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Winner-takes-all Majoritarian System and Irregularities in Six Election Cycles in Nigeria, 1999 – 2019

Ifeanyichukwu M. Abada¹, Peter O. Mbah¹, Uchenna C. Obiagu¹, Celestine O. Udeh¹, Paul H. Omeh¹, Odey Clarence Odey², Chukwuemeka Quentin Chukwu¹

¹ University of Nigeria

² University of Calabar

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Abstract

The argument that Nigerian elections are characterized by electoral irregularities since the commencement of present democratic engagement in 1999 has not been sufficiently subjected to an analytical procedure to embrace the six Nigerian election cycles. The unsettled question of irregularities that have consistently dominated elections in Nigeria is interrogated in this study. The study situates the problem within the context of winner-takes-all majoritarian electoral system (MES) and queries the implementation of the MES-driven model in an environment of do-or-die politics, weak electoral institution, and 'glorification' of clandestine electoral strategies. It further argues that the model reinforces politicians' use of subtle strategies to increase their odds of victory and pay less or not attention to their detrimental consequences on democratic development. The study is underpinned on personal experience as active participants in Nigerian elections and available textual documents. The analysis of data supports the argument that MES-model is poorly implemented in Nigeria and promotes the crude perception of politics as a zero-sum do-or-die contest. The present deplorable state of democracy in Nigeria is a function of irregularities and their consequential composites: life-taking elections, election disputes, and voter apathy, which has been in a downward fall since 2003. These findings suggest the need for voter-driven electoral reform that will reduce tension during elections and encourage inclusivity in Nigeria. The reform should be able to institutionalize Nigeria's electoral body and check government interference in its activities, reduce the present huge election spending, ensure proportionate distribution of votes/positions, and make public offices less financially attractive.

Keywords: Winner-takes-all electoral system, electoral irregularities, life-taking elections, election disputes, voter apathy, Nigeria.

Introduction

Electoral systems play a fundamental role in shaping how elections are organized and also inform the operations of

election management authorities (EMAs) both in established and struggling democracies.¹ In the former like the United States, France, Canada, and Mongolia, these systems are facilitated by an enabling electoral environment, strong democratic institutions and high-level citizens' political awareness, even though recent electoral development in these countries has deflated the democratic values of elections.² In the latter, however, these facilitating factors are in short (or no) supply. In the case of Nigeria, the winner-takes-all majoritarian electoral system (MES) shapes the Nigerian electoral process, with heightened tension that usually besieges the process. The system allows winners to win everything in the same way losers lose everything.³ When juxtaposed within the context of ambiguous and lax legal provisions that rarely restrain Nigerian politicians from deploying clandestine electoral strategies, these politicians see politics as a survival-of-the-fittest kind of contest in which the use of any strategies (whether legal or not) is considered a political norm. This way, electoral irregularities – deviations from set electoral rules, violations of electoral integrity, unlawful interference with the electoral process, and infringements on voters' electoral rights; have consistently defined elections held in Nigeria since the commencement of the present democratic engagement in 1999.⁴ The menu of electoral irregularities includes electoral malpractice, election manipulation, vote rigging and violence.⁵

Thus, Onapajo observes that there is a preponderance of irregularities that perennially characterize Nigerian elections.⁶ Similarly, another study notes that swaying the electoral process to unpopularity to determine its outcome using such strategies as vote buying has consistently reflected on elections conducted in Nigeria between 1999 and 2019.⁷ The recent deployment of digital technology to curb this problem relatively enhanced public confidence in the election procedures, but failed to guarantee electoral credibility.⁸ Machine politics and godfatherism are identified by Jinadu and Ibeanu as plausible twin factors that exacerbate the problem of electoral irregularities in Nigeria.⁹ Onuoha *et al.* highlight the issue of militarization of the electoral process as a reflection of the postcolonial character of Nigerian election politics with its (militarization's) undermining effects on electoral credibility.¹⁰

There are also cross-national studies on electoral systems in new democracies. By increasing the stakes of electoral contests, these studies are a testament that majoritarian systems herald more cases of violence than countries with proportional representation or mixed systems.¹¹ Some scholars like Birch have argued that single-member district (SMD) elections, when held under plurality and majority rule, have a higher probability to end in malpractice.¹² Birch advanced two reasons to support this argument. One, candidates in SMD systems have more to gain from individual efforts to manipulate elections than is the case for candidates in proportional representation (PR) contests. Two, malfeasance is more efficient under SMD rules because the number of votes that must be altered to change election outcome is typically smaller than it is under PR. Others observe that the incidence of electoral violence in semi-democratic settings has become a reinforcing tool for other forms of manipulation. Still others contend that electoral irregularities may be a plausible reaction to poor electoral integrity.¹³ While some qualitative researches examine forms of electoral irregularities and maintained that different forms are substitutional and exclusionary, others are manipulative and destructive in certain situations.¹⁴ Most cases of election irregularities and violence occur in the pre-election period and they are intended to influence the process and outcome of elections.¹⁵ Obiagu argues that despite their aim of ensuring peaceful power transfer, elections in most African developing countries are riddled with electo-political violence and result in the decline of democratic traits.¹⁶

From these arguments, scholars in their various scholarly works highlight the electoral challenges facing democracies in some developing countries, but these works have not sufficiently addressed the problem of irregularities given its consistent recurrence in six election cycles in Nigeria. Again, while cross-national studies like Goldsmith, Birch, Gutiérrez-Romero and LeBas, and Fjelde and Höglund provide general comparative insights on the electoral operations of different countries, they fail to show within-country analysis of electoral systems vis-à-vis factors facilitating the recurring incidence of electoral irregularities. Thus, one-case analysis can deeply provide insights into the within-country analysis as it concerns the consistent occurrence of electoral irregularities. The winner-take-all MES can equally provide an understanding of why electoral irregularities have become recurrent in six election seasons in Nigeria.

Thus, another dimension of investigation to shed more light to the problem focuses on the winner-takes-all MES, implemented in an environment of do-or-die politics and the 'glorification' of corrupt and clandestine electoral strategies. This environment is devoid of a clear strong institution that mediates group competing interests. Again, the country is sharply divided along ethnoreligious and multicultural lines, with a high level of suspicion and mistrust that always defies national cohesive efforts. Because Nigerian MES has maintained the exclusionary winner-takes-all electoral benefits in a highly divisive environment, election periods in Nigeria is usually characterized by tension and intense power struggle. Most times, there are claims by politicians or their ethnoreligious groups for their turn to rule. Issues relating to character, competence and capacity are relegated to the background.

These politicians and/or their group members express the notion that access to power means access to social amenities for themselves and their friends/relatives. In this context, there is rarely any consideration of an independent and creative ruling class of the type that brought the industrial revolution to the Western World and Japan, or the prevailing self-disciplined and sacrificing type that engineered self-sustained growth in some emerging Asian countries.¹⁷ Little wonder the preparation of Nigerian elections and deployment of election materials, poll staff and security personnel are usually done as if the country was waging a war against itself.¹⁸ Violence usually erupts when these individuals/groups feel excluded in the power equations.

Thus, the present study addresses the issue relating to how electoral irregularities have consistently dominated the electoral process in Nigeria since its democratic engagement in 1999. It also sheds light on why this problem has defied all reform measures to find its way into the Nigerian political landscape, by investigating how the institutional framework of the winner-takes-all MES model has become a cesspool of the recurring incidence of electoral irregularities. To achieve these objectives, the study is organized into four major sections after this introduction. These are sections on the majoritarian system and electoral irregularities, with a subsection on majoritarian presidential federalism in Nigeria; methodological framework on which the study is underpinned; empirical verification and its discussion; and ended with a conclusion.

Theoretical understanding of electoral systems

This study leverage legalistic approach to shed light on how man's inherent nature in his quest for power crystalizes in

shedding of blood using the bloody Nigerian elections in six election cycles since 1999 as a frame of reference. The approach is expressed in the belief that man is more moved to do wrong than right because of his self-interest motivation. This requires strict implementable laws to control man's instinctual irrational impulses to ensure an organized living.¹⁹ This approach is developed through the pioneering thoughts of ancient Chinese thinkers like Shang Yang, Li Si, and Han Feizi, particularly during the turbulent Warring States era: 476-221 BC.²⁰ Impliedly, electoral systems are a function of constitutional and institutional design, or what Quintal described as an electoral law authoritatively prescribing the manner in which the political preferences of a community are expressed and ordered.²¹ The constitutional and institutional design or law defines and shapes the functionality of electoral systems.

Thus, the study situates the problem of poorly managed Nigerian elections on the challenging electoral system that tends to empower the government to influence the operations of Nigeria's EMA (the electoral body) for government advantage. It is an established fact in electoral studies that a poorly designed electoral system can derail democratic progress, lead to unanticipated lethal consequences, and ultimately undermine political stability. In reverse, a well-designed electoral system has the advantage to enhance a favourable political change, encourage popular participation, and facilitate the emergence of leaders with popular mandate to handle a wide range of present and prescient public needs and expectations. It builds public confidence in the electoral processes and makes voters, party candidates, election administrators, civil society groups to peacefully accept election outcomes and support those who credibly emerge winners in the contests.²²

Understanding majoritarian systems

At the most basic level, electoral systems translate the votes cast in an election into seats won by candidates and/or parties. A majoritarian electoral system is one in which the right to elect all the representatives is given to the majority of the voters and denies representation to all minorities. The principle of majority systems is that after votes have been cast, sorted, counted, and recorded, those candidates or parties with the most votes are declared winners.²³ Historically, the majoritarian system was the first electoral system to be adopted worldwide. In the early twentieth century, for instance, practically all European states operated majoritarian systems. Because of their inherent difficulties or negative effects on the practice of representative democracy, the systems were later modified or even eliminated in some states. Today, they are found in very few advanced democracies due to these difficulties.²⁴

Originally, the history of the majoritarian system can be traced to the classical period in Ancient Greece with the scholarly works of baseline thinkers like Aristotle and was later assumed by many Roman thinkers who were of the view that the decision taken by the majority of Senators was valid as it would be approved by all. Similarly, the Genevan enlightenment scholar, Jean-Jacques Rousseau, used the concept of 'general will' to propose that the decision of the majority will always represent the view of all the people. The French jurist, Adhémar Esmein, opined that, in a situation where the entire country is considered to be a single-member constituency, the electoral majority would demonstrate the right to appoint all the deputies in the same way they appoint the head of the executive power.²⁵

As part of the advantage, the system rarely causes an injustice to the minority because the majority obtains no more than its right. Additionally, elections held in single-member districts (SMDs) with majority rule are associated with malpractice than those in proportional representation (PR).²⁶ This argument is based on the premise that candidates in the former have more to gain from individual efforts to manipulate elections than is the case for candidates in the latter, and that electoral malfeasance is more prominently efficient in SMDs than it is in PR. In the same vein, majoritarian systems disproportionately reward larger parties and impose high barriers to political representation.²⁷ These systems encourage the winner-takes-all dynamic and reinforce the perception of electoral competition as a zero-sum contest for the dominance of the state and its resources. In this context, Fjelde and Höglund noted: "The perceived costs of electoral defeat and the fear of permanent exclusion under majoritarian rules create incentives on both sides of the incumbency divide to employ violence to influence the outcome of the elections".²⁸

Like the 'alternative vote and the two-round system, majoritarian systems try to ensure that the winning candidate receives an absolute majority of usually over 50 percent. Each system, in essence, makes use of voters' second preferences to produce a winner with an absolute majority if one does not emerge from the first round of voting. But the danger is that the MES model usually encourages the development of political parties and party politics based on clan, ethnicity, or region on which campaigns and policy platforms of the parties are based. In this system, a party that wins 70% of the votes is expected to win approximately 70% of the legislative seats.²⁹ This presents the MES model as an ideally perfect system for countries.

However, the system can throw up surprises as witnessed in the 1993 federal election in Canada where the Progressive Conservatives won 16% of the votes, but won only 0.7 percent of the seats. Similarly, in the 1998 general elections in Lesotho, the Basotho National Party won 24% of the votes, but won only one percent of the seats. There is strong evidence that ethnoreligious minorities across the world are rarely represented in legislatures founded on the MES model like the first-past-the-post (FPTP) system. Consequently, if voting behaviour does not dovetail with ethnoreligious divisions, then the exclusion of members of the ethnoreligious minority groups from representation can be destabilizing to the political system generally.³⁰ In some struggling democracies, electoral systems can trigger far-reaching consequences and can result in electoral violence.³¹

Electoral irregularities in Africa with a specific focus on Nigeria

Like other Third World continents, Africa is today evidently confronted by an avalanche of social, economic, and political problems that have consequences on its path to development. Ranging from the credible elections achieved in a few African countries that rarely repeat to the unpopular term-limit extensions beyond the usual constitutional two-term limits through the sit-tight imperial presidents that had been in power for decades. The continent is further bedeviled by other challenges that include 'smart' African politicians that had outsmarted modern digital technology to manipulate the electoral process and determine its outcome, and the recent breakdown of democratic systems emanating from "constitutional" military coups in Chad, Mali, Guinea, Sudan, and Burkina Faso, as well as failed coup attempts reported in Central African Republic and Guinea-Bissau.³² In fact, the continent has had to contend with the calculated suppression

of dissent and persecution of popular opposition candidates in ‘make-belief’ multiparty competitive elections; the changing value of violence as a lucrative strategy for leadership recruitment; the unending large-scale insurgency and insecurity that arose from unfulfilled election promises.

Viewed from the prism of its most populous nation – Nigeria, the continent is further troubled by the hidden known in the ‘unknown’ gunmen myths and predatory control of electoral institutions: mainly, the EMAs, courts, political parties, and security agencies. The essence of this control is usually to influence the electoral process and favourably determine its outcomes against the democratic principle of free choice. These deplorable situations have found their expression in the sudden formations of regional security outfits like *Amotekun* and *Ebubeagu* in Nigeria.³³ These are just a few of the events that have perennially characterized representative electoral democracy in Africa. Interestingly, these events occurred principally because most African countries have not got it right in getting the right people in positions of authority through representative credible elections conducted to provide good leadership. These have comparatively become more prevalent in countries that operate winner-takes-all MES than in systems with proportional representative arrangements.³⁴ The MES electoral pattern is usually a disaster in a sharply divided multiethnic society without deliberate efforts to practically unify the extant groups that make up the society.

What constitutes electoral irregularities usually depends on the theoretical side one belongs to. One may see electoral irregularities from a positive perspective while others may see them from a negative perspective. For instance, during the period of anti-colonial struggle in some developing societies, some anti-colonialists like Frantz Fanon view violence as a positive decolonization strategy to give the oppressive colonial masters a taste of their own medicine.³⁵ By this argument, an act of violence consequently begets violence. Violence, therefore, becomes a desired retaliatory strategy to the first act of violence. Thus, political actors who are victims of violence do not agree that the use of violence during elections is wrong, but rather an effective retaliatory strategy in politics employed to counter actual or perceived acts of violence. Electoral irregularities have become a recurring feature of many “micro” elections in less consolidated democracies.³⁶

Electoral malpractice and violence are subsets of electoral irregularities. Empirical and observational researches show an organic relationship between electoral irregularities and pre- and post-election violence in shaping the process and outcome of an election in Africa.³⁷ In some cases, the irregularities and their associated violence have resulted in deadly bloodshed in Nigeria as elsewhere in Africa.³⁸ Electoral irregularities can heighten the stake of violence when elections become highly contentious, controversial, intense, and divisive; exacerbate when electoral mobilization results in further polarization of longstanding communal conflicts; and usually escalate when violence occurs in the post-election period.³⁹ Fjelde and Höglund focused on electoral systems and violence and compared some sub-Saharan African countries with majoritarian rules and others without them. The study found that countries with majoritarian rules were at greater risk than those without them. It suggested that violence should be especially likely when large ethnic groups were excluded from power, especially within the context of substantial economic inequality.

Violence before elections has the potentiality to increase the odds of victory for its instigator through the polarisation of the electorate.⁴⁰ It can reduce the turnout of voters in opposition strongholds.⁴¹ Again, the relationship between MES-driven irregularities and voter participation in Nigeria is such that the former gives rise to the latter. This is because Nigerian

elections modeled on the MES, particularly the legislative FPTP excludes smaller parties and minorities from 'fair' representation. Sometimes, this exclusionary politics creates room for the perpetration of fraudulent electoral acts like manipulation of election results and leads to a lack of public confidence in the electoral process. Again, the problem of irregularities (particularly their violent manifestation) scares voters away during elections and decreases voter participation anywhere in the world. Research shows that violence undermines the democratic value of elections by substituting free choice with coercion and by deterring participation, and the use of force in an electoral contest portends a dangerous trend to democratic survival.

One of the essential elements of voter participation in the electoral process is voter turnout. Voter turnout is the extent to which eligible voters use their vote on election day and it is measured as the percentage of votes cast at an election in relation to registered voters. In most situations, higher voter turnout is a sign of democratic vitality, "while lower turnout is usually associated with voter apathy".⁴² Voter turnout measures voter participation and depicts the nature of the relationship between politicians and the voting population; and, however, democracy is always in trouble when two out of three voters rarely turn up to vote during elections.⁴³

However, this study sees electoral irregularities as the use or threat to use force or force-like acts (like coercive threats, intimidating utterances, and compelling statements, as well as vote and turnout buying, turnout depletion, and electoral fraud) intended to harm, sway and blackmail election stakeholders, to determine, delay and/or influence the process and outcomes of elections.⁴⁴ Again, electoral violence is the extreme case of electoral irregularities and it connotes a sense of negativity because of its destructive effects on modern democracy. It can also be physical (hit) and psychological (hurt), personal (human) and structural (institutional) in content and operation.⁴⁵ Thus, the contemporary practice of electoral democracy is a highly competitive and peaceful activity and the entry of violence casts aspersions on the democratic value of elections. This could be likened to attending a peace-talk meeting with suicide 'missionaries' who are ever ready to detonate handy undercover bombs and smother their lives and that of others at the least provocation.

Majoritarian Presidential Federalism in Nigeria

Nigeria operates a tripartite federal system that involves the federal, state, and local governments respectively representing the first, second, and third tiers of government. These tiers are embedded in a separation of powers into distinct but coordinating three arms: executive, legislative and judicial. According to Sections 231 and 271 of the 1999 Nigerian Constitution (as amended), the occupants of the executive and legislative offices emerge through elections while the judicial officers are appointed by the executive and confirmed by the legislature.⁴⁶ In this system, however, the executive arm of government, especially at the federal level is the most powerful Nigerian institution.

Further decentralization is seen in the various emirate councils and town unions existing in Nigerian communities. These communities have inevitably become the fourth tier of government. Recently in Imo State, the communities relatively enjoyed statutory recognition vide the Imo State Autonomous Community Councils Administration Law No 1 of 2012.⁴⁷ One regrettable reality about the Nigerian federal system is the way the 1999 Constitution was unilaterally drafted and handed down to the federation by the military. This is opposed to the deliberative (democratic) way the parts of a

federation come together to enact their constitutions in other parts of the world. The 1999 Constitution has various ambiguous and crisis-ridden sections (e.g. Section 7), creates room for centripetal domination of centrifugal components, and empowers the federal government to control major state institutions like INEC and security agencies. Further, Nigeria also operates a quadrennial electoral system in which national and subnational elections are held once in four years. There is also a constitutional provision for a majority run-off system in the event the constitutional requirements are not met in the first election round. Constitutionally, to become a president or governor in a multiparty competitive election entails securing a majority of valid votes, with 25% of these votes in at least two-thirds of the States for the office of the president or local government areas for the office of the governor (see Sections 133, 134, and 179 of the Constitution).⁴⁸

In theory, states have extensive powers and strategically maintain a regional balance between the federal and the local governments. In practice, however, these powers are whittled down by a suffocating fiscal system in which the states depend on oil-dominated revenues which are extracted and shared by the federal government. This is better appreciated in light of the current lopsided vertical revenue sharing formula in which the federal government receives 52.68%, and states and local governments receive 26.72% and 20.60% respectively from the Federation Account.⁴⁹ Comparatively, the National Assembly (NASS) is a bicameral legislature comprising the Senate (upper house) and the House of Representatives (lower house) at the federal level. At the state and local government levels, there is a unicameral legislature, respectively referred to as the state house of assembly (SHA) and local government council. The election of members of the NASS and SHAs is based on the FPTP system. Since 1999 when the civil rule was restored, Nigeria has had six election cycles with seven intermittent off-cycle gubernatorial elections in Anambra, Bayelsa, Kogi, Edo, Ekiti, Ondo, and Osun states between 1999 and 2019.⁵⁰ Today, Imo State has joined the league of staggered gubernatorial election vide the Supreme Court ruling on 14 January, 2020, which upturned the outcome of the 2019 governorship election in favour of the candidate of the All Progressives Congress (APC).

Pertinently, the Nigerian president and state governors have extensive executive powers over appointments, revenues, and budgets. Other executive functions are under legislative supervision subsumed into the oversight functions of the legislature. These appointments are subject to confirmation by the Nigerian Senate and SHAs (see Sections 250, 256, and 271 of the Nigerian Constitution). Experience has shown that the Senate and SHAs rarely go against the executive on these statutory assignments. The occupants of the executive have statutory power to assent to or veto bills or laws passed by the legislatures. Again, the executive dominates the legislative and judicial arms and controls major state institutions like ministries, departments, and agencies, as well as military and paramilitary organizations as provided in Sections 86, 126, 154, and 198 of the Nigerian Constitution.⁵¹ They control the appointments and remunerations of government functionaries like ministers (commissioners in states and supervisory councillors in local governments) and ambassadors. They also appoint chairmen/directors general and members of boards and governing councils of government institutions. Finally, the executive arm controls the finances and budgetary provisions in the Nigerian federal system. The Nigerian executive leaders – president, 36 governors, and 774 council chairmen – are individually elected in a single-member electoral constituency.

Further, elections of these leaders and others under the winner-takes-all MES have encouraged the outright inclusion of winners and their wholesome appropriation of benefits or complete exclusion of losers. Within the huge financial

requirements for election campaigns and perceived privileges associated with public offices in Nigeria, this electoral pattern tends to heighten tensions during elections. This is opposed to countries with proportional electoral systems where the distribution of positions of authority and/or representations is proportionally shared to reflect the various shades in the political community. Noteworthy is the fact that the winner-takes-all MES exacerbates fears of possible losers and subjects some politicians to see politics as a life-and-death competition or a do-or-die game. In this situation and where politicians are less constrained by law or rarely believe that election defeat is an inevitable part of the democratic process, the deployment of all manner of political strategies (both legal and, mostly, illegal) becomes a norm.

As earlier noted, the foundation of digitalization of Nigeria's electoral process was laid in 2011 with the biometric registration of voters, though this created the problem of multiple registrations. The digitalization project was further deepened with the deployment of biometric devices like smart card readers and permanent voter cards. The deployment began in 2015 and continued in the 2019 election season.⁵² These devices eliminated the incidence of multiple registrations and ghost voters and reduced impersonation and identity theft.⁵³ However, because of a weak institutional framework in which the project was embedded, together with the failure of the biometric devices to electronically authenticate and verify voters in some places, the "incidence forms" were invented by the INEC to manually serve the purpose of biometric devices. This, in turn, created room for a dual accreditation process. One is done electronically with the use of biometric devices; the other is done manually by filling out the incidence forms, which contain provisions for the voter's name, address, voter identification number, phone number, and thumbprint. Regrettably, this dual process created room for election rigging and other forms of electoral fraud like double voting and multiple thumb printings as witnessed in the 2015 and 2019 elections, as was the case in previous ones.

From the preceding discussion, the Nigerian federation and elections into public offices are founded on the MES model. Hence, one can convincingly argue that Nigeria operates a multiparty electoral democracy fashioned on the MES model. This model promotes the exclusionary and contentious zero-sum game, which in turn tends to raise very high the stake of political representation in Nigeria. This form of politics together with socio-political incentives accruable from public office explains why politicians view elections as a state of war in which all strategies including irregularities and violence are deployed to win elections come what may. Most times, the destructive and life-taking effects of these strategies on governance and development do not really matter to these politicians. The situation is exacerbated by the absence of strong institutions to constrain some unruly behaviour of politicians.

To buttress the argument that winner-takes-all MES is at the root of the consistent manifestation of electoral irregularities, arising from the turbulent election environment in Nigeria, the next two sections deal with a methodological framework that underpins the study and empirical verification of the argument.

Methodology

Although contemporary social sciences emphasize the identification of causal factors using experimental research designs, this quest does not displace the essential usefulness of other research procedures. Causal analysis is also

predicated on an accurate and systematic description of reality by raising pertinent questions on the phenomenon under investigation. Thus, the study leverages the information explosion and its availability on demand that characterizes contemporary times. The choice of this methodology lies in its strict adherence to the scientific rigors and research procedures, which involve systematic collection, organization, description, and interpretation of textual, verbal, or visual data.⁵⁴ This provides the platform to access documented research findings that emanate from mixed research strategies from reliable individual and institutional authors.

Accordingly, materials for this study are sourced from secondary data and they comprise books, book chapters, journal articles, media and election observer reports, and official and legal documents, embellished with direct observations of Nigerian elections between 1999 and 2019. Although we are not oblivious to the likely danger of reports of election observers such as being skewed and intolerably inaccurate, or that they may suffer the effects of affiliate sponsorship, this is addressed using other available documents for further validation.⁵⁵ The search is embedded on a systematic method using the Google Scholar search engine and keywords related to elections, electoral irregularities, election-related litigations, and voter apathy premised on quoted Boolean Operators like 'and', 'or', and 'not' in Nigeria and beyond.

While we presented analytical data using descriptive statistical tools like charts, tables, and simple percentage analysis, the content analysis technique was used for the analysis of textual contents to ascertain communication trends vis-à-vis the major concepts of the study: electoral violence, election-related litigations, and voter participation measured using voter turnout.

Empirical Verification and Discussion

The MES-driven electoral rules are such that deliberately contain some ambiguous provisions that create room for some unpopular Nigerian politicians to ply their trade in electoral malpractice. By these rules, Nigerian politicians are less constrained in their election campaigns and strategies. Electoral offenders in Nigeria are rarely convicted based on the rule they violate, the seriousness of the offence, and the merit of the case. Rather, prosecution and conviction are usually done based on political connections with those in corridors of power, the money you have to spend, and spurious technicalities. There is also the issue of election monetization (in this case, the huge election spending), juicy benefits accruable from public offices, and the selective prosecution of electoral offenders. All these partly contribute to making politicians see politics as a must-win contest and an avenue for personal enrichment against the general notion of politics as a means to provide services to the people. This situation, also, heightens the do-or-die mindset of most Nigerian politicians.

Based on this reality, the present study contends that MES-driven electoral irregularities have become the 'rich soil' on which Nigerian elections have produced the asphyxiating incidence of bloodshed, petitions, and voters' disinterest in politics. Thus, the winner-takes-all MES explains the consistent manifestation of electoral irregularities and their detrimental consequences on the election period in Nigeria. These consequences are assessed using the triptych of recurring incidences of electoral violence, rejection of election outcomes, and voter apathy. These constitute the three

major units of analysis in this study. Hence, in this section, available data will be presented and discussed to buttress the central argument of the study. The discussion is embedded in three distinct but related subheadings below.

Winner-takes-all Majoritarian System and Life-taking Elections in Nigeria

Electoral irregularities manifest in several ways as electoral malpractice, fraudulent falsification of election results, mutilation of result sheets, manipulation of election data, vote and turnout buying, vote bribery (exchange [buying and selling] of votes), overvoting, and even violence. In other words, one common feature of electoral irregularities is that they are clandestine and unlawful. They are clandestine because "No one who stuffs the ballot box wants to leave a trail of incriminating evidence" to be identified, and unlawful because they usually contravene legal instruments.⁵⁶ The relationship between electoral irregularities and their composites such as electoral violence, rejection of election outcomes, and voter apathy is a complex one in that they are, in most if not all cases, mutually reinforcing, with elections serving as the umbilical cord that connects them. There is also an organic link between electoral fraud and violence in that electoral "fraud takes on a panoply of forms" and it "ranges from procedural violations to the outright use of violence to intimidate voters and poll watchers".⁵⁷

The winner-takes-all MES reinforces winner-takes-all or loser-loses-all politics. This form of politics breeds the conception of politics as a zero-sum do-or-die game immersed in a Darwinian ecopolitical system where the fittest survive without taking into account any democratic consideration. Since 1999, national and sub-national elections in Nigeria have been widely condemned for irregularities and are characterized by rigging, ballot box snatching, and stuffing, clashes along ethnoreligious divides, state-sponsored manipulation, and fraud.⁵⁸ Thus, instead of serving dual purposes in Nigeria, elections have frequently become violence-ridden and this vitiates the democratic essence of free, fair, and credible elections. Between the periods when Nigeria gained 'nominal' independence in 1960, with two elected governments and an aborted democratic process, and in 1999 when the present fourth republic began, the problem of election-related violence involving gruesome bloodshed was not really a big issue.⁵⁹ The Carter Centre's final report on the 1999 presidential election observed: "There was a wide disparity between the number of voters observed at the polling stations and the final results that have been reported from several states. Regrettably, therefore, it is not possible for us to make an accurate judgement about the outcome of the presidential election".⁶⁰ However, the report did not expressly capture any incidence of bloodshed and election litigations as obviously witnessed in subsequent election cycles beginning from 2003 (see Figure 1 and Table 1).

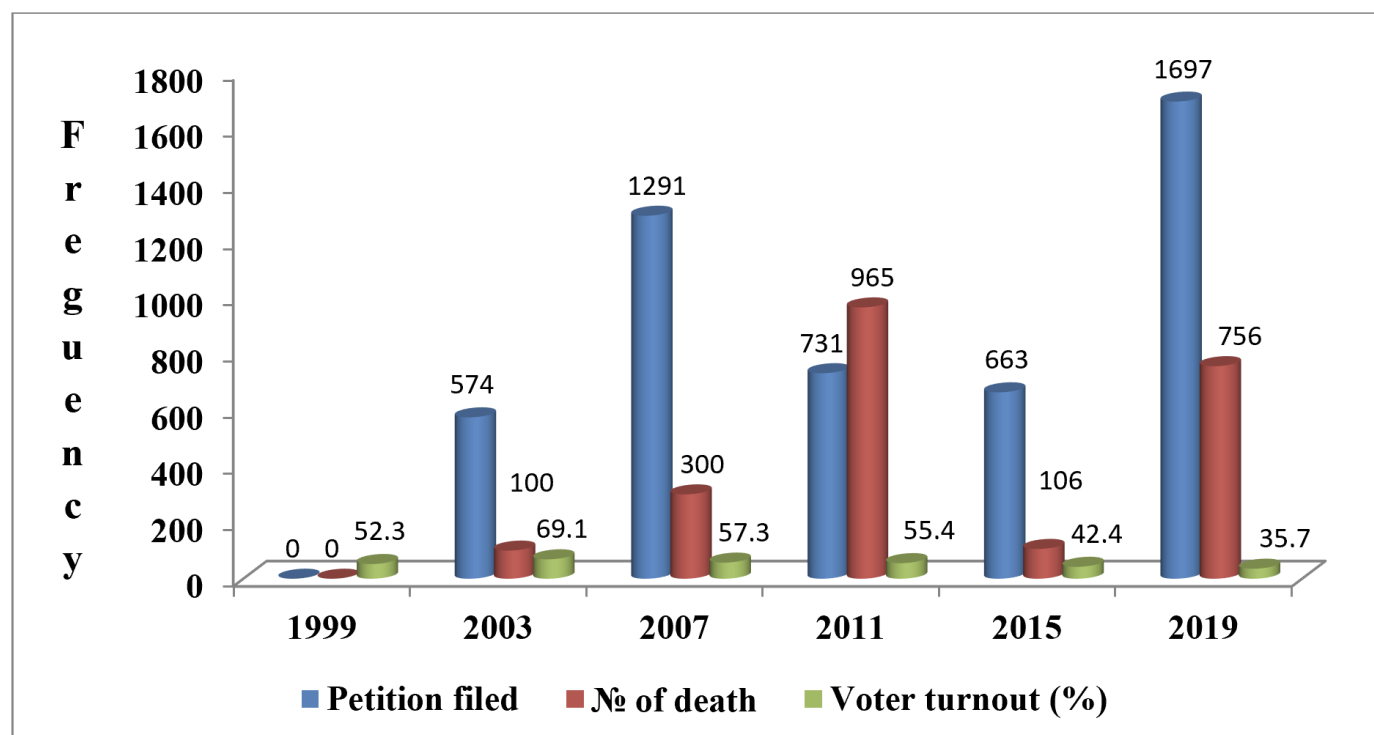


Figure 1. Summary of electoral irregularities effects on voter, litigation and v/turnout

Source: Compiled by authors from INEC and online media data

Accordingly, the 2003 elections led to the reported loss of 100 human lives and the destruction of property worth millions of Naira. The 2007 elections were blighted by widespread fraud and shambolic allocation of votes to contestants. Human Rights Watch noted that most deaths occurred when opposing bands of armed gangs fought each other and “members and supporters of the ruling party were responsible for the majority of abuses, though opposition parties also engaged in political violence”.⁶¹ These shortcomings were openly admitted by the biggest beneficiary of the elections – President Musa Yar’Adua – at the inauguration ceremony of his administration on 29 May 2007.⁶² European Union election observers described the 2007 elections as among the worst they had witnessed on account of electoral malpractice and violence, and at least 300 people were killed in violence linked to the elections.⁶³

Further, the 2011 election comparatively made substantial improvements over the 2007 elections and regrettably became the most deadly in the annals of electoral violence in Nigeria. The elections left more than 965 people dead (this figure comprises 165 party primaries and campaign-related deaths and 800 who died in three days of rioting in 12 northern states of Nigeria following the presidential election). Relief officials estimate that more than 65,000 people were displaced and many others were injured. The 2011 elections, which were heralded as among the fairest, were also among the bloodiest in Nigeria.⁶⁴ Similarly, a total of 106 election-related deaths were reported within the 2015 election cycle: comprising 62 pre-election and 44 post-election deaths in 61 violent incidents in 22 states within 50 days, with many others who were injured and displaced due to the elections.

Table 1 Summary of electoral violence casualties in the 2019 elections in Nigeria

S/Nº	Region	Incident	Nº of death
1.	North-central	23	111
2.	North-east	16	146
3.	North-west	20	172
4.	South-east	7	14
5.	South-south	59	120
6.	South-west	36	63
7.	North-west (Kajuru LGA)	2*	141
	Total	163	756

Source: SB Morgen Intelligence (2019)

Note: The 626 deaths are derived from figures reported by SB Morgen Intelligence's network of contacts and verified with media reports and other networks. There is another 130 people killed in Kajuru Local Government Area (LGA) of Kaduna state, but the figure was not independently verified by SB Morgen Intelligence; there is another reported death of 11 Adara people. *the figure is not clearly reported/verified.

SB Morgen Intelligence (2019) reported that there were 161 verified violent incidents, which resulted in 626 deaths during the 2019 election cycle: the period between 16 November 2018 (the official start of the campaigning) and 10 March 2019 (the official day the elections ended). In the Northern part of Nigeria (comprising North-central, North-east, and North-west geopolitical zones), North-central recorded 23 incidents and 111 deaths, North-east appropriated 16 incidents and 146 deaths, and North-west accounted for 20 incidents and 172 deaths. In the Southern part (comprising South-east, South-south, and South-west geopolitical zones), the South-east recorded 14 deaths in 7 incidents, South-south accounted for 120 deaths in 59 incidents, and the South-west recorded 63 deaths in 36 incidents (see Table 1).⁶⁵ Analytically, about 15% of all incidents and 20% of all fatalities occurred on Election Day.⁶⁶ In addition to killings in the 2019 elections, there were reports of alleged manipulations, voter suppression, ballot box snatching and indiscriminate thumb printing, and intimidation and harassment of perceived opponents and their supporters, voters, and election officials by armed thugs in some Nigerian states.

Unlike Nigeria's 2015 general elections in which fourteen candidates contested the presidential election, the 2019 general elections were keenly contested, featuring 73 presidential candidates out of 92 registered political parties, dominated by two leading parties: the APC and Peoples Democratic Party (PDP). However, the elections were grossly marred by violence due largely to "vote buying across some states of the federation".⁶⁷ Vote buying is described as the act of financially inducing a voter to cast his/her vote for a particular candidate or to abstain from voting. It is a cynical tactic that seeks to take advantage of widespread poverty by getting the people to sell their votes to the highest bidder.⁶⁸ In all, violence disrupted the 2019 elections in seven Senatorial Districts, 14 federal constituencies, six states, 41 State Houses

of Assembly, and 4 federal capital municipal councils.

Winner-takes-all Majoritarian System and Election Litigations in Nigeria

The MES-driven electoral irregularities are always the basis for the increasing election-related petitions against election results in Nigeria. Generally, without doubt, the judiciary plays a strategic role in the adjudication of pre- and post-election disputes in Nigeria as elsewhere in the world (NCS Situation Room 2019). The court process usually ends the election cycle – before, during, and after the election. Thus, these cases of irregularities are always at the centre of prolonged election litigations in Nigeria, with their electoral surprises in some Nigerian states like Bayelsa and Imo in 2019 and 2020 respectively. It is noteworthy that, in the 2019 elections, the candidate of the governing APC in Bayelsa state was initially thought to have won the election based on the final declaration of the winner of the poll by the INEC.

However, 24 hours before the swearing-in ceremony, the APC candidate was sacked by the Supreme Court because his running mate presented chameleonic academic documents. Likewise, the mathematical equation in which the fourth candidate in the 2019 Imo gubernatorial election displaced the first candidate based on the judgement of Nigeria's Supreme Court is still fresh in the minds of Imo voters.⁶⁹ The judgement, which was delivered following a dispute over the outcome of the gubernatorial poll, resulted in Imo state joining the league of eighth states with off-cycle gubernatorial elections in Nigeria. Recently, Dele-Adedeji questions the rate at which Nigerian courts, rather than the electorate midwifed by the electoral commission, end up determining actual winners of polls.⁷⁰

There is a worrying phenomenon in Nigeria where election-related disputes endlessly lingered for almost three years in election petitions tribunals and courts as witnessed in Anambra 2007 gubernatorial election litigation. The Anambra gubernatorial dispute ended in 2010, set the pace for off-cycle gubernatorial elections, and led to the present staggering of election timetable in Nigeria. There is, also, a burgeoning increase in election disputes by 124.9% from 574 petitions in 2003 to 1,291 petitions in 2007 on a short-term basis, and by 195.6% from 574 petitions in 2003 to 1,697 petitions on a long-term basis. The figure further shows that there were 731 petitions and 663 petitions in the 2011 and 2015 election cycles respectively (see Figure 1 and Table 2 for more graphic details of election petitions filed between 2003 and 2019).

Table 2. Tabular summary of effects of electoral irregularities on voter, litigation and v/turnout

Election season	Nº of death reported	Nº of petition filed	Voter turnout (%)
1999	*NA	*NA	52.3
2003	100	574	69.1
2007	300	1,291	57.3
2011	965	731	55.4
2015	106	663	42.4
2019	756	1,697	35.7
Total	2,227	4,956	–

Source: *Compiled by authors from INEC and online media data*

Note: *NA = not available.

Winner-takes-all Majoritarian System and Voter Turnout in Nigeria

Nigerian electoral history has misgivings about the significant difference between the total number of registered voters and that of voters' turnout. A review of the voting behaviour of Nigerians shows a decline in voter registration and turnout both in the long term (1999-2015) and short term (2011-2015).⁷¹ There was a downward depletion of voter turnout in six election cycles in Nigeria between 1999 and 2019, with 52.3% in 1999 and it peaked at 69.1% in 2003. Subsequently, the turnout has consistently been on the downward fall since 2007 with 57.3%, 55.4%, 42.4%, and 35.7% for 2007, 2011, 2015, and 2019 election cycles in that order (see Figure 1 and Table 2).

Furthermore, violence is used as a means of intimidating voters and ensuring low voter turnout, especially in opposition areas. Violence by state actors, the army, and the police were recorded in Abia, Akwa Ibom, Anambra, Bayelsa, Benue, Delta, Kwara, Lagos, Plateau, and Rivers States. Incidents in the north-east were few but more lethal perhaps because of the activities of Boko Haram and its (Boko Haram's) splinter group – Islamic State in West Africa Province (NCS Situation Room 2019: 36). Given the competitiveness of the 2019 elections with 73 political parties and the increased number of registered voters, one would have expected to notice an increase in the voter turnout. Regrettably, the elections recorded the lowest voter turnout both in Nigeria and Africa. This is principally on account of electoral irregularities and violence.

Conclusion

This study makes a compelling contribution to the knowledge of electoral irregularities and their disturbing effects on the smooth operations of representative electoral democracy. Without any amphiboly, the study used fine-grained documented textual materials to examine how Nigerian politicians have legitimized electoral irregularities as a tool for depleting voter turnout in opposition areas. It noted that politics in Nigeria is played based on social Darwinist evolutionary postulation – the survival of the fittest. This resulted in Nigeria's chequered democratic experience measured in terms of consistent incidence of electoral violence leading to loss of lives and destruction of property, contentious election outcomes leading to election-related disputes, and constrained voter participation leading to confidence crisis and voter apathy.

Additionally, the study revealed that Nigerian politicians leverage the simmering ethnoreligious and regional divisions to demobilize opponents' supporters and increase their odds of victory. They often, if not always, trigger community tension and even target their rivals and their rivals' supporters during elections. Many a time, the perpetrators of these electoral offences are not charged, the victims receive little or no redress, and the causes of the offences remain unexamined. This provides the incentives to use violence as a lucrative political strategy. All these may present electoral democracy as the cause of electoral woes in Nigeria. Unfortunately, they are not because when supposedly elected Nigerian leaders adopt undemocratic strategies to win elections or to remain in power against the electoral wishes of the majority, the leaders

atrophy their (people's) support.

Further, unlike in consolidated democracies, politicians in not-so-consolidated democracies have a larger menu of campaign strategies because they face fewer institutional constraints.⁷² In consolidated advanced democracies, the threat of losing an election is not usually sufficient to motivate the use of violence.⁷³ However, due to the costs associated with election politics, unproductiveness of the ruling political class, and the privileges that go with public office, politicians in struggling democracies dread losing elections and can readily resort to electoral fraud, manipulation, vote and turnout buying, and violence. Here, politics as a means of survival and realization of personal goals is the dominant norm against the democratic essence of politics as a means of rendering services to the public. These suggest the need to sincerely ask the Nigerian voters the fundamental question: what do you need to get the electoral democracy working again in Nigeria? This simple but basic question will generate a whole lot of ideas on the way out of the problem and results in the need for a thorough electoral reform that will throw up a digitally secured electoral system that will reflect the various shades of opinion in a multiethnic cultural Nigerian society. The reform should be able to institutionalize the electoral commission, reduce the present huge election spending, and make public offices less financially attractive in Nigeria or elsewhere. This way, election politics will not only produce leaders with 'innocreative' ideas on governance, but also have catalytic effects on democracy and crystallize in the overall development of Nigeria and beyond.⁷⁴

The study focuses on the recurring incidence of electoral violence arising from the winner-takes-all system in Nigeria and leaves other plausible factors that may account for this recurring incidence to the domain of further research. Expectedly, emphasis should be on how the government in power tries to remain in power by all means or how the opposition group tries to win power using clandestine strategies because of being previously shortchanged by the incumbent government.

Footnotes

¹ Cf. James 2016.

² Recent studies by Kousser 2023 and Pildes 2020 have shown that U.S. presidential election is characterized by citizens' distrust in the electoral process.

³ Mbah, Nwangwu and Ugwu 2019.

⁴ Olaniyan 2020.

⁵ Bratton 2008.

⁶ Onappajo 2014.

⁷ Olaniyan 2020.

⁸ Nwangwu, Onah and Otu 2018.

⁹ The authors separately contributed chapters in Jega and Ibeanu 2007.

¹⁰ Onuoha *et al.* 2020.

¹¹ E.g.: Fjelde and Höglund 2014.

¹² Birch 2007.

¹³ Some of these scholars are Bowles, Larreguy and Liu. 2020; Gutiérrez-Romero and LeBas 2020; Cheeseman, Lynch and Willis 2019; Lehoucq 2003.

¹⁴ Examples of these researches include Costalli and Ruggeri 2015; Collier and Vicente 2012; Bratton 2008.

¹⁵ You can see this argument in the scholarly works of Daxecker and Jung 2018; Birch *et al.* 2020

¹⁶ Obiagu (20021).

¹⁷ Nnoli (as cited in Mbah, 2011, pp. 8-9).

¹⁸ Cf. Mbah, Nwangwu and Ugwu 2019.

¹⁹ Cf. Mark 2016.

²⁰ Rodriguez 2022.

²¹ Quintal 1970.

²² International IDEA 2008.

²³ Ace Project 2019.

²⁴ Baldini and Pappalardo 2009.

²⁵ See Chisholm 1922.

²⁶ Birch 2007.

²⁷ Fjelde and Höglund 2014.

²⁸ Fjelde and Höglund 2014, p. 298.

²⁹ Ace Project 2019.

³⁰ Ace Project 2019.

³¹ Fjelde and Höglund 2014.

³² Sany 2022.

³³ Amotekun is a regional security network established in southwestern Nigeria by the region's six governors. Ebubeagu is

Amotekun's equivalent in southeastern Nigeria established by the region's five governors. These were set up in reaction to the federal government's inability to secure lives and property therein.

³⁴ Fjelde and Höglund 2014.

³⁵ Fanon 1963.

³⁶ Miacro is the authors' made-up word coined from micro (sub-national – state and local) and macro (national).

³⁷ Some of these researches include Birch et al., von Borzyskowski et al., and Fjelde et al.

³⁸ Bekoe 2010.

³⁹ These arguments are respectively put forward by Mbah, Nwangwu and Ugwu 2019; Höglund 2009; Straus and Taylor 2012.

⁴⁰ Cheeseman, Lynch and Willis 2019; Dercon and Gutiérrez-Romero 2012.

⁴¹ Collier and Vicente 2014.

⁴² Solijonov 2016, p. 13

⁴³ Adekoya 2019.

⁴⁴ Although this definition is ours, we derive the insight from the scholarly work of Albert 2007.

⁴⁵ Galtung 1969.

⁴⁶ Federal Republic of Nigeria 1999. Note: the appointment and dismissal of judicial officers by the executive are based on the recommendations of Nigeria's National Judicial Council.

⁴⁷ Imo State Government 2012. Until recently before the abrogation of the Law that established them, the communities in Imo State enjoyed statutory recognition as the fourth tier known as Community Governments (cf. Mbah and Obiagu 2019; 2020).

⁴⁸ To become a council chairman in Nigeria's local government area, the candidate requires a majority of votes and 25% in at least two-thirds of the political wards that make up the area.

⁴⁹ There is also a horizontal formula that provides 40% for equality, 30% for population, 10% for land mass/terrain, 10% for IGI, and 10% social development (comprising 4% for health, 3% for education, and 3% for rainfall) to 36 states/FCT and 774 local government areas (see Nigeria's Revenue Mobilization Allocation and Fiscal Commission's circular of 30 August, 2021, with Ref. No.: RMC/OSO/03/II/283). There is also provision of 13% derivation funds on revenues accruable from each state.

⁵⁰ The off-cycle elections are a result of prolonged election litigation in which the Court (Court of Appeal or Supreme Court as the case may be) ruled that governorship tenure begins from the day the governor is sworn in following the

conclusion of the litigation.

⁵¹ Federal Republic of Nigeria 1999.

⁵² Alebiosu 2016.

⁵³ Osunyikanmi 2018.

⁵⁴ Hammarberg et al. 2016.

⁵⁵ Makulilo 2011.

⁵⁶ Lehoucq 2003, p. 251.

⁵⁷ Birch and Carlson 2012.

⁵⁸ International Centre for Investigative Reporting 2019.

⁵⁹ The aborted democratic process through the annulment of the 12 June, 1993 presidential election result triggered a violent protest in western Nigeria, which resulted in the loss of lives and property.

⁶⁰ Carter Centre 1999, p. 12.

⁶¹ Human Rights Watch 2011.

⁶² Adeniyi 2011.

⁶³ EU Election Observation Mission 2007.

⁶⁴ Human Rights Watch 2011.

⁶⁵ When the incident and fatality rates are dissected on a state-by-state basis, Benue, Borno, Kaduna, Rivers, and Zamfara states topped the chat.

⁶⁶ Nigeria Civil Society Situation Room 2019.

⁶⁷ International Centre for Investigative Reporting 2019.

⁶⁸ Nigeria Civil Society Situation Room 2019, p. 34.

⁶⁹ The judgement, which was delivered on 14 January 2020, was based on the unlawful exclusion of results of 388 polling units ascribed to the APC candidate in Imo State.

⁷⁰ Dele-Adedeji (2020).

⁷¹ Centre for Democracy and Development (2019).

⁷² von Borzyskowski and Kuhn 2020.

⁷³ Fjelde and Höglund 2014.

⁷⁴ Innocreative is the authors' made-up word coined from two adjectival words: innovative and creative.

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