

Ecology of Election Administration and the Performance of Electoral Management Body in Nigeria's Fourth Republic

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Abstract

One of the phases of public administration which is very difficult to manage today in Nigeria is the conduct of elections. Public Administration has much to contribute to our understanding of election administration system, especially in the area of ecological and environmental factor analysis. The objective of this article is to provide an overview of the field by highlighting linkages between performance of Election Management Body (EMB) and the influence of ecological factors engulfing Nigeria's election administration systems. Using Darwin's *Theory of Natural Selection*, the study borrows some valuable lessons of interplay within the election administration environment and final performance of an Election Management Body. Using mixed method, the study explores the legal and political environments in which policy makers and electoral administrators run elections in Nigeria. It finds that the environment of election administration (which is characterized by demographic, technological, security, logistics, legal, economic and political complexity and fluidity) all have great influence on Nigeria's EMB performance. The findings also revealed that legal and technological-security are two dominant challenging environments that are confronting election administration and these have eroded public trust and confidence in Nigeria's EMB, INEC by making performance more difficult to achieve. The study therefore, recommends among others that INEC and government should carry out confidence building measures in the electoral system.

Keywords:

Ecology,
Performance
management,
Election
administration,
Election
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Background to the Study

Public Administration has much to contribute to our understanding of election administration system especially in the area of ecological and environmental factor analysis. However, except for a few recent efforts, Charles Wise's call for public administration scholars to focus on the conduct of elections has gone unheeded. One reason may be unfamiliarity with the seemingly esoteric structures and procedures of the field and uncertainty over how the knowledge of public administration might apply. The above notwithstanding, administrators, ecologists, scientists, environmentalists and even sociologists, everyone admits that the interaction between society and environment or ecology cannot be denied and whenever a policy is going to be formulated this type of interaction must properly be taken into account. Fred Riggs was the first man who drew our attention to the importance of ecology upon the administrative systems. Of course, before him, Charles Darwin's famous theory of *evolution by natural selection* was used to justify certain political, social, or economic views (Berlatsky, 2014). Social Darwinists believe in "survival of the fittest" – the idea that only the fit can survive and according to Darwinism, one who wins in the battle against environment is fit (History, 2018).

There are various environmental and ecological impediments that affect performance of election administrators. In other words, election administrators must formulate policies considering the most important idea that environment has clear influence on election administration. Thus, environment and administration are closely interlinked. Again, all these combinedly, influence politics or political process in which we have election administration system. The influence of ecology upon the election administration system of a country is so enormous that if anybody neglects it he will land in wrong footing or draw wrong conclusions. This environment of election administration has a number of manifestations to this important exercise. For example, the numerous electoral litigations after 2015 and the ensuing legal controversies involving many political parties and INEC before and after 2019 general elections exposed significant issues in legal, political, technological, socio-cultural and economic environments.

The present study, therefore, is attempting to focus its attention on the analysis of how ecological and environmental factors ultimately influence and influenced by the activities of electoral administrators. How ecology has become a factor of election administration in Nigeria is very interesting and this study will discern how environmental factors ultimately affect the performance of the country's EMB, INEC. It will also discuss lessons for the future of election administration system generally in Nigeria.

Statement of the Problem

The performance of Electoral Management Bodies (EMBs) has generally received much less academic and public attention than other public service organizations such as schools, hospitals and the police. But EMBs also provide important public services and poor quality management can lead to effective disenfranchisement of individuals or whole geographical areas if their ballots are not processed effectively or unnecessary barriers are faced in front of the much alonging queues. Poor management can cause delays in the

publication of results that can lead to political and economic instability. In extreme cases it can also lead to the wrong candidate or party winning. This always result into citizens being dissatisfied and confidence in the electoral process can be shaken. (Global Commission on Elections, 2012).

As an aspect of Public Administration, the general environment that surrounds *Election Administration* has an inevitable impact with the way administrator (i.e. Election Management Body) makes decisions as it interacts with it. In the same way, its decisions also affect the general environment (e.g. election shift due to logistics and bad weather). In this interaction between individual and the surrounding environment, a mutual relationship and interdependence can be observed. The primary institution of *Election Administration*, the INEC, must consider a number of factors before it can come up with certain policy implementation or course of action (Porferio, 2006).

What is the nature of the administrative environment in which elections are organized in Nigeria? What challenges do electoral administrators face in the implementation of elections today? Has the environment of election administration become more difficult in Nigeria? Might this partially explain concerns about performance and cases of failures of steering and rowing? Concepts from ecology can help in understanding how a changing context in election administration can cause negative effects on the performance of an EMB. In Nigeria for example, election administration is uniquely prone to political gamesmanship, i.e., political actors always attempt to manipulate the rules in a partisan fashion. Just of recent, policy changes (legal framework) that are perceived to influence an election outcome or otherwise shift political power spread a rancorous cycle of electoral law gamesmanship. Like in Nigeria where the legislature passed an amendment on Electoral Act 2010 for four times to all of which the President withheld his assent (Adedokun, 2018). Another aspect of this problem is the increase in electoral litigation. Whether intentional or not, increase in electoral litigation ultimately makes it difficult for election management body to administer effective election processes. Yet another problem is the burden of inconclusive elections now trending in Nigeria. In the aftermath of the 2019 general elections, “uproar rose across the nation against the Independent National Electoral Commission (INEC) when it declared six governorship seats inconclusive” and also held “32 supplementary National Assembly elections “in 14 states (Adisa, 2019). In all these, environmental factors like logistics, imbalance in the application of technology, and security, play major role which at the end of the day affect INEC performance.

Researchers have examined institutional challenges, such as the states' technical incapacity which affects election administration (Oromareghake, 2013; Ajayi, 2012; Omotola, 2010; Edet, 2015; Moveh, 2015). However, there is no explanation of possible causes of Nigeria's EMB (INEC) inability to conduct any poll in the country without logistics and security issues. There are indications that previous studies have overlooked environmental factors that are capable to make or mar INEC performance in election administration, such as partisanship or the casual nature of the job. In the end, little is known about the way in which ecology affects Nigeria's election administration system.

In fact, despite the complexity of election administration environment, scholars have not closely investigated the influence of environmental factors on Nigeria's election administration and their effects on the performance of Nigeria's EMB. Most importantly, the extent to which these factors alter election outcomes, thus igniting electoral crisis, litigations and lack of public trust and confidence in the country's EMB is a questions that remains unanswered except for normal media comments. This study, therefore, is proposed to examine the influence of ecology of election administration on performance of Election Management Body in Nigeria.

Objectives of the Study

The general objective of this study is to examine the influence of ecological and environmental factors engulfing Nigeria's election administration systems. The specific objectives of the study include:

- (i) To identify ecological and environmental factors affecting the performance of Nigeria's EMB in election administration;
- (ii) To find out how politico-legal environment affect the effective management and supervision of political parties by Nigeria's EMB, INEC;
- (iii) To examine how electoral litigations has hampered the performance Nigeria's EMB;
- (iv) To examine how technological environment has affected public trust and satisfaction in Nigeria's EMB.

Methods and Materials

Since the praxis of the research is exploratory, the qualitative research method which is descriptive and analytic in its approach was used to collect data. In achieving its objectives, the paper identifies and collects data on some critical ecological factors of election administration. A number of documents/materials including official publications from INEC and political parties, Electoral Act, 2010, the 1999 Constitution of Federal Republic of Nigeria, Court Judgments', Journal Articles, Newspapers, Magazines and other relevant documents were utilized. A field observation was conducted by the researcher on the field during elections with the aim to analyze the performance level of technologies used by INEC on February 23rd 2019. Limited interview was also carried out with some electorates using accidental sampling by targeting those who were on queue and their responses were found useful. Thus, both primary and secondary data sources were used and they both complemented each other. The data collected were analyzed basically using descriptive statistics.

Scope of the Study

The scope of this study is determined not only to define the bound of the investigation, but also to address some of the methodological issues associated with the research. As it was noted in the introductory part of this study, there are numerous environmental and ecological factors affecting the performance of the Nigeria's EMB, INEC, such as socio-cultural, economic, political, technological legal environments, etc. However, this study is limited to analyzing three of these factors, including: legal, political and technological environments and their influence on the performance of the Nigeria's EMB, INEC.

Conceptual Review

The Concept of Election Administration

Administration has a universal application and is present in every human endeavor be it social, cultural, religious group, private or public. It is defined as “an activity or process mainly concerned with the means for carrying out prescribed ends” (Pfiffner and Presthus, 1967). In this definition the concept of goal accomplishment again plays an important role. As the definition clearly indicates, administration is mainly concerned with the means that are necessary for the accomplishment of pre-determined goals. Administration is what is done in an organization; and organizations are seen as social units or human groupings, which implies that the basic elements of organizations are individuals. This is why Etzioni (1964) argues that “*organizations are social units (or human groupings) deliberately constructed and reconstructed to seek specific goals*”. Thus, the essence of any organization is to focus its aspirations into productive relationship in a way that will bring out concise responsibility, co-ordination and control. It has a synergic relationship which can be likened to human body where every part performs its function in relation with other parts.

Having given this background description of the word 'administration', we can go ahead to discuss the concept of election administration. Election administration refers to the process used to compile the voters register, and then cast and count votes. According to Trebilcock & Chitalkar (2009) Election administration is the broad institutional frame work within which voting and electoral competition takes place. It involves rule making i.e. designing the basic rules of the electoral process, rule application i.e. applying those rules to organize the electoral process and rule implementation i.e. resolving disputes arising within the electoral process. This shows that election administration follows a cycle which looks like a chronological calendar for program of activities and one leads to the other.

Generally, election administration cycle is divided into three phases: Pre-Election Phase - the long run-up to electoral events (18 months to Election Day); Election Day Phase: Polling day(s); and Post-Election Phase: Between voting and proclamation; post-election outcomes and their aftermath (UNDP, 2009). Also, there are eight activities involving the three election phases and these activities are as follows: development of legal framework, electoral planning and implementation, training and education, voter registration, electoral campaign, vote casting/Election Day operations, verification of results and post-election activities (EC-UNDP, 2011).

The above expression clearly shows the activities and dynamics of the Election Administration. It can therefore be seen that election administration cycle is essentially the mechanics of how elections are run, ranging from preparation for the election, the methods by which people cast their ballots to how the winners are declared. It involves a whole range of activities including running elections on Election Day as well as all pre and post-election activities. The activities in the pre-election period may stretch back for years or only a few weeks as election officials register voters and maintain voter files;

prepare ballots; acquire, maintain, and deploy voting equipment; find and prepare polling places; and recruit and train poll officials. All of these activities flow into the actual voting at polling places on *Election Day*. Votes from the polling places and alternative voting flow into the counting process, which begins on *Election Day* but may continue for several more days.

Ecology as a Concept

As a concept, ecology has been defined as “the science of relations between organisms and their environment” (Olojede, 2007). It has also been described in so many perspectives: in biological sciences, definition of ecology is in relation of interactions between living organisms and their natural habitat or environment. The Oxford dictionary defines ecology as that branch of science that studies the distribution and abundance of living organisms, and the interactions between organisms and their environment. The general definition of ecology is the relationship that exists between plant and living organisms to each other and to their environment. Looking at all the above definitions, it would be discovered that the word environment is common. Thus, to fully understand ecology, the terms environment must be properly defined and understood. Environment is described as of the elements, factors and conditions in the surroundings which may have an impact on the development, action or survival of an organism or group of organisms.

According to Gaus (quoted in Al-Imran, 2018) the plans, programs, policies, and designs of any administrative system is influenced by factors concerning the physical environment, and that any structure and living thing existing in a given area has an interrelationship with the surrounding environment. This concept also means understanding the impact of the structure to the social relationships of people in that area and what specific technologies are being used and how it influences and impacts the inhabitants of that environment. Ecology thus pertains to interrelationships of living organisms and their environment.

When ecology is applied to Election Administration, it means the influences of all historical, political, economic, socio-cultural, religious factors and other significant national experiences that in one way or the other influenced the growth and development of Election Governance in Nigeria. Ecology of Election Administration further means how Election Administration relates with itself internally as well as how it relates with its external environment in terms of politics, social, culture, economy, and technology, legal and so on.

The first principle of ecology is that each living organism has an on-going and continued relationship with other elements that make up their environment. It should be noted that, like Public Administration, Election Administration has no universal application rather it has to be analyzed within the ecological attributes of each administrative system in which it operates. In other words, Election Administration does not exist in vacuum but exists within a socio-cultural and political environment. Its activities are deeply embedded in the environment. The next segment conceptualizes performance of an EMB.

Conceptualizing Performance of Election Management Body

How can we conceptualize organizational performance especially in electoral management body? The discipline of public management promises much, given the dense literature on the topic. Organizational performance has been described as 'ultimate dependent variable of interest for researchers concerned with just about any area of management' (Richard, Devinney, Yip, & Johnson, 2009). Yet the terms tend to be elusive, and devoid of consensus. However, the case that performance is socially constructed is strong (Brewer, 2006). According to Andrews et al. (2006: 19) if there is any disagreement about what is to be measured, how it is to be measured or the weighting attached to each measure then performance is subjective. Public organizations such as EMB, can be evaluated, he suggests, on the basis of the quantity and quality of the outputs that they produce, the efficiency with which these outputs are produced and the degree to which those outputs are effective at producing the desired outcomes. However, going beyond a simple inputs-outputs-outcomes model, organizations should also be responsive to the demands of citizens and staff within the organization. They should also seek to achieve democratic outcomes such as ensuring probity, participation and accountability. This provides a useful initial framework for assessing EMBs.

According to James (2013), scholars have encouraged a more holistic assessment of an EMBs' performance and argued that EMBs should also consider levels of staff satisfaction in addition to citizen satisfaction because: a) EMBs are employers and have a duty of care to their employees; b) higher satisfaction levels amongst staff can increase the quality of service. It has been observed that probity and accountability is also important (see table 1 below).

Table 1: A Contextual Framework for Assessing Electoral Management Body Performance

Dimension of performance		Example for EMBs
Outputs	Quality	The speed of the count, the clarity of election materials, ballot paper design, the accessibility of registration procedures, polling queue wait times
	Cost per unit of production	Cost per unit of production
Service Outcomes	Formal effectiveness	Registration rates Voter turnout Cases of electoral fraud Levels of voter education
	Impact	The broader positive and negative side-effects such as levels of civic engagement, creation of databases of useful for providing other government services
	Equity	The distribution of registration and turnout rates by gender, age, race, income and geographical area
	Cost per unit of service production	Cost per unit of service production
Responsiveness	Citizen satisfaction	Citizen satisfaction with the services provided and confidence in the electoral process
	Staff satisfaction	Levels of staff satisfaction
	Cost per unit of responsiveness	Cost per unit of responsiveness
Democratic outcomes	Probity	The proper use of public funds and the absence of fraud by electoral administrators
	Accountability	Redress for errors such as miscounting, rejection of paper or long polling queues

Source: Adapted from James (2013)

It follows that a further type of election administration problem is poor performance of EMBs based on the above criteria.

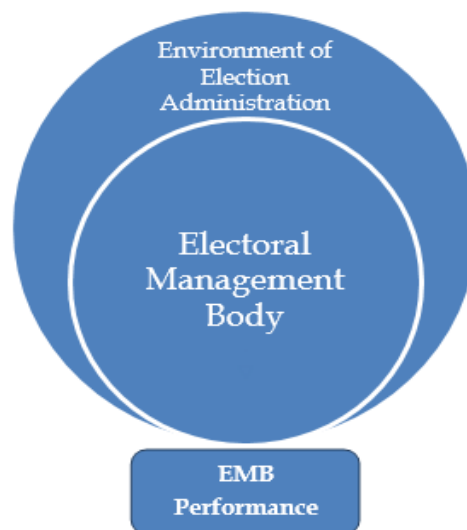
Both quantitative and qualitative information can be used informing an assessment fan EMB against each criterion. In this study, the following are criteria through which performance of Nigeria's EMB is measured:

1. Quality and integrity of election
2. Responsiveness/Citizen Satisfaction
3. Total legal compliance/decrease in electoral litigation
4. Effective management and supervision of political parties
5. Increased trust and public confidence
6. Increased turnout/decrease in election cost

The Figure 2 below depicts a clear context of election administration and election management body performance. The Figure shows that election administrative system operates and enters into transaction with their environments thereby influencing and being influenced by them. How do factors such as socio-cultural, historical, legal,

political or economic environment affect the way in which elections are administered? And how, in turn does election affect the society in which it plays its parts. These questions relate to the ecology of election administration. However, identifying poor performance requires an analysis of the contextual factors that might affect organizational performance beyond those responsible for managing the organization and suggest that though some causes of failure are internal but others are primarily external and concerned with its environment (Walshe et al., 2004).

Figure 1: Context of Election Administration and EMB Performance



Theoretical Framework

We cannot deal with the thought provoking questions raised and perhaps achieve the enduring significance of the subject matter of this discourse without a theoretical focus. In a serious discourse of this nature, it is necessary to make our theoretical framework clear, so that there would be a focus and perspective for further development of this discussion. The theoretical exposition for this study would therefore be based on *Darwin's theory of natural selection*. According to Darwin's theory ([1859] 1972), only the plants and animals best adapted to their environment will survive to reproduce and transfer their genes to the next generation. Animals and plants that are poorly adapted to their environment will not survive to reproduce (History.com Editors, 2018). Since Darwin introduced his *theory of natural selection* in the mid-19th century, it has undergone considerable transformation. One of the most immediate involved was its application to social change by the conservative English philosopher and sociologist Herbert Spencer (1874). To Spencer, the term *natural selection*, refers centrally to the "*survival of the fittest*, according to which only the fittest species in organic nature survive, while the unfit become extinct (Ferro, 2011). The extension of these ideas to social thought is known as Social Darwinism.

Social Darwinist considers social change to be because of external environment and *natural selection* (Hudson, 2000). When the social setting grows then the environment becomes more complex. The limited resource available in that environment promotes

competition in which organisms of the same or different species struggle to survive. In the competition for scarce resources, the less well-adapted organisms die or fail to survive, and those who are better adapted do survive. In the absence of competition between organisms, natural selection may be due to purely environmental factors, such as harsh weather or seasonal variations in biological context.

The application of this models of *Social Darwinism* to human societies and social organizations such as an EMB, Social Darwinists emphasize that, in the face of cruel environmental factors, social organizations will be eager to seeking benefits and be willing to do anything in order to survive. Also, the concept of emphasizing self-capability and the law of the jungle implies as the outcomes are more important than principles. An organization such as INEC has several environmental factors (i.e. legal, political, security, etc.) to contend with in performance of its main function election administration. One major criticism in Darwin's theory is that it was never clear whether organisms survived because they were fit or were fit because they survived. Also, independent dentition ffitness has been elusive.

Empirical Review

There have been extensive scholarships on electoral administration institutions across the globe ranging from professionalization of Electoral Management Bodies,(Kelly, 2014); the Design and typology of EMBs (Catt, Ellis, Maley, Wall & Wolf, 2014);independent and integrity of EMBs (James, Loeber, Garnett, & Ham, 2016).There have also been limited studies on the organizational performance of Electoral Management Bodies (James, 2013).

However, several researchers have undertaken the research on the influence of environmental factors on administrative system using different methods and approaches. Aliyu, Alabi & Adeowu (2018) examined ecological factors influencing public policies in Nigeria. The study found that environmental factors have significant influence in the formulation and implementation of public policies in Nigeria and that ecological determinants do not work in isolation but are mutually reinforced to bring about the desired policy outcomes, and that lack of continuity, inadequate human and material resources, sectionalism, ethnic biases and lack of political will account for policy failure at implementation stages in Nigeria.

While the influence of environment as a factor in election administration in Nigeria is unequivocally clear, the influence of environment on the performance of INEC is still ambiguous. For example, we can expect the positive influence resulting from the adoption of sophisticated technology (Technological Environment) to implement innovative solutions in election administration. On the other hand, we can anticipate the negative influence coming from the lack of public confidence/citizens' dissatisfaction in electoral technology where there is suspicion of partisan interests in the implementation of electoral policies. The results of the interaction between these two effects are difficult to predict. Thus, we can formulate the research question: how environmental factors

ultimately affect the performance of the country's EMB, INEC? To answer this question, this study aims to assess the influence of environmental factors on the performance of the Nigeria's EMB, INEC.

Data Presentation and Analysis

This segment looks into the presentation, analysis and interpretation of the data gathered. It will focus on the analysis of the data collected from reviewed literature. Since the praxis of the research is exploratory and descriptive, the qualitative research method cum design was used to collect the opinion of people on ecology of election administration.

Question 1: What are the Ecological and Environmental Factors Affecting the Performance of Nigeria's EMB in Election Administration;

Our goal with this objective is just to identify environmental factors affecting election administration. There are some ecological factors that impede the process of election administration. In a social system, the environment generally comprises institutions, history, law, ethics, philosophy, religion, education, traditions, beliefs, values, public trust and confidence, symbols, myths, and so on which may be described as material or non-material culture (Sharma et al, 2011). The environment where a policy is formulated and implemented exercises a lot of influence on the making and successful implementation of that policy. Thus, constraints of the policy makers also come from the environment. Scholars have observed that changes in the environment of election administration affect the jobs of administrators. These constraints can be as listed and briefly discussed below:

1. Historical Environment
2. Socio-Cultural, Religious Environment
3. Political Environment
4. Logistics/Security Environment
5. Economic (Financial) Environment
6. Legal Environment,
7. Technological Environment, etc.

The above factors are capable of forming, shaping, or placing boundaries (Peters quoted in Umoh, 2016) on developments and sub-systems that enter into transactions with the environment, with the aim of influencing or being influenced by them. Indeed, election administration is far-reaching in scope and must always take into consideration, the culture within the environment it is expected to serve since culture is a way of life.

The history of General Elections in Nigeria which has taken place eleven times; twice during the First Republic, twice during the Second Republic, once in an Aborted Third Republic and six times in the present Fourth Republic is characterized with sharp division based on religious bias, ethnicity, regionalism, tribalism, impunity, and rigging. Voting pattern was mostly based on the above qualities instead of issue-based campaign and elections. The political behaviour of voters is that of having their votes casted on those whom they belong to the same ethnic, religious and regional affiliation even if the other

candidate is better and has an outstanding record of better performance. The loyalty of the Election Administrative Body to the ruling party has always been the case and this really influences the way elections are administered (Sule, Sani & Mat, 2017).

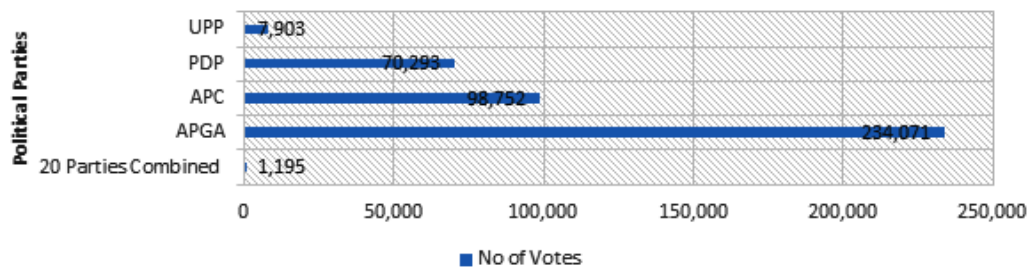
Question 2: How Politico-legal Environments Affect the Effective Management and Supervision of Political Parties by Nigeria's EMB, INEC

In answering this question, we look at how the environment of politics together with legislations combined to hinder the role of INEC in management and supervision of political parties. The plethora of political parties should elicit a process of weeding out unserious organizations through deregistration similar to the mandate of the Corporate Affairs Commission. In reality however, most of these parties exist only on paper or operate from one rented office apartment or the other in the FCT, Abuja. INEC does not have better legal teeth with which the serious parties can be separated from the "kindergarten political parties". This is the position of the law as enunciated by the apex court on the subject matter of de-registration of political parties (Sobechi, 2017).

At the conclusion of the 2011 General Elections, Nigeria had a total number of Sixty-three (63) registered political parties. Subsequently, between 18th August, 2011 and 5th February 2013, the Commission, in exercising its powers in respect of political parties as mentioned in Section 78(7), de-registered a total of 39 parties in line with the Electoral Act (See Section 78(7)); While some political parties accepted the de-registration in good faith, others challenged the decision of the Commission in various Courts of Law. Eventually, two Court Judgments; Federal High Court, Abuja, delivered on December 17, 2012 and Court of Appeal, Enugu delivered on June 28, 2016 respectively restored the registration of three (3) and Seven (7) hitherto de-registered political parties mainly on the ground that the parties were not given fair hearing before being de-registered; but also on the argument that the provision of the Electoral Act on winning seats was contrary to the constitutionally guaranteed right to free association provided for all citizens. These judgments effectively undermined the powers of INEC to deregister political parties (The Vanguard, January 21, 2018). Figures 4, 5, 6 and 7 analytically interrogate how political parties performed in staggered elections conducted so far since 2015.

In Anambra State, out of 63 available parties, only 37 were able to field candidates in the November 2017 gubernatorial election. Three of these political parties, APGA, PDP and APC, secured about 97 percent of the total votes leaving the 34 others to scramble for the remaining three percent. The following are the political parties that underperformed and what each of them scored are presented as follows: AA (66 votes); BNPP (70 votes); DA (97 votes); GNP (41 votes); HDP (31 votes); ID (37 votes); KOWA (49 votes); MMN (79 votes); MPPP (39 votes); NCP (74 votes); NDLP (33 votes); NEPP (84 votes); NNPP (68 votes); NNP (69 votes); PPN (55 votes); PPP (87 votes); PRP (59 votes); SDP (20 votes); YDP (72 votes) and YDP (65 votes) (Adeniyi, 2018). See Figure 4 for summary of parties' performance in Anambra State, 2017.

Fig. 2: The Poor Performance of Nigeria “Mushroom” Parties in Anambra Governorship Election, 2017

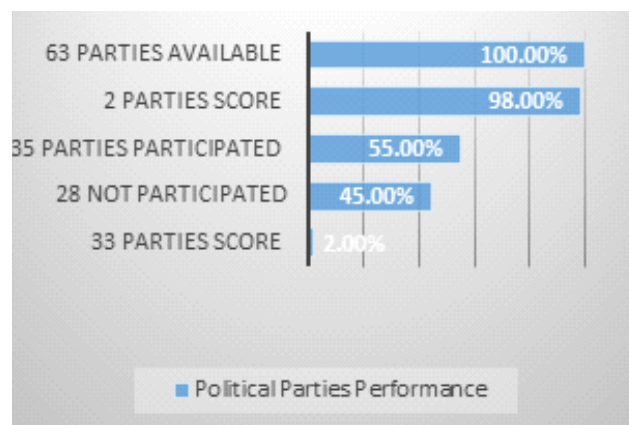


Source: Adeniyi, 2018

In the Figure 2 above, the data shows what can be considered as abysmal performance of 20 political parties where none of them scored up to 100 votes. The viability of these 20 parties need to be questioned, only few of them campaigned during that elections too.

Figure 3 below shows the analysis of June 14th 2018 Ekiti State gubernatorial election. Out of 63 available political parties, a little above half (i.e. 35 political parties) fielded candidates to contest the election. Regrettably, only two parties, APC with 197,459 votes and PDP with 178,121 votes, secured about 98% of the total votes cast, while the remaining 33 candidates all together got about 9,500 votes which accounted for just two percent of the total votes cast.

Fig. 3: Political Parties’ Abysmal Performance in Ekiti 2018 Gov. Elections



The most important issue that was revealed in the Ekiti gubernatorial election result is that 15 of these political parties could not individually muster up to a hundred votes. See the performance highlight of these parties in Figure 3.

Also in the September 22nd 2018 Osun gubernatorial elections, only 48 out of the 91 available political parties participated in the gubernatorial elections. This performance shows a similar trend that confirm the need for INEC to delete non-performing parties.

While 5 out of these parties (i.e. APC, PDP, SDP, ADC and ADP) secured more than 96% of the total valid votes, all other 43 political parties combined scrambled for less than 4% left over from the total votes cast. See Figure 4 below which graphically represents political parties' performance in the Osun 2018 gubernatorial elections. Therefore, what the summary shows was that the Nigerian Election Management Body, INEC, continues to allow inefficient and non-performer political institutions to exert unnecessary administrative and financial pressure on the system.

Fig. 4: Parties' Performance in Osun 2018 Guber Election

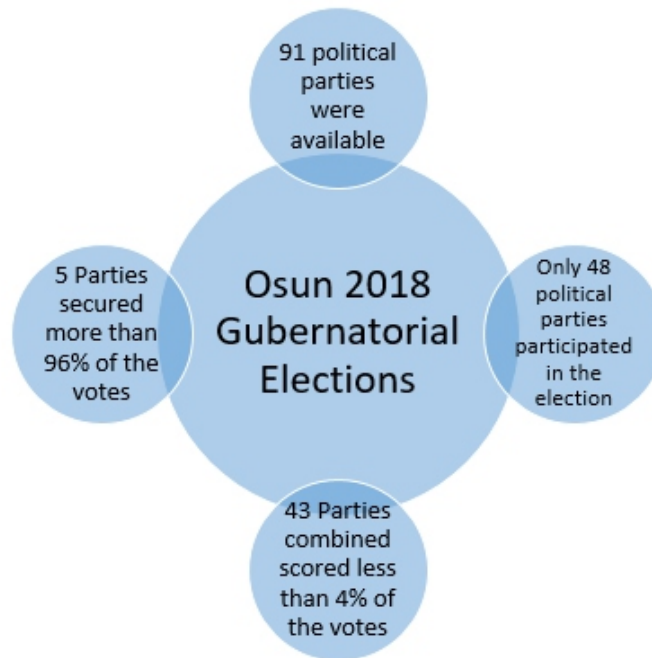
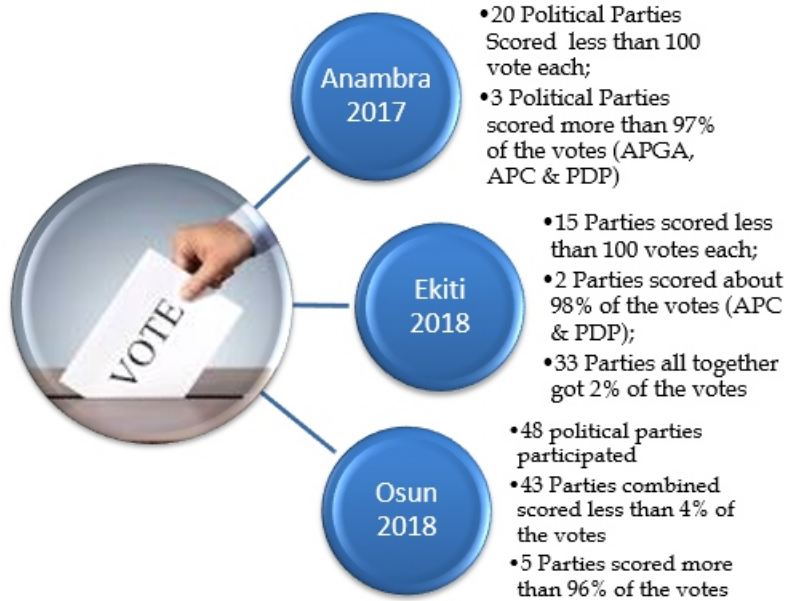
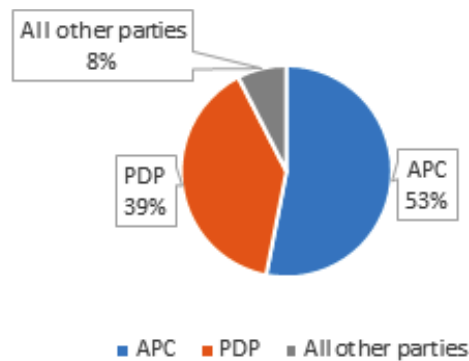


Fig. 5: Summary of Political Parties Performance in Anambra, Ekiti & Osun Gov. Elections



Similarly, the results of 2019 general elections show that most of the parties performed woefully but INEC is lacking legal teeth to deal with non-performance. See Fig. 7 for summary performance in 2019.

Fig. 6: The Poor Performance of Political Parties in 2019 Elections



Source: INEC, 2019

The result indicates that only 13 of the political parties scored 20 thousand and above, while the rest of them performed badly. In fact, out of 73 political parties that fielded candidates, more than 40 political parties didn't score five thousand (5000) votes and lack presence in most parts of the country. The above data chart indicates that two political parties scored 92% of the total valid votes, while the rest 71 scrambled for the remaining 8%. So, going by the results, Nigeria's EMB is slacking in its duty.

Interpretation of Results

It is therefore logical to allude that: Bad politics + Bad Legislation = Poor Performance by EMB. What the foregoing analysis shows very clearly is that Nigeria needs only a few political parties that the people can identify and work with. However, the Nigeria's EMB, INEC which supposed to handle this by setting a threshold for non-performing political parties' names to be deregistered or to be removed from ballot paper is handicap by several judgments from courts of competent jurisdiction, thus, greatly affected by politico-legal environment.

Question 3: How electoral litigations has Hampered the Performance of Nigeria's EMB
Electoral Litigations being part of legal environment of election administration, therefore, in answering this objective, our focus will be majorly on the analysis of how *litigations* is affecting performance of Nigeria's EMB. Although Electoral Litigations and Justice is not a new phenomenon, its resurgence is an indication that extant electoral laws are either ineffective or not being implemented. Another evidence of ineffectiveness is the plethora of electoral disputes on the grounds of violations of electoral laws. The alleged violations are usually the same, electoral fraud and electoral violence. The same allegations have been adduced for disputing election results (Ubanyionwu, 2012). This happened in 1959, 1964, 1965, 1979, 1983, 2003, 2007, 2011, 2014¹, 2015, and 2018². At the end of the 2015 general elections alone, it was revealed that the Independent National Electoral Commission (INEC) was made a party to 650 cases filed by various political parties and candidates (Olurode, 2017). Table 2 presents a summary of elections disputes since 1959 to 2019.

Table 2: Summary of Elections Disputes since 1959 to Date

Years	Gubernatorial Elections Petitions		Parliamentary Elections Petitions	
	No. of Regions/States	No. of Litigations	No. of Constituencies	No. of Litigations
1959	3	NA	312	0
1964/65	4	NA	312	0
1979	19	1	544*	1
1983	19	2	546**	1
1999	36	0	1,497***	1
2003	36	7	1,497	574
2007	35	107	1,496****	1,249
2011	26	53	1,487*****	400
2015	26	95	1,487	650
2019	26	6	1,487	639

Source: African Elections Database

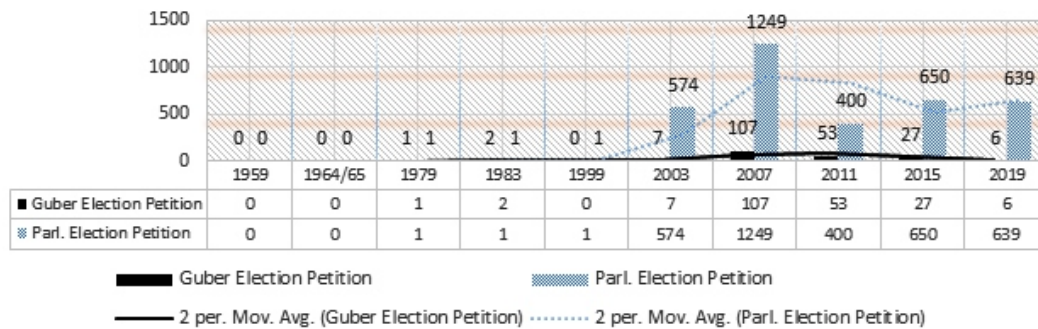
available at: <http://africanelections.tripod.com/ng.html> (available at 20th September 2018) *Senate and Rep (95+449), **Senate and Rep (96+450), ***Senate, Rep and Gov. (109+ 360+36), **** There was no governorship election in Anambra State based on the Supreme Court ruling that the tenure of Governor Peter Obi will end in March 2010, and not April 2007.

¹Ekiti 2014 Governorship election where litigation reached supreme court by Fayemi winner

²Ekiti 2018 Governorship election where Eleka rejected election results declaring Fayemi winner

***** Elections were not held in 10 states- Adamawa, Anambra, Bayelsa, C/River, Edo, Ekiti, Kogi, Ondo, Osun, Sokoto.

Fig. 7: Trends in Electoral Litigations



Source: African Elections Database

The substantial number of litigations filed after an election goes to show, to some level, the extent of acceptability of the election. The 2007 election is the worst ever in terms of pre and post-election litigations. Although, in 2011 there was a drastic drop in election petitions challenging the outcome of elections, it again went up after the 2015 general election. The 2015 general election was adjudged as the fairest and freest election in Nigeria. Despite this accolade INEC was made party to 650 election petitions filed challenging the gubernatorial and parliamentary elections across the country. The data presented in Table 2 which is also depicted in Figure 3 confirms the rising trend of election petitions in Nigeria. As the above Tables shows, there was a fall in electoral disputes in 2011. However, by 2015, although the election was declared as free and fair, disputes arose significantly. The litigations were on all elective positions, Governorship, Senate, House of Representatives, and State houses of Assembly. The only escape was the Presidential Election because the loser willfully conceded to the declared winner.

In 2019, the avalanche of post-primary election court cases rose to about 639 which the Independent National Electoral Commission had to contend with in the run-up to the general election (Punch Editorial, 2019). This was a pointer to the fact that election administration was going to be terribly affected. The magnitude of the task before the electoral umpire can be gauged by the fact that INEC had received 584 requests for certified original copies of documents from aggrieved contestants who want to pursue their cases in court. In dispute were party primaries for state assembly, National Assembly and governorship positions. The most contentious cases involve gladiators in Rivers, Zamfara, Ogun and Enugu states (Punch Editorial, 2019). These are only pre-election cases, which invariably means that post-election cases will be three times of whatever we see before elections.

Interpretation of Results

As we have seen in the above analysis, the legal environment of election administration in Nigeria has been very difficult to allow for a strain free, quality and meaningful

performance by the Nigeria's EMB, INEC. Statistics on the volume of electoral litigations that enveloped the umpire in uncertainty manner, coupled with the fact that INEC has to obeyed court orders shows that INEC cannot any significant performance. Therefore, in these avoidable legal encumbrances, it is logical to conclude that electoral litigation has led to administrative debacles in election management.

Question 4: How technological environment has reduced public trust and confidence in Nigeria's EMB?

In Nigeria, the last two decades have seen an increase in electoral frauds, public distrust, political polarization, and a "quick fix" mentality. The consequences have been greater pressure on election administrators and greater difficulty in solving problems. Thus, as an election management body in Nigeria, INEC has not commanded very serious confidence among many Nigerians since it was established in 1999. In fact, in 2011, INEC observed that, "there was widespread negative perception of its capacity to conduct free and fair elections" as a lot of stakeholders have accused INEC of partiality in all ramifications (Nachana'a, Yusuf, and Auwalu, 2014). The Table 3 below presents some content analysis of newspapers publications on cases where INEC has been severally accused and attacked by vote of no confidence.

Table 3: Newspapers content analysis on cases Where INEC credibility has been questioned

S/N	News Paper	Vote of No Confidence On INEC	Date
1	The Punch	We have no confidence in INEC – PDP Govs.	September 11 th , 2018
2	360 najahits Online News	PDP Rejects Inconclusive Election; INEC Accused of Bias, Fraud	September 24 th , 2018
3	Nija News.com Online News	2019: PDP Passes Vote Of No Confidence On INEC, Accuses It Of Working For APC	11 th September 2018
3	Premium Times	Anambra governorship poll: APC accuses INEC staff of bias	November 8 th , 2013
4	The Punch	Rivers rerun elections: Party supporters accuse INEC of bias	December 10, 2016
5	This Day	Order to Arrest INEC Boss Still Valid, Judge Insists	August 15 th , 2018
6	The Guardian	The National Chairman of the All Progressives Congress (APC) has accused the Independent National Electoral Commission (INEC) of bias.	October 11 th , 2018
7	Daily Post, Online News	INEC conniving with APC to manipulate election results across Nigeria – Secondus	November 11 th , 2016
8	Daily Trust	The National Chairman of the National Action Council (NAC) has accused the Chairman of the Independent Electoral National Commission (INEC) Prof Mahmood Yakubu of gender bias over his refusal to recognize her leadership of the party.	December 14 th , 2017
9	Vanguard	Substitution: Niboro accuses INEC of bias, wants chairman jailed for contempt	November 12 th , 2018
10	The Cable	INEC official' accused of destroying result sheet during Osun poll	September 23 rd , 2018
11	Bounce News Online News	Under-Age Voters: PDP Rejects INEC's Investigative Committee	September 9 th , 2018
12	Premium Times	APC accuses INEC of leaking official correspondence	August 25 th , 2018

Source: Compilation of the Authors

The Table above shows that public trust and confidence in INEC to organize credible elections is being questioned by some stakeholders. Public trust and confidence is essential for the successful deployment of electoral technologies. However, Nigeria EMB, INEC has not been able to secure public consent and approval in their quest to deploy technology for elections. *Public trust and confidence is essential for the successful deployment of electoral technologies*, but suspicion of great manipulation through technology is a test on the part of Nigeria's EMB. The fear that electoral technology cannot guarantee electoral integrity is premised on the limitations of technology deployment in Nigeria. Experience shows that use of technology in election is vulnerable to failure, interference, and security breaches. Recent reports of cyber propaganda, warfare and election interference strengthen the argument that electoral technology can potentially delegitimize elections (Itodo, 2018). Without checks and oversight, heads of ICT departments in electoral commissions can become kingmakers by subverting the will of the people through a 'click' (Raila Odinga quoted in Itodo, 2018).

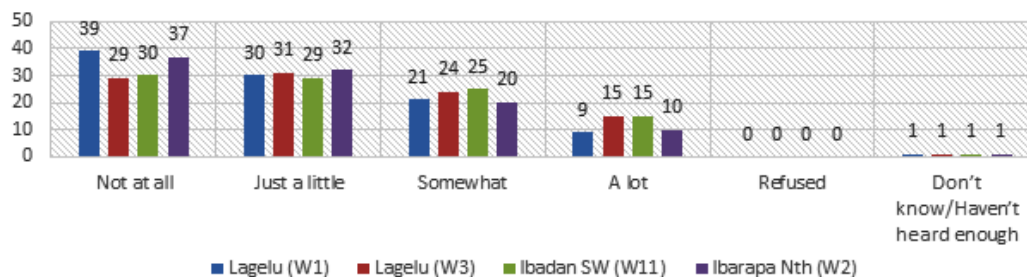
In a small survey conducted by the researcher during 2019 general elections on the level of public trust and confidence in INEC and use of Card reader, similar findings were recorded. In that survey, to measure the level of confidence, the researcher asked the following question: “Using Card reader to verify voters' card and transmit result, how much do you trust the Independent National Electoral Commission?” 20 electorates each from 4 Polling Units including: Ward 1, Unit 1, Lagelu LGA (562); Ward 3, Unit 1, Lagelu LGA (794); Ward 11, Units 17, Ibadan South West LGA (822); Ward 02, Unit 09, Ibarapa North LGA, (130). The result is as shown in Table 4 and Figure 9 respectively.

Table 4: Using Card reader how much do you trust the Independent National Electoral Commission

	Lagelu (W1)	Lagelu (W3)	Ibadan SW (W11)	Ibarapa Nth (W2)	Total %
Not at all	39	29	30	37	34
Just a little	30	31	29	32	31
Somewhat	21	24	25	20	22
A lot	9	15	15	10	12
Refused	0	0	0	0	0
Don't know/Haven't heard enough	1	1	1	1	1
Total (%)	100	100	100	100	100

Source: Field Observation, 2019

Fig. 8: Public Confidence in INEC



Source: Field Observation, 2019

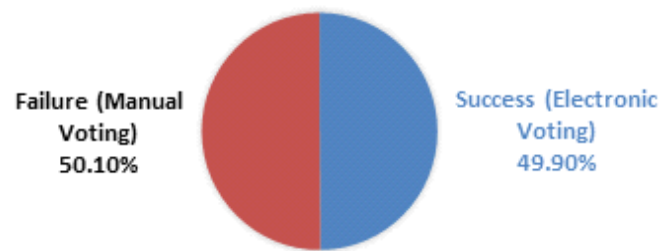
Despite the INEC repeatedly assuring that smart card reader will not pose a challenge at the elections this year, reports from parts of the country indicated the malfunctioning of the device caused delays and frustration for voters. Table 5 shows that Card Reader performance in a polling unit in 2019

Table 5: Card Reader Performance in Polling Units Ibadan South West, Ward 11

Card Reader Performance	Electronic Voting (Card Reader Success)	Manual Voting (Card Reader failure)	Total Votes cast
Proportion (%)	49.9%	50.1%	100.0%

Source: Field Observation, 2019

Fig. 9: Card Reader Performance in Selected Polling Units in Niger State



Interpretation of Results

As it has been clearly demonstrated in the above analysis, it is therefore logical to conclude that lack of public trust and confidence in Nigeria's electoral management body, INEC is as a result of failure of electoral technology used in conducting elections in Nigeria. The above analysis shows that people are dissatisfied with the performance of Smart Card Readers, thereby resulting to poor performance of the INEC.

Conclusions and Recommendations

There have been concerns about the administration of elections since the first election in 1999 at the beginning of the Nigerian Fourth Republic. This article has suggested that the complex environment of the election administration in Nigeria constitutes a new variety of poor performance by Nigeria's EMB.

This can occur because of failures of steering and rowing in EMBs. Examining the performance of Nigeria's EMBs in the context of its ecological and environmental factor, the study has found some cause for concern. Levels of performance in any organisation owe much to the environment in which actors find themselves. This paper has found that new challenges have emerged arising from broader changes in Nigeria's election community. It follows that further declines in performance might follow unless INEC adapt within this new environment. Based on the above findings and conclusions, we therefore recommend that:

- 1) Going by the results of the 2019 elections, the 91 registered political parties may be reduced to less than 10 that may have scaled the constitutional hurdle. INEC should take advantage of the 2017 constitutional review to reduce the number of registered political parties in the country. The Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration, No 9) Act, 2017 enacted on May 4, 2017, has amended section 225 of the 1999 Constitution to empower the Independent

National Electoral Commission to de-register political parties on grounds of: a). breach of any of the requirements for registration; b). failure to win at least twenty-five per cent of votes cast in- (i) one State of the Federation in a Presidential election; or (ii) one Local Government of the State in a Governorship election; c). failure to win at least-i) one ward in the Chairmanship election; ii) one seat in the National or State House of Assembly election; or iii) one seat in the Councillorship election.”

- 2) As the case in Germany and Slovenia, a political party should lose its status if it does not participate in elections for a period of 5 years. This recommendation is necessary to weed out indolent parties;
- 3) The court should adjudicate over election petition on the grounds of which an election petition is filed should be made parties to the petition and appropriate sanction imposed once proven.
- 4) INEC and government should carry out confidence building measures in the electoral system. Once people believe that elections will be by and large free and fair, and credible, they will more readily participate and also accept its outcomes.
- 5) The power of INEC to monitor the organization, registration and operation of political parties mentioned in the Third Schedule, Part 1F (15)(b)-(c) of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended), should be amended or expanded to include power to de-register political parties that are not viable.

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