

THE CITIZENS FREE SERVICES FORUM REJECTS THE SENATE'S VERSION OF THE AMENDMENT OF NIGERIA'S ELECTORAL ACT

Nigeria has been thrown into an uproar since the decision of the Senate of the Federal Republic of Nigeria to insert spokes in the wheel of amendments to Section 60 of Nigeria's Electoral Act. While the House of Representatives passed a version that explicitly mandated the electronic transmission of election results from polling stations to INEC IREV Portals and for electronic transmission to be the basis of results collation, the Senate's version was different. The Senate's version introduced a clause that created room for a fallback to Form EC8A manual collation as the primary means of results collation in the event of the failure of electronic transmission. The Senate cited the possibility of network failure as the reason for diluting and confusing the clause on electronic transmission.

While the reason offered by the Senate might look innocuous on the surface, the history of electoral brigandage in Nigeria, especially as marked by the iron-cast determination of unscrupulous politicians with access to money and power to skirt the law and exploit loopholes to undermine the process, instructs otherwise. This is likely the source of public distrust in the version of the Electoral Act amendment passed by the Senate.

It would be fatally injurious to dismiss the concerns of Nigerians on the version of the Electoral Act passed by the Senate. This is because the electoral process and its major outcome, democratic governance, are built on the foundation of public trust and confidence. Once this foundation is eroded, the superstructure of democracy itself suffers an insufferable fate. Since no one can build something on nothing, it is important that the foundation of public trust and confidence is at the heart of electoral reforms. This is what we expect to guide the Nigerian Senate.

The Supreme Court ruling on the 2023 presidential election has been criticised for being too technical. We expect the electoral reform initiatives of the National Assembly to overcome the vulnerability of our elections to technical interpretations occasioned by ambiguous provisions in the Electoral Act. We should be seen as making progress in removing technical ambiguities and misinterpretations from our electoral system instead of reinforcing them. It is even more important to build an electoral integrity

system that minimises the need for political actors to resort to the courts for redress. This is the irreducible minimum that the version of the Electoral Act amendment passed by the House of Representatives offers.

The immediate past Chairman of the Independent National Electoral Commission (INEC), Professor Mahmoud Yakubu, has stated that the Bi-Modal Voter Accreditation System (BVAS) and the uploading of election results to the INEC Results Viewing (IREV) portal do not require immediate internet connectivity to function. He affirmed that voter accreditation records are automatically uploaded to INEC portals, while the results sheets, which are not automatically uploaded due to internet difficulties, are uploaded once the internet is available. Prof. Yakubu also posited that most collation centres in Nigeria are located in areas with strong network coverage and that the few blind spots are being addressed through INEC's institutional partnership with major telecommunications companies.

Who understands the system better than the immediate past Chairman of Nigeria's Election Management Body? If INEC gives a vote of confidence on electronic transmission of results as a basis for results collation, why would the Senate think otherwise? This raises a serious red flag. This presents a grave betrayal of the oath of office sworn by the members of the Senate. This is not how to wear the lapel of 'distinguished'. The action of the Senate is most undistinguished. It is a grand desecration of public trust. It is frivolous. It is profane. It is a poison to our democracy.

We call on Nigerians not to give up the struggle for credible electoral outcomes. We call on the reform-minded segment of the political class, Nigerian trade unions, progressive civil society organisations, faith-based organisations, communities and particularly youth groups whose future is being stolen by flawed elections to maintain the pressure on the National Assembly for the removal of every impediment and ambiguity to the amendment of Section 60 of the Electoral Act. Nigerians want the electronic transmission of results to be the sole basis for results collation. Nigerians also want the strengthening of the Electoral Act provisions on vote buying and the deployment of violence during elections. Nothing less. The recommendations of Justice Uwais-led Electoral Reform Committee are still relevant and instructive today as they were fifteen years ago.

The CFSF considers elections as a crucial and sacred aspect of our civic duties. Credible elections inspire the recruitment of a political leadership that not only serves the people but is also accountable to them. Credible elections produce a system of political leadership, a political class, and a political culture that becomes the hub for organising citizens' virtuosity as the engine of socio-economic re-engineering, delivering good governance marked by the efficient and effective delivery of public services, protection of decent work, robust infrastructure, the rule of law, and security for all.

This foundation of our statehood and sovereignty should not be ruined by episodic and opportunistic politicians who think only about the next election and what it adds to their personal fortunes, rather than the next generation and the institutionalisation of sustainable development.

On the amendments to the Electoral Act, Nigerians have spoken so manifestly! The voice of the people is the voice of God. The Nigerian Senate and the House of Representatives should take strong note of this when they meet to harmonise the versions passed by the lower and upper chambers of the National Assembly. They must resist the lure to legislate themselves into infamy and oblivion. A word is enough for the wise!



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