
**A HOLISTIC APPRAISAL OF ELECTORAL FRAUD AND OTHER ELECTORAL
IRREGULARITIES IN NIGERIA: WAY FORWARD**

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ABSTRACT: *Over the years, allegations of electoral fraud have been levelled against the various elections held in Nigeria, including presidential elections. The recurrent incidences of flawed elections has no doubt eroded the credibility of election results and also debased the trust in the Electoral Commission. This paper examines the factors responsible for flawed elections in Nigeria among others. This is doctrinal research which relies on both primary and secondary sources of data. This paper reveals that the politicians have come to see election as a do or die affairs, hence the frequent use of thuggery, intimidation and violence during elections. This paper concludes by proffering some solutions.*

KEYWORDS: election, fraud, ideology, incumbency, Nigeria

INTRODUCTION

Election and electioneering process in Nigeria, nay in African countries is replete with tales of woe, violence, rigging and killing. It is the aim of this writer to examine the causes of these socio-political problems and proffer solutions to them. The evil effect of electoral fraud can be seen in the enthronement of inept politicians who mismanage public fund, abuse of offices, mass underdevelopment and decay of public enterprises. Misplaced priority and moribund white elephant projects which dot our economic landscape are hindrances to socio-economic reengineering of Nigeria. The national malady where the most corrupt politicians usually emerge as the leaders of government on various modes has been a stumbling block in our collective march to nationhood.

A clear solution to the above ills afflicting our society is the conduct of election free of rigging, thuggery, bribery and corruption. We can reduce, if not eliminate these evils in our electoral process by a re-orientation of public ideas. An understanding of the reason for having a government which exists for the betterment of life for all citizens, an egalitarian society free from exploitation and domination of the majority by a negligible few; the pursuit of governmental programme that promote the socio-economic well-being of Nigerians rather than parochial selfish interest of the governors will lift up Nigerians from the abyss of decay and decadence to which we have sunk. The post-independence governments in Nigeria have rolled out electoral policies and guidelines, rules and regulations through various legislations. These include the Electoral Act of 1959, the Electoral Decree, 1979, The Electoral Act 1987, The Transition to Civil Rule (Political Programme) Decree No 35 of 1988, Political Parties (Registration and Activities) Decree No 35 of 1988. (The Independent National Electoral Commission (Amendment) Decree No. 33 of

1988,(Now Act 1999); the Electoral Act 2001 (Repealed) by the Electoral Act, 2002.¹ We also have Electoral Acts 2010,2018 and 2020.

NATURE OF ELECTORAL FRAUD

Many studies have analysed carefully the types and processes of electoral fraud in Nigeria². However, Ibrahim's 2006 study identifies the pre-election rigging, polling-day rigging and post-election rigging methods, as forms and stages of electoral fraud in the country.³ The study shows that the common forms of electoral fraud include multiple and false registration, ballot stuffing and snatching, false declaration of winners and others, at different stages of the electoral process – before, during and after election⁴. Recently added to this list of electoral fraud, is the manipulation of the judiciary,(court), to produce false winners, and most recently the latest invention by the electoral body- declaring clearly conclusive elections “inconclusive”.⁵ Two Supreme Court Justices- Kumai Akaas and Paul Galinje, accused the Independent National Electoral Commission (INEC) of rigging the 2019 Osun State Governorship election in favour of Gboyega Oyetola, the state governor. The two Justices- Akaas and Galinje in their minority decision, held that “the Courts should have given attention to the controversy over the rerun polls. The INEC had no cogent reason to have conducted a rerun. INEC is supposed to be an umpire, not a partisan group. For INEC to have pronounced the election “inconclusive” showed that it had something up its sleeves and it achieved that through the rerun.”⁶

¹A.G Abia State and 35 Others v A.G Federation (2002) 6 NWLR (pt. 763) 264. See also AFeBabalola “Election Law and Practice” AfeBabalola (SAN 2003. Pp, 21-41; Jegede, O. and Idiaru, W. (2020) available at: www.mondaq.com

² Onapajo & Uzodike (2014) *op.cit.* p.138; Agbaje, S. And Adejumobi, A, (2006) “ Do Votes Count? :The Travails of Electoral Politics in Nigeria”, *Africa Development*, vol. 31; Adejumobi, A. (2000) “Elections in Africa: A Shading Shadow of Democracy” *International Political Science Review*, vol. 21, No. 1; Ibrahim, J. (2007) “Nigeria's 2007 Elections: The Fitful Path to Democratic Citizenship”, *Washington DC: United States Institute of Peace. (USIP)*; Abegunde, B., etal (2021) “Judicial Corruption and Partisanship in Nigeria: Reality of Fiction” submitted to *Beijing Law Review*.

³ Ibrahim, J. (2006) “ Transforming Elections in West Africa into Opportunities for Political Choice”, Nordic African Institute Conference on ‘Post Conflict Elections in West Africa: Challenge for Democracy and Reconstruction’, Accra, Ghana 15-17 May.

⁴ *Ibid.* 2004 Ekiti Election led to creation of a novel electoral fraud terminology- use of “*photocromic*” electoral materials by INEC

⁵ Dennis Erezi (2009) “Supreme Court Justices Accuses INEC of Rigging Osun Governorship Elections”, *The Guardian*, July 5, wherein two Supreme Court Justices- Kumai Akaas and Paul Galinje, accused INEC of perpetrating electoral fraud in Osun by declaring the election “inconclusive”, to be able to conduct an unnecessary rerun election, to rig in, Gboyega Oyetola as governor. Available at <https://guardian.ng/news/supreme-court-justices-accused-inec-of-rigging-osun-election>. accessed 20 April, 2020

⁶ *Ibid*

Electoral fraud has legal⁷ and cultural⁸ definitions, it also has universal existence. It is a common phenomenon which exists in different forms in different countries, ranging from America⁹, Britain,¹⁰ Germany,¹¹ Latin America,¹² Asia,¹³ Africa¹⁴.

SELECTED MANIFESTATIONS OF ELECTORAL FRAUD.

Electoral fraud comes in various forms and shapes that cannot be exhausted. However, a few are examined herein.

Controversial Statutory and Constitutional Provisions.

There was the controversy on when a Presidential candidate can be said to have garnered the winning votes to be deemed duly elected. Section 134 of the 1999 Constitution is in perspective here whereby a winning candidate is required to have scored a 2/3 or so of the total votes cast. A similar constitutional requirement was interpreted in the case of *Awolowo v Shagari*.¹⁵ In that controversial case, there were five candidates at the election. At the conclusion of the voting, the plaintiff emerged with the majority of the total votes cast in twelve states. The requirement for an outright winner is 2/3 of all the states in the federation. There were 19 states in the federation then. The winner of the election must have at least 12 2/3 states. The Supreme Court declared that the defendant had won the election.

The qualification requirement for a person seeking election into the office of governor of a state is contained in section 177 of the 1999 Constitution of the Federal Republic of Nigeria. In the case

⁷ According to the definition provided by the US Department of Justice, electoral fraud is "conduct that corrupts the process by which ballots are obtained, marked or tabulated; the process by which election results are canvassed and certified; or the process by which voters are registered". See Minnite, L.C. (2007), "The Politics of Voter Fraud", Washington and Arkansas: Project Vote; see also Nwabueze, B. (2008) "Nature and Forms of Election Rigging". Available at niger-delatworldcongress.org/articles/nature-and-forms-of-pdf.

⁸ Culturalists advance their on argument of cultural relativity in that what is electoral fraud varies with different political environment across the globe. See McDonald, R. (1972) "Electoral Fraud and Regime Controls in Latin America". *The Western Political Quarterly*, vol. 25, No. 1.

⁹ See Reynold, J.G. (1993) "A Symbiotic Relationship: Vote Fraud and Electoral Reforms in the Gilded Age", *Social Science History*, vol. 17, Issue 2.

¹⁰ See Lehoucq, F. (2003) "Electoral Fraud: Causes, Types and Consequences" *Annual Review of Political Science*, vol. 6.

¹¹ Ziblatt, D. (2009) "Shaping Democratic Practice and the Causes of Electoral Fraud: The Case of Nineteenth-Century Germany". *American Political Science Review*, vol. 103, No. 1.

¹² Kornblith, M. (2005) "Elections Versus Democracy" *Journal of Democracy*, vol. 16, No. 1; Mohina, I. and Lehoucq, F. (2002) "Stuffing the Ballot Box: Fraud, Electoral Reform and Democratisation in Costa-Rica", Cambridge: Cambridge University Press.

¹³ Zafarullah, H. and Akter, M.Y. (2001) "Military Rule, Civilization and Electoral Corruption: Pakistan and Bangladesh in Perspective", *Asian Studies Review*, vol.25, No. 1.

¹⁴ Lafargue, J. (2008) *The General Elections in Kenya 2007*, Nairobi: IFRA; Kolade-Otitoju, B. (2008) "A Mega Scandal", *The News*, July 14; Fayemi, J.K. (2009) "An Insider's View of Electoral Politics and the Struggle for Electoral Reform in Nigeria", *African Studies Association's Annual Conference New Orleans, USA*, November 20; Human Rights Watch, (2007), *Criminal Politics: Violence, Godfathers and Corruption in Nigeria*. New York.

¹⁵ (1981) 2NCLR 399; (1979) 6-9 SC 51

of *Nwogbolo v Onoh*,¹⁶ the petitioner/appellant petitioned that the respondent was not duly elected and /or returned and that this election was void. That the respondent did not have majority vote and 25% of the votes cast in more than two-third of the twenty-six local government areas in the then Anambra state. The Election Tribunal gave judgement in petitioners favour. The Court of Appeal reverse the decision. The Supreme Court affirmed the decision of the Court of Appeal.

Falsification of Election Results and Delimitation of Constituency

Another area where electoral fraud manifests is in the falsification of results in favour of a particular candidate, usually the candidate of ruling party.

Another point where a fraud could take place is the delimitation of the constituencies. The Independent Electoral Commission would have divided the country into senatorial districts, constituencies, wards and polling areas for the purpose of election.¹⁷ The senatorial district and constituencies are for the purpose of election into the National Assembly, this delimitation of the constituency is usually lopsided with a greater number of constituencies allotted to the Northern state in Nigeria. The voting pattern in the senate and House of representatives could be influenced by the majority voters who will legislate on National issues.

Restriction on Registration of political Parties and Funding Problem

Another avenue for electoral manipulation is in the formation of political parties. The Electoral body may decide not to register a new party or deregister an existing party or impose stringent conditions for registration. The in 2002 registration of political parties was restricted to only three political parties by INEC, the unregistered parties like the NCP (National Conscience Party) and PRP (People's Redemption Party) to sue INEC. Eventually, INEC was forced to register more political parties, bringing the number of political parties to 30.¹⁸ In summary, *there is inequality in the system a situation where there is no level playing field for the candidates as well as the political parties. Also, state funds are used to bankroll the bills of the ruling party, while the opposition source for fund by tasking their members. A political party cannot finance its activities, its already emasculated and would remain so for a long time to come. And if the current fund-raising activities of the parties should be used as a guide, the newly registered ones may have lost out already.*¹⁹ The amounts levied on these aspirants may discourage public office seekers who may not be able to afford such huge sums of money. "Money Bags" in Nigeria have hijacked these political parties. Thus, offices could go to the highest bidders. The requirement that political parties open and maintain offices in states of the federation have made political activities more expensive. Majority of Nigerians cannot afford to be active members of political parties because of their financial limitations

¹⁶ (1986) 11 SC NLKL

¹⁷ Section 71 and 72, Constitution of the Federal Republic of Nigeria, 1999

¹⁸ Text of a World Press Conference presented by Chief Gani Fawehinmi on behalf of NCP in Lagos on Monday 24th June, 2002.

¹⁹ *The Punch*, under the Caption: "A Not So Level Field", of Thursday March 6, 2003 vol. 17 at p. 64

Corruption

Corruption and what is normally referred to as money politics became manifest during the period when the electoral collage system of voting was adopted in Nigeria. Candidates and their supporters bribe the final collage members to influence the pattern of voting. Corruption and money politics prompted the introduction of the direct election system which replaced the electoral collage system. This substantially reduce corruption and money politics initially but did not eliminate them. Corruption and money politics have remained, though in different proportion during different elections, a black spot on the electoral process in Nigeria”²⁰

Falsification of Educational Qualification.

Besides, some political office seekers will falsify their educational qualification while filling the INEC forms. The case of Gani Fawehinmi and Bola Tinubu, Governor of Lagos State is a glaring example. The controversy that trailed the publication of *Tell Magazine* on the qualification of the then elected Governor of Ekiti State (Ayo Fayose) readily comes to mind. Salisu Buhari, the former Speaker of the National Assembly had to vacate his seat on allegation of presentation of forged certificate. The same fate befell Evans Enweren, the former Senate President. This issue of forgery of certificate could not have become a do or die affair.

The minimum education is the possession of secondary school certificate or its equivalent.²¹ Since we have placed much premium on possession of higher certificates, aspirants tend to ascribe to themselves qualifications they do not possess.

Lack of Independence of Electoral Body

The federal government is responsible for the finances of the electoral body in Nigeria. The success of an election will depend on the confidence of the electorate in the electoral body in Nigeria, the electoral body is appointed by the President who can appoint people who will be partial to him and his political party. It has been observed by Prof. Martin Kriele of the University of Cologne, Germany

One of the major problems is to insure political neutrality on the part of the authorities who prepare the election, watch over the voting and do the counting. The solution of this resolves many other difficulties. If a certain minimum of neutrality is not guaranteed, the officials will always be suspected of manipulating the elections, and it does not matter whether there is any truth to the accusation, mere suspicions and its public utterance is enough to crate the feeling in the mind that he was defeated through manipulation or corruption. The stability of the constitutional system is endangered by this suspicion.²²

²⁰Afe Babalola “Election Law and Practice” AfeBabalola, 2003, p. 8-9

²¹ See 13 *supra*

“Electoral Laws and Proceedings under a Federal: Constitution”, Published in *Readings on Federalism*. Edited by Dr. A.B. Akinyemi et.al. *al* Nigerian Institute of International Affairs, Lagos 1979, p.367

²² Electoral Laws and Proceedings under a Federal Constitution” Published in readings on Federalism, edited by Dr. A.B. Akinyemiet.*al* Nigerian Institute of International Affairs, Lagos 1979, p.367

In Nigeria, the INEC²³ is comprised of the Chairman and other Federal Commissioners who are appointed by the President. Also, the President appoints other Resident Electoral Commissioners for the thirty-six states and Federal Capital Territory. The only limitation on the President's power is that such appointees must be people of "unquestionable integrity".²⁴ Also²⁵, the constitution empowers the state governors to appoint State Independent Electoral Commissioners for the states of the federation.²⁶ Thus, the incumbent in a state could manipulate the electoral body in his state since he has the power to appoint the State Electoral Commissioners.

Lack of Political Ideology

Ideally, political parties are financed by its members who are people of similar ideologies coming together for the purpose of contesting for public offices. They sponsor candidates for public post on the platform of political parties.

In Nigeria, political ideology is non-existent in practice. Hence, the pace and spate of cross-carpeting form one party to another by desperate politicians with insatiable ambition to clinch power at all cost..

Incumbency Factor

The factor of incumbency is favourable to the ruling party which has access to government and other privileges. The mass media in the state as inundated by the advertisement and announcement, political jingles of the incumbent. This publicity is no doubt at public expense. This is to the detriment of emerging aspirants to public offices. This may make change of a popular government a Herculean task for the populace. The incumbent control the machinery of government, government organ for information dissemination, possession of the state apparatus of power and rigging machinery, among others. On the long-run, this may lead to one-party state where people cross the carpet by decamping to the party in power. This may lead to a situation where the electorate have no real choice as to whom to elect to offices.

Artificial Shortage of Electoral Materials

At the advent of the election period, there are complaints of shortage of registration and election materials. This is common in opposition's stronghold i.e. areas perceived to be opposed to the ruling party. This will nonetheless affect the election returns from such areas starved of election material.

PURPOSE OF GOVERNMENT

"We the people of the Federal Republic of Nigeria: Having firmly and solemnly resolved: To live in unity and harmony as one indivisible and indissoluble sovereign nation under God, dedicated to the promotion of inter-African solidarity, world peace, international cooperation and

²³Established pursuant to section 153(1) CFRN 1999, its functions are contained in items 15 part 1, third schedule of same.

²⁴ See Item 14 of the Third Schedule, Part 1, *Ibid*.

²⁵ "Electoral Laws and Sustainable Democracy in Nigeria". A paper presented by the Faculty of Law of Ebonyi State University, Abakaliki at the Law Teachers Conference held in Lagos State University 23 to 26 April 2002.

²⁶. See section 197 of the 1999 Constitution

understanding. AND TO PROVIDE for a constitution for the purpose of promoting the good government and welfare of all persons in our country on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people. DO HEREBY MAKE, ENACT AND GIVE TO OURSELVES the following constitution²⁷. From the Preamble above, one can see the philosophy underlying the existence of government in Nigeria (through representative democracy). The promotion of the people's welfare and development. This purpose is enhanced in Chapter Two which stipulates the Fundamental Objectives and Directive Principle of State Policy. An examination of these objectives of government at this stage is apposite. Replicated in the 1979 Constitution, these objectives include, social, educational, economic, foreign policy objectives etc. for example under its educational goals government is enjoined to promote free education for Nigerians from primary to University level,²⁸ "as and when practicable²⁹". No Nigerian can therefore sue the government for its failure to provide education for its citizenry. The constitution in section 6(6) (c) provides:³⁰

The judicial powers vested in accordance with the foregoing provisions of this section...(c) shall not except as otherwise provided by this constitution, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principle of State Policy set out in Chapter II of this constitution.

A critical examination of the rationale for the inclusion of Fundamental Objectives and Directive Principles of State Policy for the first time in the 1979 constitution is necessary.

The terms "fundamental objectives" and "directive principles" have been defined as "fundamental objectives", they are the directives which are expected to be pursued in the efforts of the nation to realize the national ideals".³¹ According to a learned legal writer... government in developing countries have tended to be pre-occupied with power and its material perquisites with scant regard for political ideals as to how society can be organised and ruled to the best advantage of all. This rationale is of special relevance to the Nigerian polity whose cardinal features are heterogeneity of the society, the increasing gap between the rich and the poor, the growing cleavage between the social groupings, all of which combine to confuse the nation and bedevil the concerted march to orderly progress".³²

In their campaign for public offices, politicians have been cunning enough to mouth empty slogans about their intention, when elected to provide food security, mass literacy programme, accommodation, transportation, better life for all etc. in their various manifestos and programmes

²⁷. The Preamble to the Constitution of the Federal Republic of Nigeria 1999.

²⁸. Section 18 Constitution of the Federal Republic of Nigeria 1999.

²⁹ Section 18(3) *Ibid*

³⁰ Section 6(6) (c) *Ibid*

³¹ Report of the Constitution Drafting Commission in connection with the 1979 Constitution Vol. I, P.5; see also Chapter 2 of the Constitution of the Federal Republic of Nigeria,1999

³². Akande, J. (2000) Introduction to the Constitution of the Federal Republic of Nigeria, 1999, MIJ Publishers, p. 52.

of action. The performance of these policies have left much to be desired. They have been generally inept in their duties and many use political office as an avenue for unjust enrichment.

An aspect of this national malaise was demonstrated in the impeachment of the erstwhile Senate President Dr. Chuba Okadigbo on grounds of alleged corruption and abuse of office.³³

The constitution which these elected public office holders have sworn to uphold provides in section 14(1) that the Federal republic of Nigeria shall be a state based on the principles of democracy and social justice in which the security and welfare of the people shall be the primary purpose of government.

Nigeria's recent experience has not shown that the politicians have taken this creed to heart. Previous military administration having rubbished the constitution and replaced the rule of law with the rule of force, created great expectations from civilian administration but they have not actually lived up to our expectations.³⁴ Our sense of justice and morality is constantly abused by an elevation of ineptitude, ethnicity, nepotism and corruption in high and low places. The establishment of the Independent Corrupt Practice Commission (ICPC) has been acclaimed as a timely action.³⁵ Against the run of public opinion, the defunct National Assembly led by Pius Anyim actually purported a repeal of the ICPC Act. However, in their undue haste, they failed to comply with constitution provision regarding forum.

Corruption is but only one of the problem militating against political development in Nigeria. There is the problem of violence before or during the election. In the words of Emeka Odumegwu Ojukwu, a leading political figure "the crises affecting Nigeria is too deep-rooted and with consequences so alarming, that we cannot and we must not waste too much time in an orgy of self-flagellation. We can accuse the politicians of corruption and incompetence. There is ample evidence of this. We can accuse them of tribalism. We can accuse them of abuse of power".³⁶

The Nigerian constitution has its economic objectives, it provides as follows in section 16(1):

The state shall, within the context of the ideals for which provisions are made in this constitution;

(a) Harness the resources of the nation and promote national prosperity and an efficient, dynamic and self-reliant economy.

(b) Control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity". The deplorable state of Nigeria's national economy and the attendant poverty prevalent throughout the length and breadth of Nigeria has further placed Nigerians helplessly in the hands of the money-bag-politicians. The manipulation of the electoral process by the cash and carry politicians end up propping up the worst politicians to capture important elective offices. We now proceed to consider further factors responsible for electoral fraud and manipulation in Nigeria.

³³ Africa Today, September 2000. Vol. 6, (9) p.11

³⁴ See the various Constitution (Suspension and Modification) Decree of Nigeria's Military Regimes of 1966, 1984, 1995.

³⁵ See the Corrupt and Related Offences Act, 2000

³⁶ Ojukwu, E.O. (supra) p.49.

EFFECTS OF ELECTORAL FRAUD IN NIGERIA

Electoral fraud has its own costs. It has human costs, material costs, image costs, etc. Therefore, it is a bad wind that blows no one any good. A close perusal of the various elections conducted in Nigeria since our independence, till date reveal that arson, wanton destruction of property, violence and killings were rampant in our electoral processes. The loss to the nation in terms of personnel, property, national development and advancement cannot be quantified. The need to adhere to electoral rules and guidelines cannot be over emphasized. There is need for our politicians and electorates to be well informed of the guidelines regulating the conduct of elections. The readiness to comply with the law is equally important. We have laws as to qualification to contest election in terms of age, education, residence etc. these requirements are meant to ensure that the best candidates are fielded during election. The activities of Election Tribunals in Nigeria have revealed the antics of politicians who go to any length to falsify their educational qualifications, falsify age declarations and alteration of documents vital to election. If politicians and the electorate are conscious of the purpose of government, we can make progress in Nigeria.

CONCLUDING REMARKS AND RECOMMENDATIONS.

Having identified some of the ills militating against a successful electoral process in Nigeria, we can now venture to proffer solutions to these endemic social political afflictions. We need a re-orientation of our people about the whole process of election and the need to keep the waters of electoral process free from pollutants like thuggery, rigging, arson and the other criminal vices to manipulate election results. An election should be a peaceful and legitimate means of changing a bad and non-performing government. It also paves way for evaluation of the non performing government. It also paves way for an evaluation of the performance of an existing regime through the electorate at the ballot box.

We need to break the habit of persecuting a loser or winner of electoral contest who are not from our political or ethnic divide.

Political parties in Nigeria, nay, in Africa need to be formed on the basis of ideological persuasion. We have a situation on our hands where the so-called progressive are associating with known dye-in-the wool conservatives. These are no doubt, strange bed fellows who will work at cross-purposes to one another. Our political parties have no clear cut manifestoes and programmes for societal development. Even, an opposition party has no alternative programme to that of the government in power. Until we have a well-articulated and formulated ideology as to purpose of government and electing people who have development programmes for the populace, we shall continue to have kleptomaniacs for rulers and thieves in honorable garbs as our representative and legislators.

The remuneration attaching to public offices could be reduced considerably. The notion that one is going to a public post to make easy money should be dispelled. The high cost of electioneering campaign should be reduced. High cost of politicking has made politicians to loot the treasury in order to recoup their “investment” in the electoral process. This will enable honest Nigerian to ascribe for political offices.

The example of a great son Africa comes to mind. The late Nwalimu Julius Nyerere of Tanzania who ruled his country and really transformed the lives of its citizenry. Yet, this noble man left office without personal aggrandizement. If politicians believe they are going to government to serve and better the lot of Nigerian, rather than seeking selfish and parochial interests, then we would have taken a long stride in our march to a corruption-free society. If we do not regard ascension to public office a do-or-die affair, then we will not burn houses and kill our fellow to get elected at all cost.

More importantly, the governors should be more accountable to citizens. The various bitter tales of graft and thievery on the part of government officials and public servants should become subject of criminal prosecution. This is where the role of Corrupt Practices and Related Offences Act is important.³⁷ The Independent Corrupt Practices Commission (ICPC) need to be allowed to bite rather than bark only. It has been argues that “Our electoral laws do not make adequate provisions to control corruption by electoral officers. The result is that the success or otherwise of a candidate in elections depends on how much he can dash out from INEC headquarters to the polling stations. It is no news that candidates go as far as paying electoral officers at the state and local government to approve list of their nominee for the job of presiding officers”³⁸

Also, if the Election Tribunals are empowered to punish the electoral offenders and people alleged to have flouted electoral regulations through offences like thuggery, arson, maiming, and killing, the society could be rid of bad eggs in our midst. One can see that political elites have perfected the act of using thugs as trouble-shooters during elections. Opponents are intimidated during the election period. The politician who are implicated should be made to face the music. They need to be told that the heads they are breaking belong to people who have flesh and blood. This is important as our constitution guarantees freedom of association and formation of political party.³⁹ Hooligans and thugs should bear the consequence of their actions by being penalized by law. The Electoral Act should be reviewed to impose maximum punishment of death sentence or life imprisonment for perpetrators of bribery, corruption, rigging, violence and other crimes, before, during or and after election.⁴⁰ This penalty should be punitive enough to serve as deterrent

³⁷ The Corrupt Practices and Related Offences Act 2000

³⁸ Igwenyi, B. “Electoral Laws and Sustainable Democracy” A paper presented by the Faculty of Law of Ebonyi State University at the 38th Annual Law Teachers Conference, Lagos State University 23-36th April, 2002.

³⁹ See section 40 CFRN, 1999

⁴⁰ Section 130(1) Electoral Act 2001

to intending criminals. We must curb the evil menace of electoral corruption in Nigeria at all cost, to stop thieves and other criminals from ruling us.