delegation from 23 countries, co-led by Joe Clark, former prime minister of Canada; Antonio Monteiro, former president of Cape Verde; Mahamane Ousmane, former president of Niger and former speaker of the ECOWAS Parliament; Jon Corzine, former U.S. senator and former governor of New Jersey; Marietje Schaake, member of the European Parliament; Natasha Stott Despoja, former senator and party leader from Australia; and Kenneth Wollack, president of NDI. The delegates observed more than 230 polling units in 77 local government areas (LGAs) across 18 states in all six geopolitical zones and the Federal Capital Territory (FCT, which contains Abuja).

(Above) NDI's team of observers for the National Assembly elections.

A 30-member delegation drawn from 14 countries observed the presidential election in more than 160 polling units in 61 LGAs. These were located in 11 states in all six geopolitical zones and Abuja. This delegation was co-led by former Prime Minister Joe Clark, former President Mahamane Ousmane, Secretary of State of Missouri Robin Carnahan and NDI Senior Associate Christopher Fomunyoh. A summary of each observation mission is listed below. See Appendix I for a full list of delegates.

[3] Elections in 15 senatorial districts and 48 constituencies for the House of Representatives were further postponed by INEC to April 26 due to a shortage of election materials.

NDI released two preliminary election statements: one following the federal legislative elections on April 11 and one after the presidential election on April 18. Because of security concerns after the presidential election, NDI long-term observers returned to Abuja and collected information about the state-level elections remotely. NDI ended its observation mission on May 22. See appendices II-IV for NDI's pre-election assessment and the two preliminary election statements. NDI's election observation missions operated in accordance with the Declaration of Principles for International Election Observation, endorsed by 39 intergovernmental and nongovernmental organizations.

Delegation	Composition	Dates of Deployment	Election Process Monitored	Location of Observation
Pre-Election	7 delegates from 6 countries	October 2010	N/A	Abuja
Long-Term Observers	13 delegates from 10 countries	January to May 2011	Voter registration, campaign period, and all rounds of elections	28 out of 36 states
Short-Term Observers	50 delegates from 23 countries	April 9, 2011 to May 22, 2011	Legislative	230 polling units in 77 LGAs, 18 out of 36 states
Short-Term Observers	30 delegates from 14 countries	April 16, 2011 to May 22, 2011	Presidential	160 polling units in 61 LGAs, 11 states

4. POLITICAL CONTEXT

With approximately 151 million inhabitants, Nigeria is Africa's most populous nation. Endowed with vast reserves of oil and minerals, fertile land, and an entrepreneurial population, Nigeria has the capacity for enormous prosperity. Its vibrant civil society, private sector, labor unions, and professional associations are essential ingredients for a democratic society. Nigeria is also a regional and global leader, having helped bring an end to conflicts in Liberia, Sierra Leone and other nations around the world through United Nations peacekeeping efforts.

The 2011 general elections were widely perceived to be a critical test of Nigeria's commitment to democracy and its ability to hold credible elections. These were the fourth general elections held since the country's return to civilian rule, which came after more than 30 years of political instability and military coups. Elections in 1999, 2003 and 2007 were each seen as less credible than the previous, a trend that undermined the public's confidence in the electoral process and the legitimacy of elected bodies.

Nigeria's nascent democratic institutions were significantly shaken in 2007 by opaque election administration, widespread irregularities, violence and substantial misconduct. Even though the 2007 elections resulted in a transfer of power from one elected president to another for the first time in Nigeria's history, domestic and international observers described them as seriously flawed. Irregularities included polling stations that opened hours late, closed early or failed to open at all; lack of secrecy in voting; errors in the voter register; ballot papers that did not include all of the candidates; presidential ballot papers lacking serial numbers; and ballot box stuffing and snatching. In its 2007 election statements, the Institute found that "in many places, and in a number of ways, the electoral process failed the Nigerian people. The cumulative effect of the serious problems the delegation witnessed substantially compromised the integrity of the electoral process." The delegation further noted that "the serious flaws during this electoral process threaten to further erode citizen confidence in the country's democratic institutions."

Responding to broad criticism and calls for reform, the newly elected president Alhaji Umaru Musa Yar'Adua established the Election Reform Committee (ERC)[4] and tasked it with reviewing the electoral process for ways to improve its quality and deepen Nigeria's democracy. After a process of broad consultations, the ERC released its report in December 2008. The report recommended fundamental changes to increase the credibility and transparency of the election process. For example, the report called for some of INEC's responsibilities to be moved to separate commissions, such as political party registration, constituency delineation, and the prosecution of electoral offenders. Despite the high-profile release of the report, the legislature did not take meaningful action on the recommendations for several years, and many of its recommendations were not implemented.

Nigeria faced the threat of destabilization in 2009 when President Yar'Adua was declared incapacitated, creating a potential power vacuum. To fill the void, the National Assembly named Vice President Goodluck Jonathan as acting president during President Yar'Adua's extended absence from office as a result of a medical condition, a move many considered unconstitutional. Jonathan assumed the presidency outright after Yar'Adua's death in May 2010.

Although the Nigerian constitution limits a president to two terms in office, there was debate over whether an informal power-sharing agreement within the ruling People's Democratic Party (PDP) left Jonathan, the former governor of Bayelsa state in the South-South geopolitical zone, ineligible to run in the 2011 elections. The agreement, popularly known as "zoning,"[5] requires the presidency to alternate between Nigeria's northern and southern regions. Since a southern president held office from 1999 to 2007, a northern president was expected to hold office from 2007 to 2015. Jonathan ultimately won the party's ticket despite the zoning debate, after winning a majority of votes in the PDP primary election.

Upon assuming office as acting president, Jonathan declared improving the 2011 election process a priority for his administration. One of his first acts was the appointment of Professor Attahiru Jega as INEC chairman. Professor Jega, who had served as a member of the ERC,

[4] It is also known as the Uwais Committee because of its respected chairman, former Chief Justice Mohammed Uwais.

[5] The principle of zoning also applies to other key offices and provides for power rotation between different geo-political zones or even between different districts within the states. In the candidate selection process, as well as in post-election negotiations on office distribution, zoning remained a central mechanism for interest-mediation within PDP.

emphasized the need to restructure the commission. His appointment raised expectations that INEC would be more transparent throughout the electoral process, incorporate better practices for credible polls and promote dialogue among all participants in the elections. After a long period of inaction on electoral reform, the National Assembly passed several amendments in quick succession beginning in July 2010. The legislature passed two sets of constitutional amendments in July and November 2010 and a new electoral act in August 2010; the latter was further amended in January 2011.

Most significantly, the amendments established INEC's financial independence from the executive branch, provided for nonpartisan staffing within INEC, improved regulations on electoral tribunals and set stricter punishments for electoral offenses. They also moved the elections from January to April to allow time to compile a fresh voter register. Many other improvements recommended by the ERC were not adopted, including the establishment of commissions to oversee electoral offenses, regulate political parties and conduct constituency delimitation. INEC announced that after the election it would complete a thorough review of both the electoral legal framework and its structures. With a view toward the 2014 elections, Professor Jega announced in late 2012 that INEC would decentralize voter registration to the ward level and issue 40 million permanent voters' cards with biometrics in 2013.

5. DETAILED FINDINGS

A. Electoral System and Legal Framework

In the 2011 general elections, there were 1,486 different electoral contests: the presidential election, 469 federal legislative elections, 990 state legislative elections and 26 gubernatorial elections. [6]

The highest elected office at the federal level in Nigeria is the presidency. A governor administers each of the 36 states and the FCT. The federal legislature is the Nigerian National Assembly, a bicameral body with 109 Senators and a 360-member House of Representatives. Each of the 36 states elects three Senators, while FCT elects only one. Seats in the lower chamber are allocated proportionally to each state by population and are subject to periodic review; the last redistricting exercise occurred in 1996. There are a total of 990 members in the 36 State Houses of Assembly, with the number of seats in the state assemblies ranging from 24 to 40, depending on the state's population. There are also 768 LGAs in the states and 6 area councils in the FCT, each of which holds local council elections. These local areas are also used as divisions in electoral administration.

The Nigerian electoral system is based on the First Past the Post (FPTP) or plurality-majority system. However, it distinguishes between two types of elective positions – legislative and executive. For the legislative positions (Senate, House of Representatives and State Houses of Assembly), candidates win by plurality. Candidates for the executive positions also must receive at least one-quarter of the votes cast in at least two-thirds of the states (for the president) or

[6] Ten additional gubernatorial elections will be held just before the expiration of the four-year terms of current governors who took office in off-years; in these states, the courts overturned the 2007 elections and either named a new winner or required rerun elections. States where elections were to be held in off-years are Adamawa, Anambra, Bayelsa, Cross River, Edo, Ekiti, Kogi, Ondo, Osun and Sokoto. Some of these elections occurred earlier; see the Complains and Appeals section below.

LGAs (for governors). If this requirement is not met, there is a run-off between the two candidates with the most votes, who again need to fulfill the same conditions or face another run-off. If there is a second run-off, it is decided by a simple majority.

To increase INEC's flexibility to set the electoral calendar and its ability to sufficiently plan ahead, the National Assembly passed a number of amendments to the constitution and electoral act. The new legislation allowed the commission to move elections from January to April 2011. A previous law required INEC to hold elections no earlier than 60 days before the house dissolves, and no later than the day it dissolves. The new law allows INEC to set elections anytime between 150 and 30 days prior to the Assembly's dissolution. While the changes were agreed upon in November and December 2010, they officially entered into force with President Jonathan's signature in January 2011. Additional changes at the end of January permitted INEC to extend the voter registration period beyond its initial two-week limit.

While not broadly publicized, some of the later amendments reduced INEC's ability to enforce democratic practices in the candidate selection process. The National Assembly deleted the section of the Electoral Act that empowered the commission to reject parties' candidates if they had failed to comply with the provisions on democratic conduct of primary elections. In addition, the latest version of the law also includes a new provision that strips INEC of the power to reject candidates. Further changes to the legal framework, related to election tribunals, are discussed under the Complaints and Appeals Section.

While a number of positive legal reforms were passed ahead of the April 2011 elections, their last-minute passage led to confusion among political parties, election observers and the public. Multiple versions of the law were in circulation, and few stakeholders had access to the final text. Several state-level election officials admitted lack of certainty about some of the provisions guiding the electoral process, most notably whether INEC could reject candidates who had not been chosen in democratically conducted party primaries. In March 2011, Nigeria's attorney general shared the final version of the electoral act. INEC's legal advisor complained that the circulation of inaccurate, unofficial copies of the electoral act – even after the elections were completed – was creating confusion over issues such as the deadlines for submission of complaints to the election tribunals.[7]

(Above) INEC sign on display during National Assembly voting in Abuja.

Election Procedures

Nigeria has a system of active registration that requires all citizens to vote in person at the polling unit where they have registered. On election day, each voter's name must be on the voter register and the voter needs to present a voter registration card. There are no provisions for advance voting, proxy voting, mobile ballot boxes or other special procedures to facilitate the participation of persons who are not able to go to the polling unit where they had registered on election

[7] http://234next.com/csp/cms/sites/Next/News/National/5698910-147/story.csp

day. Ad hoc polling staff, security officials working on elections, and anyone who had trouble traveling to their registration areas were effectively disenfranchised by this system.

In 2011 INEC re-introduced the "re-modified open ballot system," also referred to as "accreditation voting." This system requires all voters to arrive in the morning to be accredited, a process in which polling officials check that the voters are on the voter register and have a valid voter card. The official then marks with indelible ink a finger of each qualified voter. The voters must then remain at the polling unit or return at a specified time to cast their ballots, after which a different finger is inked. INEC chose this voting method to increase the transparency of the process and mitigate fraud and misconduct by ensuring that there is continuous citizen presence at the polling sites and making it difficult to travel to vote in multiple locations. Accreditation voting is rare; it has only been used in Nigeria and the Dominican Republic.

International and domestic observers identified several concerns with accreditation voting, including threats to ballot secrecy and potential voter disenfranchisement, particularly among women who are unable to stay away from their daily chores for a long period. The highly complex system also requires extensive voter education efforts; experienced and well trained staff; division of polling stations into manageable units or sub-units; adequate security and crowd control measures and special arrangements for those less able to endure long waiting times. The presence of large crowds could also create the potential for intimidation. These factors necessitated additional efforts by the election authorities and security agents, coordination with other stakeholders, and a committed electorate willing to endure long waiting times and remain calm and orderly. These conditions were present in many locations on the election days.

Alongside accreditation voting, civil society and INEC advanced the concept of "vote and wait," wherein citizens remain at the polling unit after voting and witness the ballot count to increase the transparency of the process. Some civil society groups advocated for citizens to stay at the polls and then follow the ballots to the collation centers to ensure that they were counted correctly, which they called "mandate protection." Both of these concepts allowed citizens to check whether all ballots were counted accurately and results were posted at polling units. Initially, security forces discouraged both practices, citing concerns over crowd control and the potential for chaos, but they ultimately allowed citizens to remain at the polls. INEC and the police worked together successfully in planning for election day to balance the tension between citizen presence and crowd control.

B. Election Administration

Election Management Structure

Elections in Nigeria are administered by INEC, which is composed of a chairman and 12 national commissioners (two from each geo-political zone). INEC is a constitutionally independent body appointed for a five-year term by the president in consultation with the Council of State and confirmed by the Senate. Removal of any of the appointed members before their terms expires – either because of misconduct or inability to perform the functions of

INEC's State and Local Structure

Each INEC state office is headed by a Resident Electoral Commissioner, who is assisted by the Administrative Secretary and approximately 10 permanent staff. At the local government level, elections are administered by the electoral officers and assistant electoral officers. Overall, INEC has more than 12,000 permanent staff.

the office – can only be effected by the president with the support of at least a two-thirds majority of the Senate.

INEC's main functions include:

- organizing and supervising all elections, except those for local councils;
- registering and regulating political parties and monitoring their functioning, including finances, expenditures, primaries and campaigns;
- conducting voter registration;
- maintaining and revising the voter register;
- providing voter and civic education; and
- conducting referenda.

The commission can delegate these powers to the resident electoral commissioners (RECs), who are the primary election officials at the state level. The ERC recommended the creation of several separate bodies to share these numerous responsibilities, including commissions to handle the prosecution of electoral offenses, delimitation of constituencies and regulation of political parties.[8] This recommendation has not yet been implemented.

In order to strengthen INEC's independence, which many see as the key factor in the integrity of the entire election process, the ERC recommended changes in the way the commission is appointed and funded. Legal changes in 2010 partially addressed the financial side of this recommendation by making INEC's financing part of the same Consolidated Revenue Fund used for the judiciary and the National Assembly.

While no substantial changes were made in the appointment procedure for INEC's commissioners and chairmen, some positive steps were taken. RECs are now subject to Senate confirmation; they were previously appointed at the will of the president. The 2010 constitutional amendment removed the requirement for commissioners to be members of a political party. INEC also no longer needs presidential approval to set its rules and procedures and possesses significant flexibility in setting and changing the election timetable.

After the removal of a highly controversial INEC chairman, Professor Maurice Iwu, in April 2010, President Jonathan appointed a new chairman and ten new commissioners in June 2010. As discussed above, Professor Jega's appointment was widely perceived as a signal that the new commission would operate with a higher level of integrity and professionalism than in prior years.

Resident Electoral Commissioners

RECs are the highest electoral officers at the state level. They are directly appointed by the president and have a substantial degree of independence.[9] INEC is not involved in their appointment nor can it remove them from office, although it has the ability to transfer RECs to

[8] The ERC recommended the "unbundling" of INEC to improve functional efficiency (Report of the Electoral Reform Committee, Main Report Volume 1, page 28)

[9] Twenty-three new RECs were sworn in ahead of the April 2011 elections, with 19 at the end of June 2010, one in Enugu in November 2010, and three in FCT, Ondo and Ekiti in February 2011. In Ondo, the position was vacant for several months before the new REC arrived, and the administrative secretary supervised the electoral preparations.

different states or send them on compulsory leave. This lack of hiring authority raises questions about the commission's level of control over RECs and its ability to sanction aberrant behavior. This has consistently spurred civil society calls for reforms that would provide INEC with more authority to ensure that its procedural and operational decisions are uniformly implemented.

Observers found that most RECs carried out their duties in a professional, transparent and impartial manner. However, the impartiality of some RECs was repeatedly challenged, often by opposition parties but in some cases also by the ruling party, civil society or the media. INEC vowed to investigate the complaints and take appropriate measures in cases where evidence of misconduct was found. It expressed concerns that some of the allegations were politically motivated and aimed at discrediting the election process where there was otherwise no evidence of corruption, partiality or unprofessional behavior on the part of RECs.

Electoral Officers and Assistant Electoral Officers

Elections in each of the 768 LGAs and 6 area councils of FCT are administered by electoral officers and assistant electoral officers. Since a majority of them had also overseen the problematic 2007 elections, INEC introduced several measures to prevent fraud and enhance election integrity. For example, all electoral officers were transferred to different LGAs shortly before the elections, the names of officers who would announce results were only disclosed late in the process and the recruitment of ad hoc staff was done from the ranks of the NYSC or other federal institutions.

(Above) NYSC members work the polls during National Assembly elections in the FCT.

These measures reduced the potential for election staff to influence community members to act irregularly. Still, throughout the process parties expressed less confidence in the local-level electoral staff than in the national election administration.

INEC Ad Hoc Staff Recruitment, Training and Deployment

While many of INEC's permanent staff had been in place since the last elections, the commission recruited a mostly new ad hoc work force to staff polling units during voter registration and election day.

INEC had initially planned to post three staff members in each registration center during the registration process, but instead hired only two per center to reduce the overall cost of the exercise. Approximately 250,000 officials were recruited for registration.

For the first time, most ad hoc staff were recruited from a pool of university graduates performing their year of mandatory national service with the NYSC. Most people welcomed the decision to use NYSC members, as they were seen as less dependent on the government and less susceptible to party or local community influence. As higher degree holders, their assumed computer literacy was expected to facilitate the use of Direct Data Capture (DDC) machines and other technical equipment during voter registration. While many of these assumptions held,

observers noted that many of the ad hoc staffers had trouble operating the DDC machines, largely as a result of inadequate training.

Observers noted that differences in the duration and content of the training programs across the country influenced the level of staff knowledge of procedures. While most training sessions included a practicum on the use of DDC machines, it was often inadequate – the machines used for many training sessions were different from the ones actually used in registration, and the time allotted for each participant to practice was short. Training also neglected a session on troubleshooting problems that might arise and instructions on whom to contact for support.

Recruitment and cascade training for election day ad hoc workers occurred for about 400,000 polling staff and 1,500 returning officers around the country. Most RECs reported that they recruited personnel and scheduled trainings based on the initial plan for three staff members in each of the 120,000 polling units nationwide, plus ten percent reserve staff. Late in the process, however, INEC addressed overcrowding concerns by creating sub-units for some polling units with high numbers of registered voters. Each sub-unit should have been staffed by two ad hoc officials, but RECs did not have sufficient notice of how many sub-units would be created, and so could not recruit and train the necessary additional staff. The commission was also late in releasing procedures for creating and managing polling units with multiple queues and ballot boxes, so ad hoc staff rarely had formal training on these procedures.

Observers noted that the quality of election day training for INEC staff varied and that some of the essential training materials, such as procedural manuals, were unavailable in some places. Many training sessions had too many participants for an effective exchange of information and discussion; for example, approximately 400 people attended each training session in Katsina and 300 in Benue and Adamawa.

(Above) INEC trains NYSC members.

Observers also noted that trainers were provided inconsistent information during the training sessions, and in some cases gave erroneous instructions. For example, contrary to the procedures outlined in the manual and information provided by INEC, trainers in Cross River, Katsina and Taraba told staff to instruct voters to fold their ballots with print on the outside after marking their choices. These officials were more concerned with preventing the ink from smearing and invalidating the vote than ensuring ballot secrecy.

There were allegations of nepotism and partisan manipulation in INEC's hiring process at the local level in some areas. INEC did not maintain a robust system of tracking staff, so it was difficult to determine whether the people who participated in training sessions were the same individuals who later staffed registration or polling units. Several people alleged that they had been trained but were later replaced by party representatives or relatives of permanent staff. There were several protests by trained ad hoc staff who were allegedly replaced in this way. In Enugu, ad hoc staff staged protests declaring that they were replaced by party supporters. In Taraba, the registration process in some selected centers started a day late because of a strike

over arbitrary replacements. While the REC maintained that the substitutions were made to ensure the staff had local language skills and cultural identity, this was not clearly or transparently communicated to NYSC members or the public.

Observers witnessed some unauthorized and untrained people serving as registration or poll workers. INEC officials, political parties, observers and the media also reported impersonation of staff during registration and voting, as well as when allowances were paid.

Staff also protested inadequate arrangements for transportation, food, water, security and timely payment of allowances. Such protests in Adamawa, Gombe, Ondo and other places caused some center openings to be delayed or suspended during registration. Even though INEC acknowledged all these problems during the registration period, observers witnessed little improvement in hiring and assigning polling staff for elections; recruitment continued to lack clear, well documented and public criteria. Electoral officers were redeployed to different locations shortly before the elections to mitigate malfeasance from any inappropriate hiring practices that may have occurred, but these officers then faced the challenge of organizing ad hoc staff with whom they had not worked previously.

Resources for the 2011 Elections

INEC was included as a "first line item charge" in the national budget, meaning its funding came directly from the treasury rather than through any other government body. This new method of funding increased the commission's independence.

In early February, INEC Chairman Jega defended the commission's budget before the Senate. INEC maintained that the president had promised a 2011 budget of N51.7 billion and the Senate was only allotting N45.3 billion. The chairman expressed concern that even the promised election funds were insufficient because they had been agreed upon when only two rounds of elections had been anticipated; now that the law required three separate election days, costs would increase.

Chairman Jega also objected to specific budget cuts, including the removal of the group life insurance for permanent staff and lodging for INEC's ad hoc staff. He asked for additional funds for the production of permanent voter registration cards ahead of the elections; these were ultimately not printed for budgetary and logistical reasons.[10] Because of disagreements between the president and the National Assembly, the federal budget was only approved at the end of May 2011, too late to increase the funds for the general elections.

Key Challenges

Despite widespread public support for the new INEC chairman – and a broad acknowledgement that this INEC administration was more independent, professional and forthcoming than the previous – the commission still faced several challenges, most notably in logistical preparations, internal communication, interaction with stakeholders and observer accreditation.

[10] According to media reports, approximately N2.3 billion of unspent funds from the 2010 operating budget were returned unused to the federal treasury. Of this amount, approximately one billion naira had been budgeted for political party education.

Logistical and Operational Challenges

Logistical and operational problems marred both voter registration and the elections and resulted in the extension of the voter registration period and the postponement of the April 2 elections. INEC faced numerous challenges, including the need to organize many different elections, an enormous electorate, and poor infrastructure for materials distribution. Combined with a tight timeframe and strict legal deadlines, these difficulties at times seriously threatened to undermine the election process. Most stakeholders commended INEC's responsiveness and ability to improve its performance once challenges were identified, but they also noted inadequate planning and implementation of operational decisions.

The timely delivery and retrieval of materials and data during voter registration and polling was challenging because of difficult and inaccessible terrains and the absence of functioning telephone networks in some areas. To prevent reliance on other agencies' vehicles to transport election materials, INEC purchased additional vans and boats and distributed them to the state election commissions; it also worked with the Navy and Air Force to deliver materials to remote areas. Observers noted equipment malfunctions, a lack of essential materials and suppliers' delays in delivering DDC machines during the voter registration period.

INEC's deployment of "non-sensitive" voting materials ahead of the elections appeared to be on schedule, with the materials reaching most states and LGAs in sufficient time. However, the delay in deploying sensitive materials such as ballots and results forms led to the cancellation of the April 2 National Assembly elections. In the days leading up to the originally scheduled elections, some state commissioners told NDI that they did not think they would receive sensitive materials in time to deploy them to polling stations. While Chairman Jega stated on the day before the elections that all preparations were complete and elections would take place on time, INEC announced at noon on election day that the elections would be aborted because all materials had not yet arrived.

(Above) Voting materials for the National Assembly election in Ogun state.

The data collection process and verification also presented challenges, especially during the registration period. The apparent absence of a tracking mechanism to record and report daily registration statistics prevented INEC and other stakeholders from assessing the progress of the exercise. RECs were often unable to confirm if records from all polling units had been retrieved and properly uploaded in the central database. There was also no systematic process for collecting challenges and objections during the display period, which made it difficult to determine how many claims were made, the nature of those claims and how they were addressed.

Internal Communication

While internal INEC communication improved over 2007, lines of communication among the different INEC departments and levels of election administration were not always clear or functioning. The division of roles and responsibilities seemed to lack clarity, and internal information-sharing was often insufficient. Lower-level officials at times complained that the higher-level officials were unresponsive, did not share sufficient information and did not always consider local conditions in planning. Conversely, INEC's central office appeared to have difficulties obtaining reliable and timely information from its field offices.

To address these concerns, INEC made substantial efforts to improve the information flow, including organizing several meetings in Abuja for various election officials and establishing special phone lines for internal and external communication. Additionally, RECs in some states met regularly with electoral officers to convey new information and instructions. Still, different officials often had conflicting information about the procedures to be used during the registration process and on different election days. Observers noted that many ad hoc staffers were unaware of the latest decisions on procedures and of whom to contact for advice and support.

INEC's Interaction with Stakeholders

INEC's communication with election stakeholders substantially improved on sharing information compared to the 2007 elections, but still fell short of expectations for timely, accurate and comprehensive information.

In the beginning of the electoral process, INEC's decisions were made in closed sessions and were not consistently and effectively communicated to the public. Instead of establishing direct formal communication channels with different election stakeholders, INEC mainly relied on the media to communicate its decisions or provide updates. The late announcements of details on election procedures and INEC decisions meant that different election stakeholders often distributed incomplete, erroneous or contradictory information.

Some information was released late or not at all:

- No explanation was given before the elections about the more than 870,000 detected cases of multiple registrations, and the final number of registered voters was not made public ahead of the polls. This created suspicion among some of the parties.
- Data on the number of registered voters per polling unit by gender were not posted.
- Official lists of candidates for many of the states were published very late; INEC uploaded on its website a new list of candidates for the National Assembly elections on April 9, the day of the election.
- No comprehensive nationwide data on court cases related to the elections was made public, although Chairman Jega reported in February 2012 that only 200 of 870,000 multiple registrants had been prosecuted.
- Official results for many state elections were not available on INEC's website, even though they were declared locally.
- Statistics on voter turnout and the number of invalidated votes were not made available.
- The Code of Conduct for political parties was not widely available or posted on the INEC website.

- The final, official version of the electoral act was not available on INEC's website or at its offices.
- Political parties complained that the forms and specific requirements for submission of candidate lists were not shared until late in the process, and they struggled to collect all the necessary documentation and signatures in order to meet the deadlines.

Closer to the elections, INEC improved and intensified its interactions with key stakeholders, organizing various stakeholder meetings and attending events organized by other institutions and civil society organizations. The commission also posted some of its communications on its website. This consultative approach starkly contrasted with INEC's attempts to restrict the activities of domestic monitoring groups in 2007.

At the national and state levels, INEC organized various meetings with stakeholders, most notably representatives of political parties, civil society organizations and the media. In contrast to similar meetings in 2007, observers were allowed to attend these meetings. Five interactive sessions with political parties were held at the national level ahead of elections. Among other topics, the sessions included updates on electoral preparations, challenges the commission faced and information about electoral procedures. Parties were given the opportunity to voice their opinions on various aspects of the electoral process. In addition, INEC led an inclusive and interactive consultation process on the Code of Conduct for Political Parties and candidates. At the state level, stakeholder meetings often included security officials and dealt predominantly with the importance of conducting peaceful campaigns and elections, electoral preparations, accreditation requirements and voting procedures.

Although INEC's posture towards different stakeholders in advance of the elections was seen as an improvement over 2007, political parties and civil society organizations repeatedly asked for more transparency, clarity and formal channels for disseminating and receiving information from INEC, and complained about a lack of systematic, regular and timely information on the election process.

Accreditation of and Interaction with Observers

INEC officials demonstrated higher levels of openness and cooperation with observer groups compared to 2007, when the right to monitor elections was disputed. Although the environment substantially improved, INEC still faced challenges in its interactions with domestic and international observers.

Observer accreditation for both voter registration and polling was conducted late and lacked clear procedures and criteria. For voter registration, INEC opened the application period late, stipulated extremely short deadlines and did not provide sufficient information about the process, the required documents or criteria for accreditation. No guidelines, code of conduct or regulations were provided to inform the behavior of registration observers or facilitate their access to different aspects of voter registration and display.

The late arrival and early expiration of accreditation badges caused some challenges for observers. For the registration period, observer groups received their accreditation letters and badges the day before registration began, so it was impossible to distribute them across the country in time. Also, INEC sometimes provided an insufficient number of badges; for example, one group with over 200 accredited observers was given only five badges. Because the badges

expired on January 29, observers were not accredited for the one-week extension of registration, the scheduled display period or the campaign. It was therefore at the discretion of election officials to determine the level of access allowed to observers after this date.

Election day accreditation badges were also late; these were issued on March 29, four days before the first scheduled election. Media representatives voiced dissatisfaction with the insufficient number of accreditation badges INEC provided to them, with major media houses reportedly only receiving four cards to cover the entire country.

Sanctioning of INEC Personnel

INEC did not clarify or publicize procedures and mechanisms for ensuring staff compliance with prescribed rules, directives and codes of ethical conduct. INEC has also not published comprehensive information about measures taken against staff members suspected of malpractices. Still, in a notable improvement over previous impunity within the commission, several INEC staff were reportedly sanctioned or referred to prosecutors.[11]

C. Voter Registration and Display of Voter List

Voter Registration

Despite the short timeframe available for the preparation of elections, INEC conducted a fresh voter registration exercise to replace the widely discredited list from 2007. The 2007 registry was highly problematic, containing numerous duplicate entries, underage or ghost registrants, missing biometrics, blurred photographs and other irregular entries. All voters were required to re-register to be included in the new list.

In the new registration exercise, INEC set out to systematically capture voters' biometric data, including photos and a complete set of fingerprints. This system was adopted to prevent multiple registrations and ensure that only the registered voter could use his or her voter card.

This ambitious exercise was initially scheduled to last only two weeks, from January 15 to 29, but early logistical and technical problems led to an extension to February 5. INEC granted an additional two-day extension to centers that were unable to process all applicants in time.

The start of the registration period was marked by logistical problems across the country. The DDC machines and other essential materials

Voter Registration in Numbers

Legally, every Nigerian above 18 years of age who works in, resides in or originates from a registration area is eligible to register there. INEC initially estimated that there were a total of **70 million** eligible Nigerians.

Using **132,000** DDC machines, deployed to **119,973** polling units across the country, INEC ultimately registered a total of **73,528,040** Nigerians.

In addition to regular INEC staff, the registration involved over **240,000** ad hoc registration officials, **8,809** registration area center officers and **222** technical advisory staff (six per state).

[11] For example: In Cross River, two ad hoc staff and one security officer were put on trial for illegally re-locating the voter registration center to the residence of a local politician. Eight ad hoc staffers were arrested for allowing minors to be registered in Anambra. In Niger, three INEC workers were arrested for stealing five DDC machines. Following the elections, two collation officers in Edo state were imprisoned and charged with falsifying election results.

arrived late in many states. Project Swift Count, an NDI-supported citizen monitoring effort that systematically deployed observers throughout the country, documented significant problems in the beginning of the process. Notably, 82 percent of the observed registration units failed to open on the first day of the exercise because of the late arrival of materials and faulty equipment.

INEC admitted that because of late delivery by the suppliers, only 98,000 DDC machines had been distributed to the registration centers by the first day. Of the centers that opened, many experienced technical problems. Software malfunctions and problems with scanners considerably lengthened the time needed to register each applicant. In many places, registration officials improperly registered voters without all ten fingerprints to save time. In response to this problem, INEC distributed software patches to improve the scanners' functioning and asked those who were registered without all fingerprints to return and re-register. Observers noted problems including malfunctioning printers and cameras; lack of printer ink and other essential materials; and no backup power supply, although INEC made significant improvements as the process proceeded.

Registration staff in the centers observers visited appeared dedicated and worked hard to overcome the challenges they faced. However, they were not always fully aware of proper procedures, how to resolve problems or whom to contact for support. Ad hoc staff often improvised solutions to appease frustrated citizens. While their actions were well-meaning in most cases, this possibly contributed to multiple registrations and incomplete records.[12]

(Above) Voters registering in Akwa Ibom State.

INEC ad hoc staffers were observed registering minors in various parts of the country, especially during the extension period. While in some cases ad hoc staffers questioned the eligibility of some applicants who appeared extremely young, local community members insisted that they were old enough to be registered. Observers noted that officials felt pressured to register these youth, and few security officials were present for registration to intervene. In some areas, RECs opted against an additional two-day extension because of this concern.

At the end of the registration period, INEC provisionally announced that it had processed a total of 67,764,327 Nigerians, but that significant operational and logistical problems prevented the collection of registration information from a number of LGAs. Almost a month later, once all the data had been retrieved, INEC announced that the final register of voters contained more than six million additional names, for a total of 73,528,040 voters. There was no clear public explanation for this increase, which raised suspicion among some of the opposition parties that irregularities had occurred.

[12] Observers spoke with a number of voters who indicated that they were registered with incomplete information and instructed to return once scanner problems were resolved. When they did so, they were registered a second time and did not know if their first record was expunged.

Not all registration laws and guidelines could be implemented because of their late passage. The law provides for a process of continuous registration, ending up to 90 days ahead of elections. Election officials stated that they were looking into more sustainable and cost-effective ways to continuously update the voter register for the future, using the newly generated list as the starting point. Registered voters are also entitled to apply for a transfer of registration to another center until up to 30 days before the elections, but officials admitted that INEC lacked administrative capacity to comply with this provision. INEC announced plans to issue permanent registration cards to voters after verification of the list, but because of time constraints postponed this until after the elections.

Display of the Preliminary Voter Registry

Nigerian law guarantees citizens a minimum of five days to examine the voter list and submit petitions against inaccuracies. While people who missed the official voter registration period cannot be added to the list at this time, it is an opportunity for previously registered voters to correct their data and object to multiple registrations or registrations of minors, non-residents, foreigners and deceased or fictitious individuals. Because of the extension of registration, the period for the display of the preliminary voter list was delayed. Initially scheduled for February 3 to 8, the display period was moved to February 14 to 19.

(Above) Voters check for their names on a display list in the FCT.

INEC's plan to display lists at the polling unit level was a major improvement in the claims and objections process over prior years. Legally, the commission is only obliged to show the lists at the LGA level, but it decided on a more decentralized display at each registration unit to give voters greater access to the process. Despite the good intentions of this innovation, its success was undermined by the short timeframe to prepare effectively.

Between voter registration and the display period, INEC had planned to retrieve registration data, compile it into preliminary lists and check for duplicates through its Automated Fingerprint Identification System (AFIS) software. However, the logistical challenges of data compilation described above made it difficult to run the software ahead of the display period.

Election officials reported receiving insufficient guidance on the precise procedures for data collation, verification and display. Some displayed the lists before checking for duplicates, while others waited to display lists only after the AFIS software had been run. In addition, some states had difficulties printing and distributing lists to all polling units in time. As a consequence, the commencement of the display period in many places was delayed, and in some cases it did not take place at all.

INEC did not release guidelines for the display process until just days before it began, and no additional training or guidance was provided to either ad hoc staff or higher level officials. Very few display centers were open in the first few days, and not all of those that opened displayed the entire list. Project Swift Count reported that only 18 percent of the display centers were open on the first day, and this number increased to 63 percent by the fourth day. Many officials kept the lists in a folder; in these stations, it was easy for voters to look up their own information, but difficult to check if others were improperly registered.

Voter education for this part of the process was limited, and very few voters participated. Project Swift Count noted that an average of only 40 people visited centers on the penultimate day of the display process. Even those who came to check the list were often unaware of the purpose of the exercise and failed to submit claims in cases where their names were not on the list or their personal data had been incorrectly entered.

After the display, INEC announced that it had identified 870,612 duplicate entries (Appendix VII) by cross-checking fingerprints and photos. It committed to deleting all of them and prosecuting the registrants suspected of intentionally registering more than once. These measures signaled that serious efforts were being taken to ensure accuracy of the register compared to 2007, when INEC officials admitted they would not be able to remove duplications. As of February 2012, an estimated 200 convictions were obtained over multiple registration claims.

INEC did not provide any clarification about these duplicate entries nor did it release any information about the number of people who were improperly registered with incomplete biometric data. The results of the display period were also not publicly available, including the total number and the types of claims and objections filed and actions taken to address the claims.[13]

In accordance with the law, political parties were given copies of the final register of voters. No party reported that they conducted any type of list audit or detected serious problems with the data contained in the register.

Still, following the first round of elections, it became obvious that while the register was significantly better than before, the lists were often incomplete and contained substantial numbers of under-aged registrants. Between elections, INEC worked hard to update the lists and provide supplementary lists or annexes for each polling station for all eligible Nigerians to cast ballots.

[13] While observers could not obtain national data, they did record information for the states they visited. For example, the Adamawa REC said that more than 10,500 claims and 77 objections were recorded in the state and that 18 people were subsequently removed from the list for illegal registration. RECs also reported 5,191 claims made in Kogi state and 1,476 in Sokoto state.

D. Political Parties, Candidate Selection and the Nomination Process

Political parties are the gatekeepers for elected office, as party membership is a prerequisite for contesting any election in Nigeria. There are 63 registered political parties, and INEC is constitutionally mandated to register them and regulate their functioning.[14] INEC also has the power to de-register political parties if they breach any of the conditions for registration or fail to win any seats in the federal or state legislative elections. For the 2011 elections, the commission printed ballots that only showed the parties contesting each election, without listing the candidates.

Political parties in Nigeria still lack clear ideological foundations, internal democracy and developed party structures. Despite some attempts to present issue-based campaigns to the increasingly politically aware electorate, parties failed to offer distinguishable political platforms. The lack of a common ideological basis enabled frequent defections among parties; some aspirants changed parties several times within a short period to get their names on a ticket or to increase their chances of electoral victory. In several states, competing factions within the same political party set up rival "official" offices and fielded different candidates for the same office. It was left to the courts to establish the legitimacy of their claims, as many parties were unable to reconcile opposing factions.

(Above) An INEC display of all 63 registered political parties and their logos.

In 2011, only nine parties ultimately won office: Action Congress of Nigeria (ACN), Allied Congress Party of Nigeria (ACPN), All Nigerian People's Party (ANPP), Accord Party (AP), All Progressive Grand Alliance (APGA), Congress for Progressive Change (CPC), Democratic People's Party (DPP), Labour Party (LP) and People's Democratic Party (PDP). Of the 63 registered parties, 54 submitted candidate lists, and only four fielded candidates in all races: ACN, ANPP, CPC and PDP. The following is a brief description of each of these four parties.

ACN

The ACN, formerly Action Congress (AC), is a party with a strong base in the South West geopolitical zone. It was formed in 2006 with the merger of the Alliance for Democracy, the Justice Party, the Advance Congress of Democrats and several smaller parties. ACN's presidential candidate in 2007 was former Vice-President Atiku Abubakar, who had defected from the People's Democratic Party in 2006, immediately before the election.[15] ACN members hold governorships in four states – Lagos, Edo, Ekiti and Osun. In the outgoing legislature, the party held 30 seats in the House of Representatives and 6 seats in the Senate.

[14] Nigeria's 1999 constitution as amended under Chapter 6, section D stipulates that parties alone are permitted to canvass for votes. Chapter 8, Section f (15) outlines INEC's powers to include the authority to register political parties and monitor their organization and operations, including their finances.

[15] After returning to the PDP in 2009, Abubakar contested the 2011 PDP presidential primary as the consensus candidate of the North and the main opponent to incumbent President Jonathan.

ANPP

The ANPP is based predominantly in the North. In 2003 and 2007, ANPP fielded the former military ruler General Muhammadu Buhari as its presidential candidate. ANPP held gubernatorial seats in Borno, Kano, and Yobe; 63 seats in the outgoing House of Representatives and 16 in the Senate.

CPC

General Buhari left the ANPP after his second failed presidential bid and supported the formation of the CPC in late 2009. Similar to ANPP, its main support base is in the North.

PDP

The PDP is the largest party in Nigeria and has controlled the presidency since the 1999 transitional elections. In the lead-up to the elections, it also controlled governorships in all but ten states.[16] Ahead of elections, PDP held 263 of 360 seats in the House of Representatives and 85 of 109 seats in the Senate.[17] It is the only party with developed party structures and a strong support base in all parts of Nigeria.

Candidate Selection

The amended Electoral Act requires that all aspirants for elective positions be nominated through party primaries.[18] Parties can decide between two procedures for primaries: direct or indirect. In direct primaries, party members come to a central location to vote for an aspirant, with each party member casting one vote. In indirect primaries, a party nominates a presidential candidate through a special convention in each of the 36 states and the FCT, after which the candidate with the highest number of votes is ratified at a national convention. Similar constituency-level congresses are mandated for other elective positions.

Political parties are required to notify INEC at least 21 days in advance of holding a primary, and INEC is mandated to attend, monitor and report on these internal polls. INEC set January 15 as the deadline for the conduct of all party primaries, following which parties were required to submit to INEC their final lists of candidates at least 60 days before election day. The deadline for withdrawal or substitution of candidates was 45 days before the election.

Deadlines for Withdrawing or Substituting Candidates

Election	*Date*
National Assembly	Feb 14
President	Feb 21
Governors and State Houses of Assembly	Feb 28

Despite these minimum standards, candidates for office in all parties were often chosen opaquely by party elites. Even though the 2011 primaries were generally considered better conducted than

[16] The ACN controlled Lagos, Edo, Ekiti and Osun; the ANPP controlled Borno, Kano and Yobe; APGA controlled Abia and Anambra; and LP controlled Ondo state.

[17] From: "A Trap For the Juggernaut," *Africa Confidential*, 15 April 2011 http://allafrica.com/stories/201104160005.html ; official sources about the National Assembly seat division sometimes differ.

[18] See section 87 of the electoral act, which states "a political party seeking to nominate candidate for elections under this Act shall hold primaries for aspirants to all elective positions." Sub section 2 outlines "the procedure for the nomination of the candidate by political parties for the various elective positions shall be by direct or indirect primaries."

previously, INEC officials, the media, civil society and party members reported that many were not conducted in accordance with the law. The national conventions of all major parties were held without significant problems, but there were numerous allegations that delegates were offered financial inducements in exchange for votes. State-level primaries were marred by allegations of misconduct and a number of violent incidents; for example, rival party members were killed in Edo and Oyo states.

Several parties acknowledged improper conduct in their primaries and committed to rerun them, but could not do so before the deadline of January 15. Where primaries were rerun after the deadline, INEC challenged their validity in court. In some states, INEC's challenges were upheld; in others, judges ruled that the reruns were valid. For example, just three days before the re-scheduled National Assembly elections, the Federal High Court nullified PDP's primary election for Kogi West senatorial district and ordered that it be re-held.

The most contentious primaries were related to the selection of PDP candidates, but other parties also experienced internal disputes and public protest. Aggrieved aspirants turned to courts and submitted complaints to INEC, often continuing to campaign while awaiting the final verdict. In a number of states, several individuals campaigned for the same position on the same party ticket, which created confusion among the electorate. For example, two different CPC candidates contested the gubernatorial election in Kano and three in Taraba. Other candidates who received their party's nomination without controversy were able to conduct political campaigns well in advance of the elections.

INEC was unable to meet the deadline for displaying candidate lists for a number of reasons. Some parties submitted candidate lists late. The commission received numerous court injunctions preventing it from displaying certain candidate lists while appeals were in progress. Sometimes parties submitted candidates who were not the individuals reported as having won party primaries by INEC staff who monitored those polls. In some cases, parties held credible primaries but later illegally substituted or withdrew their candidates. Several candidates alleged that their parties had illegally substituted them by forging their signatures on withdrawal documents.

Some stakeholders criticized INEC's handling of the candidate nomination process, but the new electoral act contains conflicting provisions about the process. Section 31 gives parties the power to submit names of candidates and mandates INEC to accept the candidate a party nominates, but section 87 determines the procedure for candidates to be considered eligible. INEC's actions were based on candidates' failure to meet the eligibility criteria. Observers suggest that revisions to the law dilute INEC's

2011 Candidates for Office

	Total	*Men*	*Women*
President	20	19	1
National Assembly-Senate	896	804	92
National Assembly-House	2,435	2,213	222
Governorship (26 states)	353	340	13
State Houses of Assembly (990 seats)	2,690	2,429	261

ability to enforce internal party democracy.[19] Chairman Jega warned that aspirants whose names were not on INEC's official list should not campaign until court cases were resolved, but his calls were usually unheeded.

Abundant legal complications surrounding the selection of candidates – particularly for state and National Assembly races – meant that INEC was still revising the lists of candidates even after elections were conducted. To avoid a delay in printing ballots, INEC decided that ballots would show only party names and symbols and not candidate names. In places where late changes were made, voters were unlikely to know which candidate stood behind each party's name and symbol.

Candidates

Presidency

The office of the president is the highest executive position in the federation. The president is elected to a four-year term with a limit of two terms. Presidential candidates nominate their vice-presidential candidates to run on the same ticket. Although 20 individuals declared candidacies for president, only four candidates had national name recognition: Nuhu Ribadu of the ACN, Mallam Ibrahim Shekarau of the ANPP, Muhammadu Buhari of the CPC, and incumbent Goodluck Jonathan of the PDP. There were sporadic discussions of a consensus candidate among the opposition parties, but no agreement emerged.

In the week ahead of the election, 6 of the 20 presidential candidates withdrew from the race and encouraged their supporters to vote for President Jonathan. A seventh left the race in favor of Governor Shekarau. Since the official deadline for candidate withdrawal had passed in February, all 20 parties remained on the ballot.

Governorship

Governors serve as the chief executive of each of Nigeria's 36 states and the FCT. They are eligible to hold two terms of four years each. Approximately 350 candidates contested the gubernatorial elections in 26 states.

National Assembly

The Nigerian National Assembly is a bicameral legislative body with a 109-member Senate and a 360-member House of Representatives. Three senators are elected to represent each of the 36 states and one to represent the FCT. Members of the House are elected in single-member constituencies based upon proportional representation. All representatives of the National Assembly are elected for four-year terms with no term limits.

In 2011, many of the incumbent members failed to secure their parties' ticket to stand for re-election, perpetuating the historic high turnover rate for the federal legislature. Approximately 70% of the new legislature is composed of first-time members, according to available data.

[19] See Okhaide, Itua Paul. "Quest for internal party democracy in Nigeria: Amendment of electoral act 2010 as an albatross" International Journal of Peace and Development Studies Vol. 3(3), pp. 57-75, May 2012. Available online at http://www.academicjournals.org/IJPDS

State Houses of Assembly

A State House of Assembly serves as the unicameral legislative body for each of the 36 states and the FCT. Representatives to each state's legislature are elected for four-year terms with no term limits. Each State House of Assembly contains between 24 and 40 representatives. Almost 6,000 candidates, including nearly 500 women, participated in the elections for the 990 seats in state legislatures.

E. Voter Education

Voter education and civic outreach are among INEC's most important responsibilities, which it shares with the National Orientation Agency (NOA), civil society and, to an extent, political parties. INEC prioritized voter education in 2011 more than in previous elections. It partnered with civil society groups to produce and distribute voter education materials in both English and local languages. To reach voters, these groups used methods that included radio programs, town hall meetings, billboards, flyers and social media campaigns. Much of the voter education targeted not only the general voting population, but women, youth and marginalized communities. Rural communities, however, were often neglected.

Observers reported that while the NOA was the main agent of voter education in some states, especially in the North East, it was less active in the South West. NOA made special efforts to target women, youth and disabled voters in its activities, but also reported that INEC's failure to provide timely information about the electoral process made its efforts less effective.

During the voter registration period, members of the public seemed aware of the need to register to vote and were willing to endure long processing times. However, several important facts were not made widely available or sufficiently clear. For instance, many people were unaware that they could only vote in the polling unit where they had registered, and so they did not always register where they wanted to vote on election day. Many people registered in units that were close to where they worked or traveled long distances to find less crowded units with a shorter processing time. Also, voters did not always realize that the place where they registered would also determine which candidates they could vote for, according to the constituency in which their polling unit was located.

(Above) Voter education bumper sticker designed by the Network of Civil Society Organisations

The voter list display period was also poorly publicized, with INEC, political parties, civil society and the media all generally neglecting voter education for that exercise. Available remedies for those who refused to register or were improperly registered were not widely known. Voters were generally unaware that they had to be on the official voter list to vote on election day, in addition to showing their voter card, and so many who had received a card did not verify that they were on the list. Because of this poor publicity about the importance and details of the display process, few voters checked that their names were included in the voter's register or submitted claims to correct anomalies.

Information sharing significantly improved in 2011 over 2007, when details of polling procedures were publicized less than a week before the election. In 2011, guidelines were released in early March, leaving almost a month to disseminate the information. Nevertheless, some important information about the electoral process was not distributed in a timely and comprehensive manner, especially to rural and remote communities. While a number of initiatives focused on general public mobilization, the importance of voting, and the promotion of violence-free elections and the peaceful acceptance of results, few campaigns provided details about the requirements for registration and voting.

Some INEC officials were not clear about how the new process of accreditation voting would be conducted. At times, they offered contradictory or speculative information about what time polling stations might open and could not answer other questions posed by voters about the process itself. Initially, officials announced that the voters would not be allowed to leave the polling unit area, but would have to remain in the polling stations after accreditation in order to vote. Later, INEC announced that voters could get accredited and then leave, as long as they had returned by 12:30. However, this new development and time were insufficiently publicized. Observers reported that in some polling units across the country, accredited voters returned to the polling unit after the appointed time to begin voting and were therefore not permitted to vote.

Traditional and religious leaders were often actively engaged in the electoral process, especially to motivate their constituencies to participate in voter registration and then vote. However, observers also noted instances where they abused their authority and actively campaigned in favor of a party or candidate. Some opposition parties complained that the government had disproportionate influence over these leaders' actions because of their dependence on the government's resources. Civil society representatives and the media reported that leaders also politicized candidates' religious or ethnic affiliations, which may have contributed to post-election violence in the North.

Citizens and INEC staff were in many cases poorly informed about how to mark and fold the ballot to ensure its secrecy, while also preventing the ink from smearing, which would invalidate the vote. Voter education messages generally did not reference secrecy of the vote, and the ballot design was released late, meaning voters did not have access to mock ballots far ahead of time to practice folding. After the election, INEC indicated that more than 1.2 million invalid votes were cast in the presidential election.

F. Citizen Engagement

Since the 2007 elections, members of Nigeria's civil society have heightened their engagement in the electoral process. They participated as electoral reform advocates, voter educators and citizen observers of the electoral process.

For the 2011 elections, a variety of groups observed the elections in order to provide the public, political parties and electoral authorities with accurate, objective information about the implementation of key activities during the electoral process. No data were released on the number of groups observing the registration period, but INEC announced that it had accredited a total of 313 organizations for the April elections.

For the registration exercise, one of the main observer groups, the Alliance for Credible Elections (ACE), deployed 3,885 observers and supervisors to 20,000 polling units in all LGAs.

ACE said it interviewed 100,000 citizens about their perceptions of the voter registration exercise.

In addition, a coalition of four highly respected civil society organizations – Federation of Muslim Women's Associations in Nigeria (FOMWAN), Justice Development and Peace/Caritas (JDPC), the Nigerian Bar Association (NBA) and Transition Monitoring Group (TMG) – established Project Swift Count (PSC) to conduct an advanced form of election observation on a national scale for the first time in the country's history. PSC used both qualitative methods and statistical sampling to analyze the outcome of the elections. During the voter registration period, PSC deployed approximately 1,000 observers to all 774 LGAs and provided timely and comprehensive information about the progress of voter registration across the country. Neither INEC nor any other domestic observer group released the same level of information.

For the April elections, PSC accredited and deployed almost 8,000 individual observers and assessed the accuracy of INEC's official results for the presidential and four out of the six gubernatorial elections the project observed. In Imo State, PSC could not verify results because of a rerun and lack of information; in Delta State, it could not verify results because too many of its observers were not granted access to polling stations.

Other civic groups also observed elections with innovations using new media, including incident-mapping and other methods to inform and mobilize citizens to participate in the elections. Domestic Election Observer Groups (DEO) was a partnership that included Centre for the Defense of Human Rights; the Centre for Environment, Human Rights, and Development; Nigeria Labour Congress; and Trade Union Congress. DEO, which also operated with support from NDI, trained more than 3,000 observers and deployed them for all three elections. These observers and additional citizens around the country sent text messages to a central hub in Abuja to report on incidents of irregularities at their polling stations, allowing the DEO to analyze trends in violence and report them to the authorities in real time. Civil Society Election Situation Room, organized by 21 prominent Nigerian organizations,[20] was another attempt to coordinate election observation efforts and consolidate civil society's assessment of the process.

Many citizens observed elections without being members of a monitoring group by "voting and waiting." The "vote and wait" principle encourages voters to remain at polling stations over the entire voting and counting process to reduce opportunities for intimidation and misconduct. While this system experienced some of the challenges of security and overcrowding mentioned earlier, on balance, observers believed the system contributed to improving electoral integrity.

[20] Members of CSESR included: Action Aid Nigeria, Alliance for Credible Elections (ACE), Center for Democracy and Development, Center for Democratic Development Research and Training, African Center for Leadership Strategy and Development (Center LSD), CLEEN Foundation, Civil Society Legislative Advocacy Center (CISLAC), Community Emergency Response Initiative (CERI), Community Life Project (CLP), Empowering Women for Excellence Initiative (EWEI), Enough is Enough, Forward Africa, Human Development and Care Center, Institute for Human Rights and Humanitarian Law, JDPC/Caritas Nigeria, Next Generation Youth Initiative, Niger Delta Budget Monitoring Group, Open Society Initiative for West Africa (OSIWA), Policy and Legal Advocacy Center (PLAC), Transition Monitoring Group (TMG), and Women Empowerment Program.

G. Election Campaign

According to the Electoral Act, the official campaign period lasts between 90 days and 24 hours before election day. For the 2011 elections, the electoral timeline stipulated that the public campaign period started on December 1, 2010.[21] However, some of the prominent aspirants began campaigning for party tickets even before an election timetable was released, promoting themselves through billboards, posters and media messages. Overall, political parties also ignored the campaign silence period that was supposed to be observed the day before elections. Some candidates were even observed campaigning on election day. At the same time, the uncertainty over candidate lists meant that some candidates did not begin campaigning until well into February.

Code of Conduct

In March, INEC launched a party code of conduct for the 2011 general elections, with support from the International Republican Institute (IRI). Ultimately, a total of 54 of Nigeria's 63 registered parties signed the code, including the ruling PDP. The nine parties that did not sign abstained at the request of INEC, which asked that they first resolve their internal disputes.

By acceding to the Code of Conduct, parties agreed to uphold the rule of law; support women's participation; promote civil conduct during the campaign, election day and the post-election period; and comply with party finance regulations. As the campaign season heated up, there was a corresponding increase in incidents of political violence. The code also contains a number of provisions to mitigate or prevent conflicts from escalating among party supporters, including abstaining from and denouncing violence, coordinating campaign events to avoid confrontations among supporters and banning weapons at official events.

The code also mandated that parties participate in the Inter-Party Advisory Committee (IPAC), which comprises one representative from each signatory party. The group was intended to observe and regulate compliance with the code and to sanction parties that violate it. However, the larger parties questioned IPAC's effectiveness as an enforcement mechanism, contending that there were too many parties for meaningful interaction and agreement. IPAC ultimately did not release any findings related to its mandate to monitor or regulate compliance.

Observers reported that party members at the state and local levels were largely unaware of the existence of the code and its content. There were few substantial efforts to promote the code either by parties, INEC or NOA. At the same time, multiple parties have referenced the code when publicly condemning the actions of their rivals.

Campaign Methods

Observers and the media reported that candidates campaigned on issues, more than in past years, where few candidates addressed issues of concern to ordinary citizens. In this campaign period, many candidates took stands on topics like security, corruption, economy, health, education and infrastructure. Still, coherent distinct party platforms were largely absent from campaigns.

[21] This is based on a March election date; INEC did not release an official revision to this electoral calendar.

(Above) International observer talks with voters outside polling station in Ogun State.

All parties ran campaigns that focused primarily on their most prominent candidates, who in most cases were candidates for the presidency and governorships, and in some cases for the National Assembly. Posters and billboards were the most common method of campaigning, but less affluent candidates also held small-scale meetings and hired town criers. Better financed candidates held large rallies; advertised on the radio, television and newspapers; and gave supporters money, food, garments and other gifts. While the latter type of campaigning violates electoral law, there was no serious discussion about prosecuting vote-buying.

The main presidential candidates garnered grassroots support by conducting door-to-door outreach and working with women's groups and other community organizations. For the first time, candidates and parties also used social media like Facebook to disseminate their messages and interact with voters, especially youth; for example, President Goodluck Jonathan first announced his presidential bid on his Facebook page.

Campaigning Restrictions and Abuse of State Resources

Observers registered frequent complaints from opposition parties over restrictions on campaigning and incumbent candidates' abuse of state resources for their campaigns. Incumbents generally failed to distinguish between campaign activities and official duties, using official visits to canvass for support. Their opponents accused them of abusing state resources to campaign and buy votes. In most states, police and public services, especially public media, were also seen as biased in favor of the ruling party and the government.

Opposition parties and candidates most often reported being denied permits or venues to hold rallies; media bias; inadequate police protection; and that their supporters were subjected to arbitrary police detention.[22] In addition, the ruling and opposition parties complained that their posters, billboards and other campaign materials were destroyed and candidates, officials and supporters were attacked.

Opposition parties alleged that some incumbents used the state police to prevent the opposition from campaigning. Police in some areas allegedly stood by or even took part in harassing opposition figures or their supporters. For instance, the ANPP in Gombe filed a case against the police for invading a home and damaging property. The ACPN in Kwara accused police of

[22] In an example of this, the Niger government and police informed Buhari (CPC) that he could not hold a rally at which he planned to announce his presidential bid, an order that was delivered less than 24 hours before the event was scheduled to begin. The last-minute ban followed a week of discussions about the venue for the event. The police cited security concerns because this event coincided with the PDP senatorial campaign launch. CPC ignored the decision and organized the rally. In another example, the Ebonyi governor forbade the ANPP from launching its presidential campaign in the state capital, and accused the party of planning to cause a breakdown of law and order and prompt a state of emergency. Lastly, ACN accused the Benue government of denying it access to a major public square and forcing the party to move the presidential rally from the state capital of Makurdi to the smaller city of Gboko. The state government dismissed the claims.

destroying its billboards ahead of a PDP presidential rally in the state and detaining a photographer for documenting the destruction. The ACN claimed police were participating in violence and vandalism in Kwara and failing to take action against people who were threatening and attacking its members and candidates in Cross River.

Other campaign violations alleged by representatives of media, parties and civil society across the country included vote-buying with cash or gifts; purchasing and then destroying voter registration cards; and bribing or intimidating election officials. While these complaints were numerous, few were substantiated and rarely led either to court cases or to IPAC sanctioning violations of the Code of Conduct. In the majority of cases, parties and candidates were content with making accusations and concerns through the media or in meetings with observers. In some cases, however, police arrested individuals possessing multiple voter registration cards and election materials. For example, police arrested an ACN agent in Anambra for illegally possessing results forms and other election materials.

Campaign Financing

INEC is vested with monitoring and regulating political party finances, including election expenses. The commission's Political Parties Monitoring and Liaison Department is responsible for ensuring that registered political parties comply with all party regulations, including financial disclosures. The law sets limitations on the sources of party funding, individual contributions and donations, and candidate spending for each type of election, ranging from ten million naira for the state House of Assembly election to one billion naira for the presidential election. Unlike previous electoral laws, the new act makes no reference to public funding for political parties, a change that particularly reduced smaller parties' ability to campaign in this election cycle.

The new law contains several loopholes and contradictions, which make some of the provisions unenforceable, unclear or meaningless. Only the political parties, and not candidates, are banned from receiving funds from abroad. While each of the political parties contesting the elections is required to submit audited statements of election expenses within six months of an election to INEC, candidates are not required to do the same. This raises questions about how INEC can assess parties' compliance with these provisions. In addition, because party expenses are not included in the candidate spending limits, virtually unlimited funds for campaigning can be channeled through a political party regardless of the established spending ceilings.

In absence of these legal contradictions, INEC did not have the capacity to fulfill its campaign finance oversight functions. Although INEC, with support from IFES, organized training for its staff on party finance and enforcement of finance regulations and updated the Political Party Finance Manual and Handbook, the commission publicly admitted to not having sufficient resources to fulfill its campaign finance oversight functions. INEC therefore only audited party accounts, leaving its roles to monitor candidate and party election expenses and sanctioning violations for future elections. One of the opposition parties' main complaints was that INEC's inability to fulfill these functions gave the incumbent parties and candidates an unfair advantage.

H. Security Situation and Election-Related Violence

(Above) An ANC supporter who was the victim of pre-election political violence.

The security situation in many parts of the country posed significant challenges to the peaceful conduct of elections, undermining citizen's right to exercise their franchise free from fear of retribution. It negatively impacted voter turnout, the ability of candidates to campaign, observers' access to the polls and INEC's preparations for the elections.

Pre-Election Violence

Incidents of violence steadily increased from the primaries through the campaign period, election day and the aftermath of the presidential elections. Before the first round of elections, more than 100 deaths and several hundred injuries had been attributed to politically motivated violence. Clashes among party supporters or with the police and attacks on candidates claimed lives across the country, including in Akwa Ibom, Anambra, Bauchi, Benue, Delta, Edo, Ekiti, Jigawa, Kebbi, Kogi, Niger, Ondo and Plateau.

Throughout the election period, NDI received reports of intimidation of candidates and their supporters; open brawls between supporters of different parties and candidates; kidnappings of candidates and their family members; shootings; candidate assassinations and bombings of innocent civilians. In early March, an explosion killed 10 people in Suleja, Niger during a campaign rally for one of the gubernatorial candidates. A prominent gubernatorial candidate and a party leader were assassinated in two separate incidents in Borno State.[23] In Akwa Ibom, clashes between supporters of competing political parties led to mob violence, injuries, deaths, arson and massive destruction of property. The destruction of campaign posters and billboards was observed across the country and at times led to violent retributions.

Security Agencies' Interactions with Stakeholders

Political parties repeatedly expressed doubt that security officials were willing or able to ensure a safe and peaceful campaign environment, and prevent intimidation and harassment by thugs. Opposition parties reported police bias, claiming the police sometimes used excessive force. They also reported a lack of enforcement against those who perpetrated violence against opposition parties, denied permits for campaign events and outright intimidated or harassed their candidates and supporters.[24] Police officials said their staff were trained on ethical conduct and tried to increase police officers' understanding of the electoral act and their role in preventing and prosecuting electoral offences.

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[23] On January 28, five suspected Boko Haram members assassinated seven people, including the ANPP candidate for governorship in Borno.

[24] A recent Human Rights Watch report on police corruption exposed a culture rife with disincentives to abiding by the rules. "Nigeria: Corruption Fueling Police Abuses." August 17, 2010.

INEC acknowledged that security has been a recurrent problem in Nigerian elections. In the months leading up to the election, Chairman Jega characterized the insecurity in a variety of dimensions, including the physical security of election officials, security of election materials, ensuring order at polling and collation centers and violence by contending political interests. He attributed a lack of security to poor coordination among various security agencies.[25]

(Above) Police officers on patrol during the National Assembly election in Ogun State.

In order to harmonize security management during the election, the Inter-Agency Consultative Committee on Elections Security (ICCES) was established at the national and state levels. The ICCES brought together major security agencies such as the police, army, National Drug Enforcement, the Federal Road Safety Corps, the Nigerian Security and Civil Defense Corps and the Nigerian Prison Service to share information and communicate with INEC during the elections. These bodies also took other measures to prevent electoral violence by training their officials and establishing special telephone hotlines for citizens to report incidents of violence and illegal behavior. As part of the functions of the ICCES, the committee was tasked with evaluating their performance and recommending improvements and sanctions, where necessary. The NOA and civil society organizations also conducted civic education programs to raise citizens' awareness on the importance of peaceful conduct during the elections.

Security During Registration and Elections

During the voter registration exercise, observers noted inadequate security presence, especially in the rural areas. Ad hoc staff at times complained that they felt unsafe and were unable to conduct their duties in full accordance with procedures, especially during the voter registration exercise, when the community pressured them to register underage voters.

Ahead of polls, police promised to deploy at least two officers to each polling station. To minimize chances for corruption, they also deployed officers outside of their regular areas of duty, distributed allowances ahead of deployment and provided police with adequate lodging facilities.

The presence of security officials on election days contributed to the orderly conduct of elections in most places. Shuffling security officers among locations contributed to the public's confidence that security officers were impartial at the polling stations observed. In general, security officials properly assisted polling staff by maintaining queues and quelling tensions in overcrowded polling sites; in other locations, such as some polling sites in Kano, security was more passive. Observers in a few states reported a heavy security presence, while delegates in others noted an insufficient number of police in some locations. Data suggests that rural areas were more affected by inadequate police presence, while many polling units in urban centers were covered

[25]" *Nigeria Poll Chief Tells of Fears."* Daily Nation, Tuesday, December 11, 2011.

by officials from several security agencies. Most security officials demonstrated restraint and professionalism, although the delegation heard isolated but concerning reports of mistreatment and unnecessary use of force.

Between the National Assembly and presidential elections, INEC and the security services worked to improve performance on their respective responsibilities and mitigate violent incidents. Election and security officials coordinated efforts at the national, state and local levels. They also openly shared information with parties and observers on steps they were taking to guarantee peaceful and credible elections.

Violent Incidents during the Elections Period

On the eve of the re-scheduled National Assembly elections, a bomb exploded at the INEC office in Suleja, Niger state, killing at least ten people, including some NYSC members. Over twenty more people reportedly died in election-related violence during the national legislative polls in Bayelsa, Borno, Delta, Edo and Osun.

On the day of the presidential election, there were two separate explosions in Borno, two bombings in Kaduna and a shooting in Jos that left one person dead. Tensions among party supporters, mainly in the North, led to serious incidents of violence after polls closed. In a number of states, mob violence broke out resulting in damaged property, physical harm and loss of life.
Clashes on election day turned into large-scale violence in twelve northern states in the following days. Rioting youth reportedly burned mosques, churches and the homes of prominent political leaders and traditional rulers they considered sympathetic to the ruling PDP. Human rights groups have estimated that at least 800 people were killed during this period, including ten NYSC members on election duty. Human Rights Watch accused the authorities of failing to stop the violence and reported cases of excessive use of force by the police and military officers who were deployed to stop the rioting and sectarian clashes.

In early May, President Jonathan constituted a 22-member panel tasked with investigating the pre-election violence in Akwa Ibom and the post-election violence in the north. Headed by an Islamic scholar and former member of the ERC, Sheikh Ahmed Lemu, the panel was given six weeks to establish the causes of violence, number of casualties and extent and cost of damage to private and public properties and places of worship. Its mandate also included making recommendations on how to prevent future incidents. Released in October 2011, the report identifies eight causes of the crisis, including the failure to act on prior recommendations from other similar bodies.[26] The report also cited “provocative utterances” by politicians, as one of the causes for violence in parts of the country.

Several legal practitioners questioned the legality of this body, arguing that only the state, and not the federal government, has the power to set up such panels. In addition, a number of politicians dismissed it as an unnecessary duplication of the job already tasked to the security agencies. The Christian Association of Nigeria (CAN), while hailing the establishment of the panel, criticized the lack of representation on the panel of Christians from violence-affected

[26] The report notes that the failure to act on prior recommendations "facilitated the widespread sense of impunity of the culprits and perpetrators of crimes and violence in Nigerian society."

states and the appointment of Lemu, an Islamic cleric, who they claim was instrumental in introducing Sharia law in the North.

I. Media Environment

The Nigerian media landscape is one of the most vibrant in Africa. There are more than 100 national and local press newspapers, mostly privately owned and urban-based. Print media provides a wide spectrum of views and analysis and is seen as generally less partisan than the broadcast media. All journalists are subject to financial pressures, whether publicly acknowledged (for example through their advertisers) or unacknowledged (payment for biased coverage).

Public radio and television have near-national coverage and operate at federal and regional levels. All 36 states run their own radio stations, and most of them operate television stations. Despite the growing popularity and availability of television, radio remains the main source of information for most Nigerians, and television viewership is concentrated in urban areas. The internet is also a growing source of news reports; as of December 2011, more than 45 million Nigerians were online, around 29 percent of the population.[27]

Media played a key role in the 2011 elections, as the main method both for candidates and parties to campaign and for INEC to inform the public about the elections. Civil society organizations also used the media to mobilize and educate the public. In addition to news coverage and airing paid advertisements, various media houses dedicated special programs to elections, inviting different stakeholders to debate pertinent issues and providing analysis of campaign issues and candidates' platforms. In 2007, the Nigerian Election Debates Group (NEDG), a coalition of more than 20 media outlets and civil society organizations in Nigeria, organized twelve debates where the leading contenders refused to honor their commitments to participate. In 2011, two presidential televised debates were organized, but similarly, neither attracted the participation of all of the leading candidates. President Jonathan did not attend the first debate, and the three main opposition candidates declined to attend the subsequent debate. Nevertheless, Nigerians were able to witness candidates debating in gubernatorial and other local races during debates organized by a range of other civic and media groups.

The Electoral Act requires the media to allocate equal coverage to all political parties and candidates. As noted above, it also forbids campaigning on election day or the day prior, a rule that is partly regulated in the broadcast media by the National Broadcasting Commission (NBC). While NBC assessed that most broadcast organizations adhered to the established rules, it noted that outlets owned by politicians were less likely to comply with the provisions of the law on fair and equal coverage. About forty broadcast media houses were fined for violating the Nigeria Broadcasting Code and the Electoral Act.[28] For example, Zamfara State Radio was fined half a

[27] From http://news.bbc.co.uk/2/hi/africa/country_profiles/1064557.stm#media

[28] NBC's website listed the following stations: AIT; Channels TV; LTV Lagos; Superscreen Lagos; MITV Lagos; TVC Lagos; BCOS Ibadan; Kiss FM, Abuja; Grace FM Lokoja; Kano State Radio; Freedom Radio Kano; Karama FM Kaduna; RSTV Port Harcourt; Radio Bayelsa Yenagoa; Radio Rivers Port Harcourt; Wazobia FM PH; AKBC UYO; Taraba TV, Jalingo; TSBS Jalingo; ETV Enugu; BCA Umuahia; Fombina FM Yola; Yobe TV; NTA Network; KTTV Katsina; NTA International via NTA 2, Channel 5, Lagos; NTA News 24, Abuja; NN24, Lagos; Capital FM Abuja; Kaduna State KSMC Captial Sound 90.9 FM; Love FM, Abuja; ABS Awka; DRTV, Warri; Rivers State Television and Unique FM Ilesha. (http://www.nbc.gov.ng/news.php)

million naira for announcing election results before the returning officer, while a number of others were fined the same amount for airing campaign ads during the period of silence.

Contrary to NBC's evaluation, coverage of most state-owned media appeared to favor incumbent parties and censor criticism of the government, according to a media monitoring report produced by the European Union's observation mission.[29] Even private media often gave the greatest amount of coverage to the ruling party. The high cost of media coverage disproportionately put the opposition parties at a disadvantage; they complained that they had to pay for any coverage, while the ruling parties' activities were covered free of charge. Opposition parties also alleged that they did not receive fair treatment from the media. Small parties and female candidates in particular said they struggled to compete for media attention.

Journalists and news editors in a number of states admitted that public media avoided reporting negatively on the government, charged varying and above-average premiums for airtime for some parties and gave greater coverage to the ruling party. For example, the national Nigerian Television Authority (NTA) rejected General Buhari's (CPC) campaign ad because it contained messages that the NTA said were offensive to the government. While some states like Lagos and Osun have a relatively competitive media environment, in others the media was reportedly biased. ACN and Accord Party in Oyo complained that the Broadcasting Corporation of Oyo State often refused to play the campaign advertisements they submitted.

Journalists faced intimidation, attacks and arbitrary arrests despite the multitude of newspapers and stations in Nigeria and a legal framework that provides for free speech. According to the 2010 Reporters Without Borders Press Freedom Index, Nigeria's press freedom was ranked at 145 out of 178 countries; security agencies, political parties, governors and even INEC officials were singled out as the main sources of attacks. Reporters Without Borders recorded more than 30 attacks on journalists and media houses in the first four months of 2011. Although observers could not independently verify such attacks, NDI observers also heard reports of intimidation and harassment against journalists.

More than in 2007, new social media played a prominent role in the elections. Access to internet and mobile telephones was limited mainly to urban centers, but still contributed to wider popular participation in the elections.[30] Nigerian youth in particular used blogs, social forums and online networking sites to disseminate information, discuss election related issues, mobilize to vote and report results and incidents. Candidates and parties also launched significant outreach efforts through social media and used text messaging in their campaigns. Closer to the elections, INEC started updating its website more regularly and began using Twitter, Facebook and SMS to gather information from the general public and to provide information on the election process.

New media was also used for negative purposes, including the dissemination of numerous text messages that contained hate speech and incited sectarian violence. NDI observers received some of these text messages. Some government agencies discouraged this practice; for example, police in Borno warned political parties to stop sending text messages threatening voters who failed to support a particular party.

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[29] Eighty percent of the NTA's coverage allocated to political actors was devoted to PDP. (http://www.eueom.eu/files/pressreleases/english/final-report-nigeria2011_en.pdf)

[30] It is estimated that the combined customer base of Nigerian telecommunication operators is about 90 million.

J. Participation of Marginalized and Under-Represented Groups

People with Disabilities

People with disabilities represent between 2 and 10 percent of the Nigerian population, but their participation in the election process was low, and political parties and INEC did little to promote their involvement. Political parties reported that they waived membership and nomination fees for disabled aspirants, but took no other special measures to support their political participation or electoral campaigns. INEC instructed its staff to give priority to voters with disabilities during registration and voting and allow those in need of assistance to choose who would help them vote. However, observers noted that many of the registration centers were in locations that were difficult to reach, which may have disenfranchised disabled voters. Lack of data on the number of registered voters with disabilities also makes it difficult to assess their level of turnout on election day.

One coalition of NGOs advocating for accessibility for the disabled in the electoral process – the Joint National Association of Persons with Disabilities (JNAPWD) – comprises six organizations working with people with disabilities.[31] Ahead of the elections, JNAPWD conducted a series of workshops for its members stressing inclusion of people with disabilities in the electoral process. They also used the media and text messages to reach out to this community. In addition, during voter registration, organizations of people with disabilities were part of the election observation effort coordinated by ACE. During the elections, such groups fielded approximately 100 volunteer interpreters for the deaf (2-3 per state).

In a meeting with the INEC chairman and national leaders of political parties, INEC announced that political aspirants with disabilities would obtain 'automatic tickets' to participate in party primaries. Out of the 50-60 who applied for the tickets, a majority were reportedly women. However, only five people with disabilities throughout the country won party primaries and contested the election.[32] JNAPWD reported that there was little space for people with disabilities in the party structures and no clear policies to include them. According to the organization, approximately a dozen people with disabilities hold elected office in the country and only 13 states have special advisors to the governor for disability issues.

The National Assembly passed a "Nigerians with Disabilities Bill" in September 2010, but the president did not sign it before the end of the legislative session. This bill would have required INEC to make registration and polling units accessible to persons with disabilities and ensure that voting procedures are appropriate, accessible and easy to understand.

[31] The Association of Persons with Intellectual Disabilities, the Association of Persons with Spinal Injuries, the National Association for the Deaf, the National Association of People Living with Physical Disabilities, the National Association of Persons Affected by Leprosy and the Nigerian Association for the Blind.

[32] AbduNasir Sani for the State Assembly in Kebbi (PDP); Shuaibu Adamu for the State Assembly in Jigawa (PDP); Samuel Ankali for the House of Representatives in Benue (PDP); Ikaiti Omo for the House of Representatives in Delta (UNDP) and Kosmos Ocoli for the Senate in Lagos (ACN).

Women

Nigeria's constitution prohibits all forms of discrimination, including on the basis of gender. Nigeria is also a signatory to various legal instruments upholding the principles of gender equity, including the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. Nigeria has also ratified the Convention on Elimination of All Forms of Discrimination against Women (CEDAW).

However, women's groups contend that the principle of non-discrimination is not clearly defined and that the constitution contains discriminatory provisions. They also note that Nigeria has not yet fully domesticated or implemented its international commitments related to gender equality. Domestic legal instruments that enshrine the rights of women, such as the National Gender Policy, signed into law in 2007, has not yet been implemented.

(Above) A woman shows her voter identification card to poll workers in Sokoto state.

Despite increased women's involvement in the Nigerian political sphere and legal commitments to gender equality, women remain marginalized in political life. In comparison to their performance in 2003 and 2007 in which women attained three and seven percent of elected offices nation-wide, in 2011 they attained about eight percent.[33] Women continue to face numerous barriers participating in the election process as electoral officials, candidates, campaigners, party agents, observers and voters. Social, cultural and religious factors contributed to their under-representation in these roles. Data shows that only about 8.33 percent (200 out of 2400) women ran for the House of Representatives and about 11.1 percent (80 out of 720) women ran for the Senate.[34] High levels of competition, the often violent nature of Nigerian politics and deeply held prejudices against female politicians often dissuade women from running. Even those who ran were less likely to win because they contested in difficult to win constituencies, or were unable to run effective campaigns due to lack of funding and insufficient party support. Some women reported that they were pressured to withdraw their candidacies, including harassment and physical attacks.

In 2011, only one of the 20 presidential candidates was female and approximately eight percent of candidates for the National Assembly and other elected positions were women. While the participation of women in the South was higher than the national average, some of the states in the North, such as Bauchi and Yobe, had only one percent female candidates. As a result of these factors, the number of women elected to the National Assembly dropped in 2011 from 2007 (see table below). No woman has ever been elected to the position of either governor or president, and only one has been elected as deputy governor, in 2011 in Lagos state.

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[33] Oladoye, Deji. "In Retrospect: 2011 April polls and Gender Ranking in Nigeria" http://www.cp-africa.com/2011/05/17/in-retrospect-2011-april-polls-and-gender-ranking-in-nigeria/#/news/

[34] http://free2runonline.com.ng/?p=481

Political parties are the main gatekeepers for both elected and appointed offices for women, since they determine the candidate lists for both types of positions. Political party manifestoes often include gender provisions, and most parties report efforts to facilitate women's participation, such as creating women's wings and waiving candidacy declaration fees. In the 2011 Political Parties Code of Conduct, parties pledged to promote women's active participation in the elections.

Women Representatives in the National Assembly		
Election year	***Number of women***	***% women***
House of Representatives		
2007	26 /360	7.2%
2011	12 /360	3.3%
Senate		
2007	9 /109	8.3%
2011	7 /109	6.4%

Still, there are few women in parties' national executives or in other leadership positions. A 2010 report[35] showed that the PDP had only six women on its 52-member national executive, none of whom held a politically significant post. The situation was similar in the ACN, where 4 out of 32 national executive officers were women, and in the ANPP, where 4 out of 28 executive body members are women. Many female aspirants and candidates complained that while their initial application fees were waived, other fees were still required. They also said their parties failed to provide them with sufficient support for campaigning, and some were even actively discouraged or intimidated into withdrawing from the election in favor of male colleagues.

In their campaigns, parties used women's wings to reach out to female voters, and the wives of the main presidential, gubernatorial and other prominent candidates were actively engaged in campaigning. For example, in the PDP, President Jonathan and his wife affirmed commitments to a policy of ensuring that 35 percent of appointed positions (including ministerial posts) were reserved for women.

Women are also poorly represented within INEC's leadership structures. Only 3 out of 13 commissioners were women – although this was an increase from one in 2007 – and 3 out of 37 RECs were women. While no official statistics are available, observers and stakeholders reported that a significant number of women worked as lower-level election officials, particularly as ad hoc registration and polling staff.

The ERC made several suggestions for greater gender balance in INEC, including that the INEC chairman and deputy chairman be of opposite genders; that at least two of the six geo-political representatives in the commission be women; that the commission include a representative from women's organizations; and that at least a third of the electoral officers in each LGA be held by women. These suggestions were not incorporated into the 2010 and 2011 legal amendments, and consequently no formal measures were aimed at ensuring gender equality within INEC.

Official country-wide data on the number of women registered to vote has not been made available. Early in the process, INEC had announced that the registration data would be gender-disaggregated and made public when the voter register was finalized, but this information was not released. Unofficial preliminary figures showed that 48 percent of registered voters were women, but that there were significant regional variations in these numbers.

[35] Heinrich Böll Stiftung, "Nigeria's Electoral Reform And The Prospect For Women's Participation In The 2011 Elections." http://www.ng.boell.org/web/112-223.html

Observers reported that in most conservative areas, special arrangements were in place to facilitate women's registration. In some places, women and men were assigned alternate days to register, while in other areas, officials divided the queues by gender or assigned women to separate centers in which the registration officials were women. In the North, observers reported that religious leaders played a key role in enabling women to vote, by appealing to men during prayers to allow them to register. In the North East, RECs took a proactive approach by bringing together stakeholders to develop strategies to boost female registration numbers.

Many civil society organizations worked on promoting women's participation in the elections by supporting female candidates and recruiting women to observe the registration and voting. One group, the New Initiative for Social Development (NISD), organized a Women's Consultative Forum designed to empower female political candidates and aspirants in Ekiti. The group trained women on how to campaign effectively, how to interpret party constitutions and electoral laws and how to hold political parties accountable to gender quotas. The forum also provided some funds for these candidates to offset election expenses. While domestic observer groups actively promoted women's participation as observers, security concerns and cultural norms prevented some women from remaining at the polls after dark, and in some cases, from observing the counting and results collation process if those occurred late in the evening.

Youth

Youth participation in the electoral process was a mix of positive and negative engagement. There were commendable efforts by youth groups and other civil society organizations to constructively engage youth[36] to register, campaign, vote, observe elections and report on results and incidents, especially using SMS and online social media platforms. The NOA and civil society groups tried to appeal to the youth to participate constructively in the electoral process; the NOA also worked with mothers to reduce the level of youth violence.

One of the most visible contributions of youth was through the NYSC members who made up the majority of the 360,000 temporary INEC staff operating registration and polling stations. These corpers demonstrated patriotism, commitment to democracy and at times heroism during the electoral process, and they maintained positive attitudes and dedication despite enormous obstacles. Most were exhausted from overseeing elections four weeks in a row and sleeping in polling stations overnight before and after each election day, and many paid out of pocket for their transportation and food when their stipends were delayed.

Corpers also showed enormous courage during voter registration and elections in continuing their work despite facing large crowds that were at times unruly, discontented and violent. Several of these dedicated individuals lost their lives and were also targets of politically motivated and electoral violence after the presidential election, but because of their commitment to see democracy take hold in their country, an extraordinary number stayed at their posts for the even more contentious gubernatorial elections that took place ten days later.

Conversely, youth were also the main instrument of intimidation, violence and electoral malpractices during the elections. Political parties claimed to encourage youth to refrain from violence in accordance with the code of conduct, but observers said they did not witness parties

[36] Youth in Nigeria is defined as anyone age 18 to 35.

take meaningful steps to engage youth. Young party supporters were the main perpetrators of violent incidents around the elections. The main participants at many campaign events were young men who were often armed. Such youth were frequently used to intimidate opponents and their supporters.

Ethnic and Religious Minorities

Nigeria is a country of immense diversity, with more than 250 different ethnic groups. Among the most numerous are the Hausa-Fulani, Yoruba and Igbo. In general, most Nigerians are divided evenly between Christians and Muslims, with most Christians living in the South and most Muslims in the North. However, the distribution of ethnic and religious groups across the country is complex because of a high degree of mobility between states and regions.

Nigeria's legal framework both encourages inclusion and excludes certain groups from the political process. The constitution prevents discrimination based on religion, ethnicity or tribal affiliation. It also sets out the principle of federalism, which serves as the basis for the informal practice of state quotas, in which appointments to public office are made with representation from all states. An informal zoning formula also ensures a degree of regional inclusion.

However, a significant proportion of Nigeria's citizens remain excluded from the political process by not being "indigenous." Indigenous citizens are those who descend from the "original" inhabitants of an area. This usually does not include immigrants from other Nigerian states and countries and their children, some of whom have been in the area for several generations. There are no formal exclusions from the electoral process for non-indigenes, but informal barriers make it difficult to participate in the political process. Clashes between indigenes and non-indigenes have often turned violent, with the ongoing troubles in Plateau state an example. Observers reported that minorities were reluctant to discuss their political affiliation and participation in politics.

Political parties made little effort to include religious and ethnic minorities in the electoral process, generally nominating candidates who came from majority ethnic communities. Representatives of both majority and minority ethnic groups across the country affirmed that being a member of a minority group was a key obstacle in receiving their party's nomination or winning votes. It is difficult for minorities to field their own candidates, because the constitution prohibits independent candidates and establishes rules for party creation that are difficult for minorities to meet. Even where minorities are able to win a party nomination, they are less likely to win elections if they are running in areas where they are not of the dominant ethnicity or do not speak the dominant language well.

Outreach to minorities was primarily conducted by associations of minority leaders, who often engaged their constituents to conduct voter education and encourage registration and voting.

Sectarian violence was prominent in the months leading up to the elections, especially in Plateau state,[37] while tensions between different religious groups were reported in other heterogeneous states in the North and middle belt. Materials inciting religious violence and text messages with inflammatory language exploiting religious tensions were widely distributed, especially in areas

[37] Although there was very little violence in that state during the elections themselves.

with religiously mixed populations. Violence in the aftermath of the presidential election largely targeted religious minorities and worship sites.

K. Election Days and Results[38]

INEC released an electoral calendar in November 2010 that outlined three separate days for elections across the first three Saturdays in April, in accordance with the amended Electoral Act. This schedule changed when INEC postponed all three elections because of logistical problems on the first scheduled election day. State assembly and gubernatorial elections in Kaduna and Bauchi were postponed a second time when violence broke out in those states after the presidential election, and a number of areas postponed or reran elections, in many places because ballots had to be reprinted after some were used in the canceled April 2 elections. The date changes for these elections are laid out in the table below.

Nigeria 2011 Election Day Changes			
Election	*State*	*Original Date*	*Postponed to*
National Assembly	All	April 2	April 9
Presidential	All	April 9	April 16
Gubernatorial	All but Kaduna and Bauchi	April 16	April 26
Gubernatorial	Kaduna and Bauchi	April 16	April 28
Postponed National Assembly Elections			
Senate	15 seats	April 2	April 26
House of Representatives	48 seats	April 2	April 26
Rerun elections			
Gubernatorial	Imo - 4 LGAs and 1 Ward in a 5th LGA	April 16	May 6
National Assembly	Anambra – 2 federal constituencies	April 2	April 26
State House of Assembly	21 state constituencies, LGAs, or wards in Anambra, Bauchi, Delta, Imo, and Kogi states on various dates		

Overall, the 2011 elections were a break from the trend of poor elections in Nigeria, where each subsequent election after the 1999 return to civilian rule was worse than the previous. Citizen awareness, increased confidence in electoral authorities and engagement by parties and civil society contributed to a more credible election process. INEC demonstrated a higher level of responsiveness and transparency and made substantial efforts to address challenges.

However, several problems persisted in these polls, even if to a lesser degree than in previous years:

- Logistical problems caused delays in opening polling stations.
- There were too many registered voters in some polling units, and INEC in most places did not create sub-units to relieve overcrowding.

[38] See Appendices V and VI for detailed elections results.

- Voters experienced long processing times on election day.
- Procedures for accreditation of voters in the morning were inconsistently applied.
- In some places, party agents were involved in administering elections.
- The secrecy of the ballot was frequently jeopardized.
- Underage voting was repeatedly observed.
- Not all voters holding voter cards were able to find their names on the voter register.

As discussed above, there was a significant amount of election-related violence during the pre-election period, on election days and in the aftermath of the presidential election. This included the bombing of INEC's state office in Suleja, Niger state, where at least 10 individuals including INEC staff were killed. Post-election violence in the northern states following the presidential election, reportedly claimed 800 lives, including some NYSC members working on elections.

Following each of the polls, INEC reported arrests of hundreds of individuals – including potential voters, security personnel and election and government officials – for offenses that included electoral violence, voter intimidation, vote-buying and diversion of sensitive election materials. Many of these individuals were later released.

Halting and Postponement of the National Assembly Elections on April 2

The INEC timetable indicated that National Assembly elections would be held on April 2, 2011 for 360 members of the House of Representatives and 109 senators. However, as election day began, it became apparent that critical materials had not been delivered to many polling sites. According to observer reports, materials like indelible ink and results forms were delivered late or not at all, and some ballots did not include all contesting parties. Without the results forms, important information such as the number of accredited voters could not be recorded. Fake results forms were one of the key methods of election rigging in past Nigerian elections, and INEC staff felt no election could take place without the official forms in place. At midday, after several million voters had already cast ballots, Chairman Jega halted the elections and rescheduled them for the following Monday, April 4. Following consultations with political parties, polls were rescheduled again for April 9.

The decision to cancel all cast ballots required the reprinting and delivery of replacement ballots, in addition to replacing the ballots that originally were missing party logos. This necessitated a further delay for at least 15 senatorial and 48 House of Representative races, which were ultimately held on April 26.

INEC's decision to postpone the polls from April 2 was a forthright admission of unpreparedness. It allowed the commission to address major problems – some that in 2007 were simply ignored. At the same time, the failure to hold polls as originally scheduled caused widespread disappointment, which may in part explain what seemed to be lower voter turnout on April 9.[39]

[39] INEC did not release data on how many people were accredited and voted before elections were halted on April 2. Observers, media and election officials reported their impressions that the number of voters was significantly lower on April 9.

NDI long-term observers followed the canceled election in six states across all geopolitical zones, with teams in Anambra, Cross River, Gombe, Kano, Lagos and Nassarawa. They observed several challenges that needed to be addressed before the rerun, in addition to those outlined above. For example, many polling stations opened late. Even though INEC announced plans to split large polling stations into separate subunits with no more than 300 registered voters each, observers witnessed units with more than a thousand registered voters and only three polling officials. Problems with the voter register further increased the processing times and contributed to overcrowding. Party agents were observed organizing the queues and in other ways assisting the polling staff, who were often unable to manage large crowds by themselves.

(Above) Voters queuing to cast their ballot in the National Assembly polls in Ogun State.

While the official decision on nationwide postponement came rather late, observers reported that at the state level, most INEC officials were proactive in reaching out to political parties, observers and voters through the media to explain the challenges they were facing, appeal for understanding and apologize for the inconvenience.

April 9 National Assembly Elections

For the rescheduled legislative elections, NDI deployed a 50-member delegation to 18 states in all six geopolitical zones and the FCT. Observers visited more than 230 polling stations in 77 LGAs and observed the collation process at several levels. Reports from NDI observers contrasted markedly with observations recorded during the 2007 polls, when systemic and widespread irregularities subverted the overall credibility of those elections. In this election, polls were conducted in a generally calm and peaceful atmosphere, with many Nigerians demonstrating eagerness and determination to vote despite long queues and harsh weather conditions. INEC made substantial efforts to meet the logistical challenges identified during the failed April 2 elections, and many though not all of the challenges were corrected for the April 9 poll.

Most of the polling stations visited opened either on time or sufficiently early for all interested voters to be accredited and vote. Project Swift Count indicated that only 58 percent of polling units were open by 9:00am, but 96 percent had opened by noon. Still, observers noted in some sites that significant delays may have disenfranchised some voters.

Essential election materials were present in a majority of the polling units observed. However, some polling officials reported an insufficient number of ballots and missing results sheets. Sensitive materials were sometimes not kept securely, both at the polling units and the collation centers.

Observers noted inconsistent implementation of accreditation, voting and counting procedures at several polling stations. In addition, polling officials also had a varying level of knowledge and understanding of the process and at times omitted important safeguards built into the complex voting system to ensure the integrity of the elections. In an attempt to process large crowds more

quickly, in some areas election officials held accreditation and voting simultaneously and failed to ink the voters' fingers or double check their names on the register. Observers assessed that most procedural violations were the result of insufficient knowledge or pressures to process a large number of voters in a short time period, rather than a deliberate attempt to compromise the process.

While overall turnout appeared to be lower than for the April 2 polls,[40] polling units were often overcrowded, especially in urban areas, because of a large number of registered voters per polling unit and failure to create sub-units. Overstretched election officials at times delegated some of their duties to party and security agents, who were observed organizing the queues and assuming other polling officials' duties. In isolated instances they were also seen "assisting" voters to mark their ballots.

Problems with the voter register were reported across the country. Some officials had difficulties finding people's names on the register, and some prospective voters' names were not on the list despite having a voter card; these citizens were unable to vote. INEC officials admitted that some lists were misprinted, had missing pages, were not available, or contained incorrect or incomplete data. Procedures for those whose names were not on the list varied from one polling unit to another.

Despite INEC's repeated warnings that underage voters would be arrested and prosecuted, observers noted a significant number of minors accredited to vote at polling sites in Kaduna, Kano, Katsina and, to a lesser degree, other parts of the country.

Observers also witnessed violations of ballot secrecy due to improper placement of voting booths and misunderstandings by voters or polling officials on the proper way to mark and fold the ballot. However, the majority of voters seemed unconcerned that their choice was visible to party agents and others present in the polling station.

Counting started rather early in most states observed and was generally conducted in the presence of observers, agents and large numbers of voters. Most counting processes were conducted without major incidents, although inadequate lighting in some facilities complicated and prolonged the process. Not all polling officials adhered strictly to the stipulated procedures; at times they failed to reconcile the ballots before starting the count, filled out the forms only after arriving at the collation center, or recorded the results on plain paper instead of on an official form. Procedural omissions during accreditation and voting, such as not determining the number of people in the queue when voting began, caused officials difficulties in filling out the forms. Despite INEC's regulations and instructions, in a large number of places observed, results were not publicly displayed. Project Swift Count reported that the results sheets were not posted in 20 percent of stations.

The collation centers were often poorly managed; in many places, a single staffer was in charge of both attempting to organize arriving polling officers and tabulating results. Observers reported that a number of collation centers had no electricity and were located in inadequate facilities.

[40] Official INEC statistics on total voter turnout during the April 2 National Assembly elections is not available. The voter turnout for the April 9 election was 28.66 percent, with 21,074,621 votes cast.

April 16 Presidential Election

For the presidential election, NDI deployed 30 observers, who visited more than 150 polling units in 61 LGAs of 11 states in the six geopolitical zones and FCT. Observers reported that for the April 16 poll, INEC made significant efforts to address the challenges identified in the legislative elections. INEC re-issued instructions for creating sub-units, improved the accuracy and completeness of the voter register at polling stations, conducted refresher training sessions for its staff and worked to improve the logistical arrangements for accommodation and transport of polling staff and delivery and retrieval of election materials.

Election day reports showed that essential materials, including ballots and results sheets, were present in all polling stations observed, and most stations opened on time. Project Swift Count reported that 76 percent of polling stations opened by 9:00am. However, NDI observers noted a lack of uniformity among different states and localities in implementing the INEC directives issued just days before the election. They also noted inconsistent application of procedures, especially regarding changes to the voter register.

INEC increased the number of staff in many polling stations, but most units observed still did not have sufficient staff or equipment to create or efficiently manage sub-units. Many stations were overcrowded and security and polling officials experienced difficulties in securing and managing the process. At times, in order to expedite the congested process and appease the voters frustrated by long waiting times, staff abandoned established procedures and simultaneously conducted accreditation and voting.

Despite requests by INEC, most political parties failed to provide the names of polling agents who would represent them at specific polling units on election day. This limited the ability of polling staff to enforce order in the station and increased the likelihood that people who wanted to disrupt the process could impersonate party agents. In a number of polling stations, the absence of properly displayed accreditation badges made it difficult for the observers to establish the identity and affiliation of various individuals involved in the process.

Ballot secrecy continued to be a problem at many sites, where observers noted poor station set-up, lack of privacy screens or improper instructions to voters about how to fold ballots.

In some locations, delegates witnessed serious incidents including underage voting, campaigning, intimidation and vote buying. While these incidents were limited and most polling station officials attempted to mollify them, observers noted that the local communities in some areas encouraged these violations.

While international observers were generally well received, some domestic observers faced intimidation and harassment during the April 16 election and were not allowed to enter polling locations or travel between polling sites. A number of domestic observers were reportedly kidnapped by thugs and detained by police. In Delta state, six domestic observers and one NDI international advisor were held overnight at a police station.

The collation process was relatively well organized and transparent, but a number of collation centers still lacked basic necessities including sufficient space and electricity. In some locations, observers witnessed large crowds – mostly of male youths – that were unruly and sometimes violent; these situations threatened the quality of the process and the safety of election officials.

As promised, the INEC chairman announced the results of the presidential election in a live television broadcast less than 48 hours after the polls closed. The chairman announced incumbent President Goodluck Jonathan as the winner (the official results are laid out in the chart at the right). Voter turnout across the country was 54 percent, with 3.3 percent of votes cast declared invalid (a total of 1,259,506).

Presidential Election Results			
Party	**Candidate**	**% Votes**	**# Votes**
PDP	Goodluck Jonathan	58.89	22,495,187
CPC	Muhammadu Buhari	31.98	12,214,853
ACN	Nuhu Ribadu	5.41	2,079,151
ANPP	Malam Shekarau	2.40	917,012
Other	-	1.3	503,775

Elections on April 26, 28 and May 5-6

On April 26, elections took place for 24 governorships and 34 State Houses of Assembly, together with the remaining postponed or rerun senatorial and House of Representatives elections. Because of security concerns, elections in Bauchi and Kaduna were further postponed to April 28. Gubernatorial elections were not held in the ten states where the tenure of sitting governors had yet to expire: Adamawa, Anambra, Bayelsa, Cross River, Enugu, Ekiti, Kogi, Ondo, Osun and Sokoto. Rerun elections were held on May 5 and 6 in Imo state for several federal constituencies and the governorship because of inconclusive election results or lack of polling materials during the originally scheduled elections.

NDI long-term observers were initially scheduled to observe state-level elections in Akwa Ibom, Gombe, Imo, Kano, Kwara and Oyo, but returned to Abuja because of violent incidents and general insecurity in these states. While they continued to liaise with their contacts in these areas and follow reports on the conduct of elections, they did not directly observe the polls. Data in this section was therefore collected from using desktop research, reports from other observer groups, the media and phone interviews with key stakeholders in the states and LGAs that observers had visited earlier.

In general, voter turnout appears to have been relatively high in the South and low in the North. Recent violence in many of the northern states had left many displaced, without voter registration cards and too afraid or disillusioned to vote. Many NYSC members in the North were reassigned or replaced because of violence, but despite fears and intimidation, large numbers of NYSC members bravely returned to work as ad hoc staff for this election.

Tight security contributed to relatively peaceful elections, but violent incidents still occurred. The Nigerian Security and Civil Defense Corp (NSCD) reported deploying 220,000 personnel across Nigeria, while police reiterated that at least two officers had been assigned to each polling unit. Other security agents also increased their presence for these polls. Regardless, Project Swift Count noted a significant increase in the number of observed incidents (937 during the gubernatorial election, compared to 628 for the presidential election), including observers being harassed by party agents, local government officials, thugs and community members. Project Swift Count commended improvements in the supply of election materials and enhanced security

presence, while still noting a slight decrease in the number of polling stations that opened on time.[41]

The European Union Election Observation Mission (EU EOM) noted that while its observers reported a mostly calm and orderly atmosphere across the country, "the elections did not resemble the quality of the process and environment of the elections for President and National Assembly held earlier."[42] Among the challenges identified in the previous April elections, several were still not corrected, including the inconsistent application of procedures, underage voting and increased efforts to influence voters.

Election officials, political party representatives and civil society members noted significant challenges to electoral integrity in a number of places. Among the most prominent reported violations were campaigning, vote buying, denying observers and party agents access to polling units or collation centers and ballot box stuffing or snatching. NDI was unable to verify these reports.

Within 24 hours, police reportedly arrested numerous electoral offenders across the country, including, 120 suspects in Ondo state, 56 in Anambra, and 54 in Oyo.

The April 28 elections in Bauchi and Kaduna were reportedly conducted under tight security and with little scrutiny. Staffers from other states were deployed to replace NYSC members in areas where their lives were threatened. No major incidents were reported, although the key problems identified in other polls were not apparently corrected. Turnout statistics were still not available in late 2011.

The Rerun in Imo State

After the April 26 gubernatorial election in Imo state was declared inconclusive, INEC scheduled supplementary elections for May 6 in four LGAs and one ward in a fifth LGA.

The Imo REC was forced to resign and the former Rivers REC was appointed in his place. Three other RECs were also deployed to Imo in order to enhance the credibility of the election.

INEC announced that it had suspended some of its staff there and brought charges against them in court. About 90 percent of election officials deployed for the new elections were from other states.

The commission also introduced a revalidation for accredited observers, having discovered that fake observer cards were in circulation.

Over 10,000 police officers were deployed to ensure peaceful conduct of elections.

Domestic observers and the media reported that significant logistical challenges, such as late opening of the polling units and inadequate election materials, elevated tensions in some polling locations. On the other hand, the count was observed to be conducted without major problems.

On May 5, supplementary elections were conducted in two Bauchi LGAs after the commission cancelled the elections held there on April 28 because of ballot box stuffing, underage voting and voter intimidation. Media reported very low turnout and late opening of polling stations, but no major problems or incidents.

[41] Project Swift Count reported that on average, only 38 percent of polling stations opened on time in gubernatorial elections on April 26.
[42] EU EOM Press Release, April 29, 2011.

L. Complaints and Appeals

Pre-Election Cases

As described under the section on political parties' candidate selection procedures, the courts became the battleground over valid candidacies. INEC reported that approximately 375 court cases had been filed against it nationwide, many of them challenges to candidate lists. Several political parties, especially the PDP, filed multiple appeals against INEC's decision to refuse certain candidate lists; INEC in some cases determined that candidates were ineligible because they had been elected in undemocratic party primaries or were illegally substituted for duly elected candidates. While this decision was within INEC's purview under the original Electoral Act of 2010, the January 2011 amendment removed this power.

The litigation delayed INEC's publication of the final candidates' lists, influenced political dynamics and also may have affected the outcome of elections in some states. The courts were still deciding on the eligibility of candidates in the days leading up to the elections, and in some cases even after the results had been declared. For example, the decisions on the CPC gubernatorial candidates in Kano and Taraba were only announced one day before the polls. The PDP won the seat in the April 9 Imo West senatorial election, but the Supreme Court's decision on the legal PDP candidate did not come until May 5. The protracted legal battle between two aspiring House of Assembly candidates of the DPP in Ungheli South constituency of Delta state prevented INEC from awarding a certificate of return to the winner on May 10, the date all other contestants received their certificates.

As there are no legal deadlines for submission and adjudication of these types of election-related cases, INEC was unable to display the final list of candidates in many constituencies. This hindered campaign and voter education efforts and created uncertainty for voters; on election day, many voters cast ballots without knowing which candidate was behind their party's symbol. Also, while the courts' actions to protect Nigeria's democratic process are commendable, overreliance on the courts to enforce internal party democracy is a troublesome practice.

The Court of Appeal ruled that gubernatorial elections in five states (Adamawa, Bayelsa, Cross River, Kogi and Sokoto) should not be held during the general elections. In these states, the results of the 2007 elections had been annulled, with reruns held in 2008. INEC had argued that they should be held in April 2011, as the governors in these five states had all won their rerun elections and therefore had been in office for a full term. The amended Constitution (180.2) stipulated that in such cases, all of the time spent in office should count towards the term. Initially, the court decided that the governors' tenures started when the candidates took the oath of office after their rerun, valid election. However, the Supreme Court overturned this decision on January 27, saying that the governors' terms had expired in 2011. Elections had already been held in Kogi state and were already scheduled for February in Adamawa and Bayelsa states; INEC also moved up the remaining two elections in Cross River and Sokoto states to February. The adjacent chart lays out the dates for these elections, as well as those for the other five states with off-elections, where the original winner of the 2007 election had been unseated.

Gubernatorial Elections Scheduled in Off-Years	
State	*Election Date*
Kogi State	December 3, 2011
Adamawa State	February 4, 2012
Bayelsa State	February 11, 2012
Sokoto State	February 18, 2012
Cross River State	February 25, 2012
Edo State	July 14, 2012
Ondo State	2013
Ekiti State	2013
Anambra State	2014
Osun State	2014

Another important court decision, issued on March 3, 2011, ruled that the National Assembly did not have the power to set the order of elections. Following a petition submitted by the Labor Party, the Federal High Court in Abuja argued that under the Constitution and the Electoral Act, this power belongs to INEC. The court decided that Section 25 of the Electoral Act, which stipulates the order of elections, was unconstitutional. Despite the ruling, INEC chose to hold elections as planned.

INEC had initially reported that it was prepared to prosecute 870,000 offenders arrested in connection with the elections, but as of February 2012, it had only obtained 200 convictions. While INEC's mandate allows it to prosecute such offenses, it does not have investigative powers and relies on the police for that function.

Election Tribunals

Only candidates and political parties contesting the election are entitled to present an election petition at the election petitions tribunals, and the deadline to submit a petition is 21 days after the declaration of results. The law does not provide an opportunity for individual citizens or citizen associations to challenge election results.

In 2007, the electoral disputes process overwhelmed the Nigerian legal system. New constitutional provisions for election petitions tribunals are intended to ease the burden on the regular court system. The number of personnel staffing each tribunal was reduced from five to three. Also, timelines for adjudication of complaints are now shorter. The amended law states that cases are to be handled within 180 days from the day a petition is filed, and not from the day the tribunal starts hearing the case, as was true previously. The appeal is also to be concluded within 60 days from the day the tribunal delivers its judgment. This is seen as a major improvement that should help expedite the conclusion of petitions.

Two tribunals were established in each state, one to hear cases for the gubernatorial election and the other for the National Assembly and the State House of Assembly elections.[43] Each tribunal consists of two members and a chairman. The President of the Court of Appeal appointed and the Chief Justice swore in the tribunal judges in March, in line with the requirement that the tribunals must be set up at least 14 days before the elections. IFES helped conduct preparatory training for judges and lawyers who would try the cases.

Election Petitions

Far fewer election petitions were filed for the 2011 elections (less than 500) than for the 2007 elections (1,260). Many of the losing parties and candidates publicly alleged electoral malpractices and rejected the results, but a significant number of these did not contest the outcome in the courts. Some of the losing governors also publicly accepted defeat and congratulated the winners, such as in the highly contested election in Imo state.

The CPC filed an election petition asking the court to nullify the results of the presidential election, in which President Goodluck Jonathan officially won with nearly 60% of the vote.

[43] Appeals of the presidential election results are referred directly to the Supreme Court.

According to the CPC, there were widespread irregularities in the election, and consequently results should be canceled in the FCT and 24 states, including all 17 states in the South and seven in the North (Adamawa, Benue, Kaduna, Kwara, Nassarawa, Plateau and Sokoto). The CPC also alleged that INEC and its chairman, Attahiru Jega, manipulated the voter register to the advantage of the PDP candidates and that ballots were illegally diverted to the wrong polling units and used for ballot stuffing. The party asked that INEC organize fresh elections between the CPC and the PDP and that the DDC machines and ballot boxes be subjected to a forensic test.

During the pre-hearing session, President of the Court of Appeals Justice Ayo Isa Salami, who chaired the presidential election tribunal panel, delivered a major ruling that allowed the CPC to inspect election materials including biometric data gathered in the voter registration process. In a controversial move, the national Judicial Council later suspended Justice Salami over an unrelated dispute. His successor, Justice Mohammed Garba, issued a clarification of Salami's earlier ruling, stating that the CPC could examine but not take copies of the election materials. INEC Chairman Jega had argued that taking copies would compromise the nation's security and undermine voter rights. This ruling prevents the CPC from submitting election materials as evidence in its petition. After approximately four months of appeals, the Supreme Court dismissed the case on December 28, upholding Jonathan's election.

National and state election tribunals heard petitions challenging poll results across the country. While most of the election results have been upheld by the tribunals, there were several instances of tribunals nullifying results, requiring INEC to hold rerun elections within 90 days of the ruling. By the end of February 2012, more than two dozen elections had been overturned, including the gubernatorial election results in Kebbi state. While the tribunals declared new victors in some cases, in others it ordered INEC to conduct new elections within 90 days in all or parts of the constituencies. Eight elections in Katsina were initially nullified only to have the decision reversed on appeal. Several other cases remain in various stages of the appeals process. (See Appendix VIII for the list of nullified elections through February 2012.)

M. Post-Election Developments

The presidential inauguration took place on May 29, 2011 amid tight security and with several violent incidents reported in various parts of the country. The seventh National Assembly was inaugurated on June 6. Out of 360 members of the House of Representatives, 100 were re-elected, and 36 of 109 senators were re-elected.

In June, the Federal High Court in Lagos nullified Section 140(2) of the Electoral Act, which prevents election tribunals from declaring winners of elections. This section stipulated that a fresh election must be ordered if an election is nullified because the winner was found unqualified to contest the election. This prevents the tribunals from declaring as winner the person who won the second highest number of votes. The ACN had argued that such a provision was unconstitutional. However, the court upheld Section 141, which states that "an election tribunal or court shall not under any circumstance declare any person a winner at an election in which such a person has not fully participated in all the stages of the said election."

Throughout the election period, INEC Chairman Jega made repeated promises to reform the commission and work with the legislature, political parties, civil society and development partners to improve the framework and the conduct of 2015 polls. Several legal changes were

highlighted by election officials as a priority to ensuring credible elections, including the creation of an election offences tribunal; outsourcing the monitoring and enforcement of campaign finance regulations; introducing a permanent voter registration; special arrangements for those unable to vote on election day, especially in the diaspora and clarifying INEC's role in candidate selection processes.

The commission responded to observer recommendations by stating that it would carry out a comprehensive audit of its structures and practices, including the ethical conduct of officials, division of responsibilities, inter-departmental communication, operational planning, information flow between different levels of election administration, implementation of decisions, financial management and the role of an electoral institute in policy-making and training.

Looking at its experiences in 2011, INEC pledged to compile a list of lessons learned and to work towards addressing remaining challenges, including those related to the voter register, prosecution of electoral offenses, audit of party finances and interaction with the public, political parties and observers. INEC also announced that it plans to work on constituency delimitation in order to adjust the number and location of polling units.

Political violence continued in many parts of the country even after the elections. There were several deadly bomb explosions in Borno, sectarian violence in Bauchi and violent clashes and kidnappings in Delta. A prominent ACN member was killed in Benue in an apparent assassination attempt on the party's gubernatorial candidate in the May 2011 election. The ACN accused the PDP of perpetrating this attack, as well as attacks against the ACN in Akwa Ibom, Edo and Kwara.

Despite the contentions over the general elections, the eight subsequent gubernatorial elections were all conducted in a credible manner. INEC was widely commended for its management of polls in Kogi state in December 2011; Adamawa, Bayelsa, Cross River, and Sokoto states in February 2012; Kebbi state in March 2012; Edo state in July 2012; and Ondo state in October 2012. Elections in Anambra, Ekiti, and Osun states are expected to occur in late 2013 and 2014. Project Swift Count observed each of the elections from December 2011 through October 2012, and verified the official results of every election. The group noted in some elections that there was low turnout and some voter intimidation, but commended INEC for its ability to maintain good election administration in each poll.

6. CONCLUSION

The April and May 2011 elections in Nigeria marked a significant improvement in the credibility and transparency of the electoral process, reversing the downward trend in the conduct of polls since the transition to civilian rule in 1999.

Reforms to the electoral code and a more effective and independent INEC under the leadership of Chairman Jega helped correct many of the flaws that marred the 2007 and previous elections. The creation of a new voter register using digital data capture presented some challenges, but overall boosted public confidence in the voter list. NYSC members increased public confidence through their roles as poll workers and voter registration officials, as they were seen as more neutral than past officials. INEC demonstrated a commendable ability to adapt and respond to logistical challenges, which improved with each election.

The elections also witnessed an energized civil society and the media play an important role in educating voters, disseminating information about the elections and contributing to the transparency of the process. The postponement and rescheduling of the election dates did not deter Nigerians from enduring long lines and harsh weather to cast their ballots in what observers noted as calm and peaceful polling.

While the ultimate success of the elections is commendable, the 2011 elections also highlighted the need for further reform. Delays in the rulings on pre-election petitions and errors in the printing of election materials caused serious postponements and logistical challenges, which were compounded by the poor communication at times between INEC and political parties, civil society and the media. Even with INEC's efforts to improve the administration of the vote on election day, there remained inconsistencies in the accreditation and collation processes, largely because of insufficient training for poll workers and overcrowding at polling locations. There were also some accounts of electoral fraud, particularly underage voting, although these reports were significantly reduced from previous elections. Additional progress would be welcome in encouraging the participation of marginalized and underrepresented groups, including women, youth, minorities and persons with disabilities. Experiences in South Africa, Rwanda and other countries around the world demonstrate that sustained effort is needed to encourage women's full inclusion in political life.

Violence was a serious problem both in the run-up to and aftermath of the elections. Campaign violence and voter and candidate intimidation marred the pre-election period, and large scale rioting in several states led to the death of more than 800 people immediately following the announcement of the presidential poll results. Some analysts[44] have called it among the bloodiest elections in Nigeria's history – but despite this disturbing circumstance, it was also among the most credibly conducted.

The credibility of the 2011 general elections has had a positive effect on democratic consolidation in Nigeria. While the country continues to face significant governance challenges, especially in the areas of transparency and accountability, many political actors are demonstrating greater democratic tendencies. INEC has continued to administer relatively clean elections. The National Assembly, and particularly the House of Representatives, is using its more credible mandate to exercise a greater degree of oversight over the executive branch. Civil society was empowered by the "mandate protection" movement, and in January 2012 staged "Occupy Nigeria" demonstrations that pushed the government to back down from an abrupt tax hike.

Despite shortcomings, the April 2011 elections were a major milestone in the conduct of credible and transparent elections in Nigeria. Election officials, political parties and civil society groups now have an opportunity to capitalize on the momentum created by the success of these elections to advocate for further electoral reform and strengthen democratic institutions and processes. NDI urges stakeholders to conduct a comprehensive review of the elections and take measures to address their shortcomings in preparation for the remaining gubernatorial polls over the next two years and the next national elections scheduled for 2015.

[44] http://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800