

The 2022 Electoral Act (As Amended) and Credibility of Party Primaries for the 2023 APC Imo East Senatorial Primary Election

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Article DOI:

10.48028/iiprds/ijsrhlir.v9.i1.12

Keywords:

Political party,
Electoral Act,
Election, Party
Primaries,
Credibility.

Abstract

The electoral act 2022 was signed into law by former President Muhammadu Buhari for the conduct of the 2023 general elections. This study is an attempt to examine the 2022 Electoral Act and credibility of party primaries for 2023 APC Imo East Senatorial Elections, Imo State. The study assesses the implications of the Electoral Act, 2022 on the credibility of party primaries and Electoral Process. Thus, the prebendal theory was found appropriate as a framework of analysis. The methodology adopted for this study is both descriptive and analytical. The data gathering includes textbooks, journals, articles, newspapers, etc. the discourse revealed that the provisions of the electoral act, 2022 on party primaries were not adhered to by the APC in Imo East Senatorial Election. The paper argued that the violation has implication on the performance of the party in the 2023 senatorial election in Imo East. The study recommended non-participation of parties in the provisions of the act in conducting primaries. Also, people should develop interest to seek for credible process in selecting their party's candidates for general elections.

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Background to the Study

Party primaries are the avenues for selecting best candidates by all parties to represent their respective parties in the competition and struggle for political power. However, in Nigeria politics, party primaries are always bastardized, subverted, abused and a mockery of democracy and internal party politics. Party primaries are often accompanied by imposition of candidates, money politics, bribery, vote buying, corruption and exorbitant price tags for nomination forms. All these have led to selfish and corrupt leaders that are the consequences of the deliberate blockage of credible and quality leaders. One annoying issue in the party primaries and indeed in the entire Nigeria politics is money politics

The whole political process has been transformed into an avenue for clientilism, nepotism and overt use of national wealth by the power-holders to continue to secure control of political power at all cost. Money politics had affected Nigeria's elections since the inception of the fourth republic in 1999. Money is used in the process of nomination, party primaries, vote buying in the general election and bribery of Judges after the election in the election petition tribunal to subvert justice in favour of corrupt politicians and the alleged stolen popular mandate in various elective offices across the state and country (Sule et al, 2018).

The party primaries were conducted relying on the 2022 electoral Act. According to the new electoral act (2022), made provisions for a framework that empowers the independent National Electoral Commission (INEC) to determine the mode of voting and transmission of election results as well as to review any declaration of election result gotten under duress. The act legalized the use of technology during elections, redefined and clarified voting as well as mandating INEC to take "responsible steps" to provide support to "person with disabilities (PWDS) during voting". The new act also altered the timelines for the conduct of elections and created new timeframes for political parties to fulfill various requirements and activities concerning nomination of candidates for elections.

The provision of the 2022 electoral act that makes for conduct of party primaries is under sections 82-85 of the Act, 2022 and it states that;

- i. Every political party must submit list of candidates not later than "180 days" before the election date and the candidates have emerged from valid primaries section 29(1)
- ii. Candidates from the party primaries can emerge through direct primaries, indirect primaries or consensus, section 84(2)
- iii. For consensus candidature, political parties are to be guided by the following rules.
 - a. Political parties must obtain the written consent of all aspirants indicating their voluntary withdrawals and acceptance of the consensus candidates' section 84-9

- b. Moreover, if a party fails to comply with the provision of the electoral act in conducting primaries, its candidate from such primaries will not be included in that election (section 84-13).

The APC conducted its party primaries in Imo State and across the country ahead of the 2023 general election. The All Progressive Congress (APC) party in Imo East senatorial district was conducted and expected to agree with the provisions of the 2022 Electoral Act. However, this paper is set to critically ascertain whether the 2022 APC primaries for Imo East senatorial district for the 2023 senatorial election was conducted in agreement/compliance with the Electoral Act.

Statement of the Problem

The issue that usually rears its ugly head in elections is the conduct of primaries by political parties and the issues arising from the conduct of general elections. These fundamental issues cut across all the various elections and for all the elective posts to be contested for. The proper conduct of a primary election is a "sinequanon" in any true democracy. If the primary elections are not properly handled, the loss or defeat of party springs from the conduct of such primary elections.

The imposition of candidates by political "godfathers" on the electorates does not augur well for the sustainability of our democratic ethos. It was because of all these that the Electoral Act, 2022 made provision for the conduct of party primaries under section 82-85 of the Act. Nevertheless, the conduct of the APC senatorial primary in Imo East was not without crisis, as some aspirants accused the governor of Imo State, Senator Hope Uzodinma of not providing a level-playing ground. These aspirants claimed that, the exercise was manipulated, forged and fraudulent. It was learnt that aspirants were "forced" to withdraw from the race so as to give the favoured candidate of the governor to emerge without going through the voting process. This violated the new electoral act (Trumpeta Newspaper, 2023). From the foregoing discussions therefore, the major question that has risen is, did the conduct of the APC primary for Imo East Senatorial District, that was conducted in 2022 for the 2023 election, conform with the provision of the electoral act of 2022?

Conceptual Framework

Party Primaries

This is an exercise whereby voters registered with a political party select the candidate who will represent that party on the ballot in the next general election. Party primaries in Nigeria are guided and regulated by some rules, which include the Nigerian party constitution, party manifestoes and principles. For example, Article 1 and 2 of the Independent National Electoral Commission (INEC) Law stated the regulation for the conduct of party primaries. Some of the Provisions of the regulations include, time-frame for the conduct of the party primaries which must be some months before the general election, procedures for the conduct of the primaries, the process of nomination and selection and other issues etc. (Babayo, 2022).

Electoral Act 2022

The new Electoral Act, 2022 is to regulate the conduct of federal, state and Local Government Area elections; to make provision for the restriction of qualification for elective offices to relevant provisions of the constitution of Nigeria (1999 constitution as amended); to regulate use of card readers and other technology devices in elections and political party primaries; to provide a timeline for the submission of lists of candidates and the criteria for substitution of candidates, as well as the limit of campaign expenses and the issue of omission of names of candidates or logos of political parties.

The Electoral Act, 2022 has about 153 sections and each section deal with a specific subject matter. The act is further divided into various parts, which have substantive subject matter therein, for instance part;

- i. Deals with the establishment and functions of INEC, that is section 1-7, part
- ii. Deals with the staff of the commission (INEC) that is section 8, while part
- iii. Is titled "National Register of voters and voters Registration" which encapsulates sections 9-23
- iv. Is on the procedures during elections, which cover sections 24-74 while part
- v. Deals with political parties, that is section 75-97
- vi. Is from section 98-113 and it deals with procedures for local government areas.
- vii. Is with the heading titled "electoral offences" is in respect of sections 120-129, while part
- viii. Of the electoral act 2022 deals with the heading "determination of election petitions" contains sections 130-140 part
- ix. Is titled miscellaneous provision covers section 141-153.

Electoral Act 2022 and Conduct of Party Primaries

One of the fundamental issues that usually rears its ugly head during elections is the issue of conduct of primaries of political parties and that arising from the conduct of general elections. This fundamental issue cuts across all the various elections for the various elective posts to be filled and contested for. The proper conduct of such primary election is a sinequanon in every democracy. Some party stalwarts usually referred to as godfathers impose candidates on the party members and electorate. This does not augur well for sustainability and credibility of democratic ethos and pathos (Babayo, 2022). This is why the electoral act, 2022 makes the provision for the conduct of party primaries under section 82-85 of the electoral act, 2022.

Section 82 of the electoral Act, 2022 provided as follows;

1. Every political party shall give the electoral commission at least 21 days' notice of any convention, congress, conference or meeting to be convened for the purpose of electing members of its executive committees or other governing bodies or for nominating candidates for any of the elective offices specified under this act.
2. The Electoral Commission, may with or without prior notice to the political party, attend and observe any convention, congress, conference or meeting which is convened by a political party for the purpose of;

- a. Electing members of the executive committee or other governing bodies.
 - b. Nominating candidates for an election of nominating candidates for an election or any office.
 - c. Approving a merger with any other registered political party.
3. The election of members of the executive committee or other governing body of a political party, including the election to fill a vacant position in any of the aforesaid bodies, shall be conducted in a democratic manner and allowing for all members of the party or duly elected delegates to vote in support of a candidate of their choice.
4. Notice of any congress, conference or meeting for the purpose of nominating candidates for area council elections shall be made available to the commission at least 21 days before such congress, conference or meeting.
5. Failure of a political party to notify the electoral commission as stated in sub-section (1) shall render the convention, congress, conference or meeting invalid.

Section 84 of the Electoral Act, 2022 deals essentially with the nomination of candidates for party primaries, for section 84, it provides as follows;

1. A political party seeking to nominate a candidate for elections under this act shall hold primaries for aspirants to all elective positions, which shall be monitored by the commission.
2. The procedure for the nomination of candidates by political parties for the various elective positions shall be by either direct or indirect primaries or consensus.
3. A political party shall not impose nomination qualifications or disqualification criteria, measures or conditions on any aspirant or candidates for any election in its constitution, guidelines or rules for nomination of candidates for elections, except as prescribed under section 65, 66, 107, 131, 177 and 187 of the constitution.

The 2022 APC Imo East Senatorial Primary Election and the Provision of the 202 Electoral Act

Section 84 of the electoral act 2022 stated that position of the law in the conduct of senatorial primary election among others ahead of the 2023 senatorial contest/election. According to some of the aspirants that took part in the election, in the race for Owerri zone senate ticket, the victory of Sir Alex Mbata was unacceptable as Mrs. Betty Anyanwu Akeredolu went berserk and used unprintable words to describe the action of the governor, Senator Hope Uzodinma especially over his role in the purported primary election. The Trumpeter Newspaper of May, 2022, asserted that, the governor was accused of not providing a level playing ground which saw sudden withdrawal of aspirants and the emergence of unexpected winner.

Also, Dr. Chino Opara told "The Leadership Newspaper in an interview that, the Imo East senatorial primary elections are a sham". Opara further described the entire exercise as a shame and show of shame that went on in the dead of the night.

"People with good conscience, prized reputation, good moral standards and strong integrity, we can't be involved in such a brazen impunity and

wanton theft of the people's will all in the name of politics, no matter what is at stake Politics should not be associated with anything bad, immoral, indecent and evil".

He asserted further that "A charade" (election that has no value, no accredited delegates, no agents, no returning officer, cannot be called an election to produce a senatorial candidate for the enlist people of Owerri senatorial zone). In the same vein, we call on the Leadership of our party APC to intervene and rescue our party from this imminent extinction arising from injustices meted out to members of Owerri zone (Leadership Newspaper, 2022).

Areas of Violation on the 2022 Electoral Act in the Conduct of APC Party Primary for 2023 Imo East Senatorial Election

The Electoral Act, 2022 makes the provisions for the conduct of party primaries under sections 82-82 of the electoral Act 2022

The APC on the conduct of primary and nomination of its senatorial candidate for the 2023 Imo East Senatorial election violated the electoral act, 2022 in the following areas,

- i. In its procedure for the primary election, the APC (party) opted for consensus, which was under the law. But the procedure for the consensus arrangement was not followed as specified by the electoral act, 2022. The Act states that a political party that adopts a consensus candidate shall secure the written consent of all cleared aspirants for the position, indicating their voluntary withdrawal from the race and their endorsement of the consensus candidate.

He further states that, where a political party is unable to secure the written consent of all cleared aspirants for the purpose of a consensus candidate, it shall revert to the choice direct or indirect primaries for the nomination of candidates for the aforesaid elective positions. Also, a special convention or nomination congress shall be held to ratify the choice of consensus candidates at designated centers in such senatorial constituency. Where a political party fails to comply with the provision of the Act in the conduct of its primaries, its candidate for the election shall not be included in the election for the particular position in contest. These areas were not followed by the APC in its Imo East senatorial primary, hence, the call for cancelation by the aspirants who accused the state governor of unilaterally choosing one out of them as the consensus candidate without recourse to the provision of the electoral Act, 2022 (as amended) with regard to party primaries (Newspoint Newspaper, 2022)

- ii. The APC violated the electoral act, 2022 in its conduct of the 2023 Imo East senatorial primary by imposing a candidate on the other aspirants. The electoral act, 2022 states that a political party shall not impose nomination qualification or disqualification criteria, measures or conditions on any aspirant or candidate for

any election in its constitutions, guidelines rules for nomination candidates for election except as prescribed under sections the constitution.

Relying on the above, it was clear that the APC and its Leadership did not follow the electoral act provision. The situation events as was alleged by all the aggrieved aspirants showed there was no election rather an imposition on them, which they vehemently rejected. Not only did the APC primary encourage the imposition of candidates but also denied the aspirants their constitutional right approved by the 1999 constitution of the Federal Republic of Nigeria, section (65)(1), which states that subject to the provision of section 66 of this constitution, a person shall be qualified for the elections a member of;

- a. Senate, if he/she is a citizen of Nigeria and has attained the age of thirty-five years, and has fulfilled other provisions of the law. Therefore, denying the aspirants by simply imposing someone on them is a violation of their constitutional rights as citizens of Nigeria.

Theoretical Framework

Prebendal Theory of Democracy

This model of analysis of politics was propounded by Joseph Richard (1987) in his work "Democracy and prebendal of politics in Nigeria. The rise and fall of the second Republic" The theory states that state offices are regarded as prebendal that can be appropriated by office holders who use them to generate material benefit for themselves and their constitution and group. Richard (1987) contends that the type of politics played in Nigeria promotes prebendalism. There is a complex network of clientelism and patronage. This sees through the political structures starting with the political party in power. Those who command much case, fund the parties, are those who determine who gets what, when and how. They are the ones who handpick the delegates the party convention.

They determine the cost of nomination forms, even the pattern of voting and results of the elections at the primary level. They are the ones who influence who the party candidates are, and ultimately at various levels. They have a network of clients too. This is the root of the matter across party lines especially the All Progressive Congress (APC). This is an indication of the "invisible" hand of the "Patron" that sponsors the winning candidates. The patron-clientelism or neopatrimonialism in practice. The relevance of this theory is the inter-connectivity that exists in the explanation of how the party leaders influenced the conduct of party primary in the APC Imo East Senatorial primary ahead of the 2023 election.

Conclusion

The Electoral Act 2022 is a credible piece of legislation, which was a laudable attempt to ensure the Nigerian Electoral process measures or competes with other democracies across the globe. As the guide to the 2023 general election in the country, the success or credibility of the exercise will depend largely on the level of its implementation during the elections. It is safe to conclude that there were series of complaints arising from the outcome of the APC Imo East Senatorial Primary, which largely impact on the credibility

of the process. The hijack of the process by the Governor, Senator Hope Uzodinma. The new Electoral Act 2022, on party primaries is a timely improvement of the old one and if well applied, or implemented will redefine the Nigerian Electoral System with sanity and transparency.

Recommendations

Arising from the analysis and findings in this study, the following are recommended;

- i. The Independent National Electoral Commission (INEC) should ensure that the provisions of the Act (2022) are strictly implemented especially the conduct of party-primaries by political parties
- ii. The continuous interference in party affairs by elected government functionaries and their appointee should be banned as a means of stopping imposition of candidates on political parties
- iii. Political parties involved in the violation of the electoral act (2022) on conduct of party primary should be ban for a period of time from fielding candidate(s) for elective positions.
- iv. The procedures for party primaries should be acceptable by all aspirants before any conduct before the Electoral Commission.
- v. The internal organization and structural arrangements of political parties should be liberalized.

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