



INDEPENDENT NATIONAL
ELECTORAL COMMISSION

Position Paper No.1/2021

ELECTRONIC TRANSMISSION OF ELECTION RESULTS

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Preface

Over the last three electoral cycles, the Independent National Electoral Commission (INEC) has consistently sought to apply technology to improve the credibility and safety of the electoral process in Nigeria. This has intensified in recent times with the threat to public safety posed by the COVID-19 pandemic, which has necessitated an inevitable quantum rise in remote, rather than direct and physical interactions in the electoral process. Technology has made this possible. Consequently, within the last two years, the Commission has applied several technological innovations to managing the electoral process. Some of these are the introduction of the INEC Results Viewing (IReV) portal, separate portals for nomination of candidates, accreditation of election observers, accreditation of the media for elections and for nomination of polling agents. In addition, the Commission recently introduced online pre-registration of voters as part of the Continuous Voter Registration (CVR) exercise, which has made it possible for well over two million Nigerians to commence and/or complete their registration without difficulties within a period of ten weeks.

Two guiding principles underlying the Commission's application of technology are timeliness and relevance. These principles underscore the Commission's belief that the time has come for Nigerian elections to transcend the cumbersome, tardy and vulnerable manual transmission and collation of election results to electronic transmission. Recently, in the course of the National Assembly seeking to amend or repeal and re-enact the Electoral Act 2010, a national debate has arisen over the question of electronic transmission of election results. The controversy has revolved around the readiness of INEC and the capacity of national infrastructure for transmitting election results electronically. It is worthy of note that none of the sides in this controversy appears to substantially question the desirability of electronic transmission of election results. It seems that only the preparedness of INEC and the capacity of national infrastructure are questioned.

Since INEC's readiness has become a cardinal issue in these debates, the Commission has decided to articulate and make public its position and thinking on this question, particularly for two reasons. First, many Nigerians have called on the Commission to make its position public. Second, we hope that by doing so, some of the partisan fervour that has tainted the discussions may recede and make common grounds and consensus possible in order to chart a more progressive way forward. This Position Paper is borne out of this thinking. Among other things, it distils the Commission's position and thinking on the question of electronic transmission of election results in an easily readable form. The positions canvassed in this paper are informed by a decade of the Commission's technical field experience, piloting and engagement with critical stakeholders, particularly the Mobile Network Operators

(MNOs) on electronic transmission of election results. Surely, a decade is not a short time for the Commission to determine whether it is ready. Our position is not meant to support or undermine any side in the ongoing debates. Our understanding is that as a responsible corporate citizen, particularly one whose constitutional responsibilities are at stake, INEC should lend its voice to such a momentous issue of public concern. As such, INEC's intervention in these debates, particularly through this Position Paper, should not be misconstrued as denuding the powers of any other agency or authority to perform its functions or to hold views on the issues in question that are contrary to those of the Commission.

In that spirit, and on behalf of the Commission, I strongly commend this Position Paper No. 1 of 2021 to all stakeholders who are interested in knowing the Commission's thinking and position on the electronic transmission of election results. We hope that through this Paper, we have contributed to dousing the heat and shedding more light on the question. If through this Paper, more common grounds and consensus are found, then its production would have been worthwhile.



Professor Mahmood Yakubu

Chairman, INEC

13th September 2021

Introduction

The Independent National Electoral Commission (INEC) believes that it has developed adequate structures and processes to successfully transmit election results electronically. Electronic transmission of results will improve the quality of election result management and that our engagement with stakeholders shows that the Nigerian public supports it. The technology and national infrastructure to support this are

adequate. Consequently, if the choice was up to INEC, the Commission prefers to transmit election results electronically once the necessary legal framework is provided. This Position Paper will, among other things, try to elaborate on the reasons why the transmission of election results electronically is both desirable and doable.

Context

Recent debates in Nigeria over the provision of Clause 52 (3) of the Electoral Bill 2021 regarding the electronic transmission of election results appear to be generating a lot of heat but throwing very little light on the cardinal issues. They have been marked by entrenched partisan positions, incomplete information, unsubstantiated fears, groundless conspiracy theories and profound misconceptions. This is particularly the case regarding the level of understanding of the position, requirements and preparedness of INEC on the question. It is curious that the perspectives of the Election Management Body on this very important issue of election management remain either completely absent in the debates or at best misconceived. This is a major missing link in the debates and this Position Paper seeks to address it.

A number of questions are relevant: Why is electronic transmission of results necessary at this point in the development of Nigeria's electoral process? What does electronic transmission of results entail in INEC's design of its processes? What are the likely challenges and how might they be addressed? What is the present level of preparedness of the Commission for electronic transmission of results? Finally, what legal provisions are required to actualise a system of electronic transmission of results that will further strengthen Nigeria's electoral processes? Perhaps, if we focused on understanding INEC's perspectives on these critical questions, we can avoid the misconceptions and conspiracy theories that have dogged present debates.

Objectives



Explain the desirability of electronic transmission of results as an electoral reform issue in Nigeria today



Clarify the position of the Commission on some of the central issues around electronic transmission of results



Build a consensus on electronic transmission of results as an electoral reform issue based on a shared understanding of its desirability towards the 2023 General Election



Address some prevalent misconceptions and concerns about the application of technology to the electoral process and to result transmission in particular



Articulate the essential legal framework to support an effective and secure implementation of electronic transmission of results

Why Electronic Transmission of Results?

The answer to the question of the desirability of electronic transmission of election results in Nigeria today may be summed up in three words – trust, efficiency and safety. We can elaborate further by drawing attention to the following:

i. Progressive application of technology to election management increases trust in the electoral process. This has been a clear verdict of most Nigerians. When the Commission

introduced the biometric register, chip-based voters' card and Smart Card Reader (SCR), they were widely acclaimed to be behind major improvements in the quality of elections, particularly in 2011 and 2015. Since then, Nigerians have pushed for more and more reduction in human intervention that could alter the wishes of voters in elections. Consequently, the Commission has continued to work tirelessly to introduce appropriate, targeted and safe technology to electoral activities, the most recent being the introduction of online pre-registration for the Continuous Voter Registration (CVR).

ii. Health and safety of people must be paramount in all electoral activities, including elections. There is no doubt

that the COVID-19 pandemic has changed the way things are done the world over. Nigeria and indeed INEC have not been averse to these changes. On the 21st May 2020, the Commission issued a policy on the conduct of elections in the context of the COVID-19 pandemic. A central part of that policy, which was very well received by stakeholders, was the need to reduce person-to-person contacts in electoral activities through an increased application of technology. The idea was to protect the voting public and ensure that they vote in safety. Accordingly, within the last one year, the Commission has sought to deploy relevant technology to reduce crowding and person-to-person contacts in the electoral process. Some of them include the creation of portals for the nomination of candidates to the Commission, the accreditation of observers and media organisations for elections as well as improvements in the Commission's results viewing portal. All these have been driven by robust internet and telephony backbones, which have made it possible for Nigerians across the country to participate in electoral activities virtually. In all these cases, several terabytes of data have been transmitted securely to the Commission from diverse networks all over the country, including the remotest parts.

- iii. Timely and efficient results management and announcement are critical for the integrity of

elections. Excessive delays in collating and announcing results fuels feelings that outcomes could be undermined. In many cases, this is conducive to violence and negative mobilization by losers of elections. Electronic transmission of results will make results management more efficient and increase public confidence in the electoral process.

- iv. Reduction of negative human intervention in determining the outcome of elections to the barest minimum is a major goal of electoral reform in Nigeria. For many years, voters, candidates and observers have rued the continued manipulation of election results. There is no doubt that a central reason why this has been possible is that the results management system is essentially manual. It consists of officials completing forms and carrying them by hand to the next level of aggregation and onward to the next level until the overall result is declared. Concerns have been that this process is prone to manipulation or even destruction of results. Many result sheets have been changed and mutilated through inducements or under duress, stolen ("resultjacking") on their way to collation centres, or destroyed during violence. Therefore, electronic transmission of result will vastly reduce threats of negative human intervention in result management such as "resultjacking" and willful, fraudulent mutilation and falsification of results. However, it should be made clear that it is not

always that inaccuracies in election results arise from pernicious human intervention. In many cases, honest human errors are at play. Electronic compilation and transmission of results will vastly reduce such human errors.

- v. Transparency and accountability are at the root of good election management. Thus, related to reducing negative human intervention in the result management process, Nigerians believe that electronic transmission of results is more transparent than manual transmission. Combined with INEC Result Viewing (IReV) portal, which is already operational, electronic transmission will strengthen the openness of results management and make it possible for election officials to be held accountable for their actions, where necessary.
- vi. Auditing and verification of results is an essential part of our electoral system. In a large country like Nigeria, results are handled in thousands of locations. For instance, for the 2019 General Election, results were managed in 176,996 Polling Units and Voting Points, 8,809 Registration Area Collation Centres, 774 Local Government Collation Centres, 37 State and FCT Collation Centres, 1 National Collation Centre and 1,558 Constituency collation centres, giving a total of 188,175 locations. After elections, interested parties do sometimes call for review of these results. Surely, electronically transmitted results will make this more feasible than handling tons and tons of paper some of which would have been mutilated and defaced. It is precisely because of the need for *ex post facto* review of results that Nigerians abandoned the Open Ballot System that was once used for elections.
- vii. If electronic transmission of results is more transparent, supports accountability and better auditing and enhances trust, then it is logical to believe that it would also reduce disputed outcomes. Of course, negative mobilization by candidates, even for invented grievances, is conducive to election violence. And in a country where candidates in elections would sue even for the most improbable redress, a system that reduces post-election disputes must be desired. We are already seeing more willingness to accept outcomes since the Commission introduced the IReV portal. Extending this to electronic transmission of results should produce even more positive result.
- viii. Electronic transmission of election results will also make for quicker and more transparent election adjudication. Tribunals are saddled with consideration of mountains of documents containing results during their sittings and this must be done for many cases within a limited time frame. By making results readily available in electronic form, their Lordships will be better able to scrutinize the results in reaching their verdicts. This will vastly reduce the rising public disquiet about

Court decisions on elections. Indeed, since the introduction of IReV portal, election litigations have shifted from the conduct of INEC to the processes of nomination of candidates by political parties, as the recent cases of the Edo and Ondo governorship elections held in 2020 have shown. In fact, no election result has been overturned by the Election Petition Tribunals since the introduction of IReV portal on account of infraction by INEC.

- ix. One of the major challenges that organisations like INEC confront is good record keeping. Until recently, it was not possible to find results of past elections in Nigeria. While part of the problem was poor policy decisions, it is also clear that keeping records of manual election results for many years was not only too expensive, but also very cumbersome. The Electoral Institute (TEI) established by INEC currently has a project of archiving election materials, including results. Electronic transmission of results will
- x. contribute immensely to improved recordkeeping and archiving both for INEC's own institutional memory and Nigeria's electoral history.
- x. In the medium to long-term, electronic transmission of results gives value for money. It does so by reducing the number of people required to manage results, improving efficiency of results management, curtailing the money spent on litigations, facilitating proper record-keeping and, above all, reducing the paperwork involved in results' management.
- xi. Finally, electronic transmission of election results and balloting are, for the Commission, one more step towards completing the four phases of electronic voting. The others are biometric register and electronic accreditation of voters, which have already been implemented by the Commission. We shall further elaborate on these.

Four Phases of Electronic Voting

In the Commission's conceptualisation of electronic voting, there are four tracks or parts. The first is building a robust biometric register of voters. After an unsuccessful attempt in the buildup to the 2007 General Election, the Commission successfully compiled a reliable biometric register in 2011 in

preparation for the General Election held that year. Over 73 million voters were registered. Since then, the register has been progressively updated and cleaned up, bringing it down to just over 68 million for the 2015 General Election. Today, the register stands at over 84 million voters, making it the largest

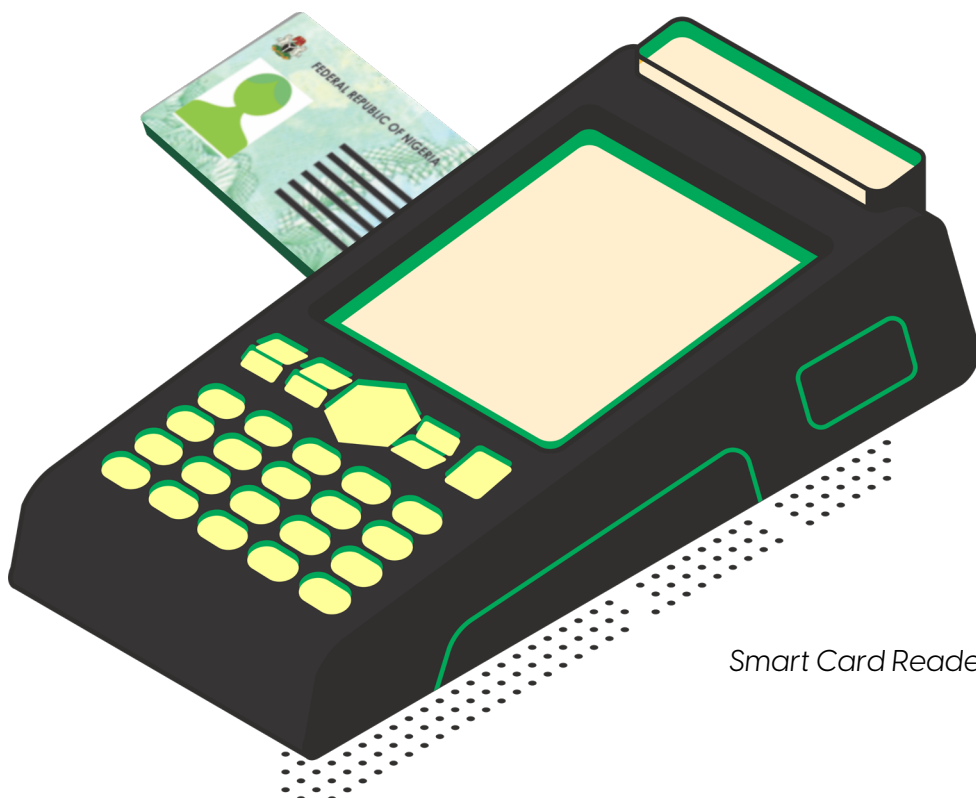


**The first is
building a
robust biometric
register of voters**

electronic database of Nigerians in existence. A reliable biometric register is the foundation for electronic voting, which Nigerians have repeatedly asked for as a solution to the recurrent challenge of controversial elections in the country.

The second track towards full electronic voting is electronic accreditation of voters. Once a biometric register exists, it becomes possible to use it to accredit voters electronically. To this end, the Commission for the 2015 General Election introduced a Permanent

Voters' Card (PVC) with a chip containing the biometric details of the voter (i.e. ten fingerprints). To read the chip, the Commission also introduced the Smart Card Reader (SCR). The process of electronic accreditation of voters that the Commission established entailed, in the first place, the SCR reading the chip of the PVC to confirm that the PVC is legitimate. Secondly, the SCR would extract an image of one of the fingerprints from the chip of the PVC, which is then matched against the corresponding fingerprint of the voter when the finger is placed on a scanner on the SCR. The introduction of the PVC and the SCR by the Commission has been widely acclaimed as a major improvement to the electoral process in Nigeria. Since then, the Commission has been improving on electronic accreditation of voters with the piloting of the Z-Pad to put a second layer of biometric (facial recognition) to the electronic accreditation of voters.



Smart Card Reader



The second track towards full electronic voting is electronic accreditation of voters

The third track towards full electronic voting is electronic balloting. This involves the casting of votes using electronic means. Section 52 (2) of the 2015 amendment to the Electoral Act



The third track towards full electronic voting is electronic balloting

2010 empowers the Commission to determine the procedure for voting in an election. This has removed the encumbrance to the outright prohibition of electronic voting under the principal law. By this amendment, the Commission is empowered to determine the procedure for voting which may include electronic balloting when it considers it appropriate.

The fourth track to full electronic voting is the electronic transmission and collation of results. This entails not only the electronic transmission of results, but also

their collation electronically. This is one point that seems to have been missed in ongoing debates. Transmission of results by electronic means is one thing but collating the results electronically and using the electronically collated results to determine the outcome of elections is a different question altogether.



The fourth track to full electronic voting is the electronic transmission and collation of results

Consequently, the Commission has been seeking a clear legal mandate to implement the outstanding aspect of full electronic voting in Nigeria namely, electronic transmission of results. But in the absence of such a clear legal mandate, the Commission has for ten (10) years sought to pilot various forms of electronic transmission of results in anticipation of the removal of what clearly is a legal encumbrance.

More than a Decade of Pilots

Ironically, the Commission's commencement of piloting of electronic transmission of election result was not in any pursuit of electronic voting. Instead,

it arose from a different challenge. For many general elections, observer reports, judgments in election cases and numerous commentators noted the fact that the Commission was unable to publish election results disaggregated by Polling Units. The main problem was that the Polling Unit results were not available electronically. Publishing them would have meant having to manually type them out. To do so for roughly 120,000 Polling Units would have taken years to complete. The Commission sought more efficient means of compiling the Polling Unit results and making them available in reasonably good time. In 2011, for off-cycle elections and bye-elections, the Commission experimented with transmitting results via Short Messaging System (SMS). The idea was for the results to be composed as SMS and sent to a backend where they were compiled automatically. This experiment faced two major problems. First was large numbers of political parties which made the SMS result transmission method impracticable. Second was the high probability of

senders wrong figures. Consequently, the idea was jettisoned after the initial experiment.

The second system piloted for the 2011 General Election was called the e-Track. The idea was to use handheld scanners to scan all Polling Unit results and send them as PDF files and transmit them to a backend for processing and publishing. Unfortunately, Commission staff deployed for that purpose did not scan many of the results, while some of the scanned results were not legible. However, for the first time the Commission had many of its Polling Unit results in an electronic format, though it could not publish them.

However, for the 2011 Presidential Result Collation, the Commission was determined to speed up the result verification and collation process. It set up a system of transmitting State level results for the Presidential election electronically to the National Collation Centre in Abuja, ahead of the arrival of the physical result. The results were sent



The Commission sought more efficient means of compiling the Polling Unit results and making them available in reasonably good time. In 2011, for off-cycle elections and bye-elections, the Commission experimented with transmitting results via Short Messaging System (SMS)

through a secure e-mail address that only the Chairman of the Commission could access. That made it possible to have the results ready for crosschecking against the physical result and to be displayed for public viewing during the collation. This brought a lot of transparency into the final collation of Presidential election results. Since 2011, this has remained the procedure for collating Presidential election results at the National Collation Centre in Abuja.

The success of this limited form of electronic result transmission, as gauged by the positive review it received from the public, encouraged the Commission to introduce it at lower levels of result collation. This evolved into what is today called the Collation Support and Result Verification System (CSRVS). In some elections, this has been drilled down to Registration Area (Ward) collation of results. Essentially, the CSRVS provides electronic support for the manual collation of results. However, what is actually used for pronouncing the outcome of the election is not the electronically collated result, but the manually collated one. The introduction of the CSRVS has, among other things, increased the speed of collation and announcement of results, reduced human computational errors and made it possible to publish Polling Unit results starting with the 2019 General Election.

Finally, for several off-season and bye-elections conducted since the 2019 General Election, the Commission began to electronically publish images of Polling Unit results through its IReV Portal. The logic is to make the exact

copy of the Polling Unit results, which are usually published at the Polling Units as Form EC6OE, more widely available by publishing them online. While this is not electronic transmission of results, since these images are not collated, IReV has enabled the Commission to test three things that are germane to electronic transmission of results.

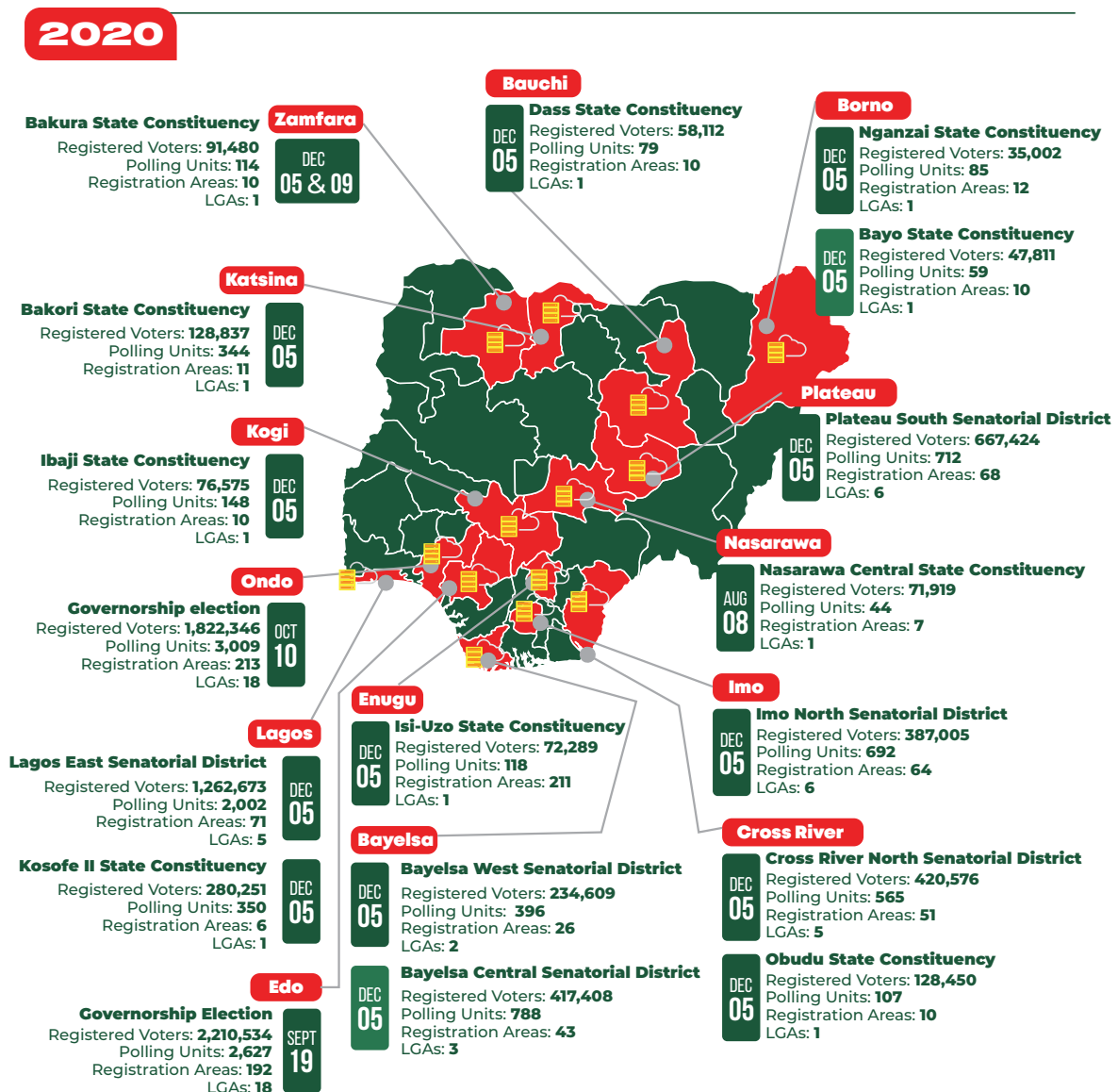
First, it has been used to test the efficacy of electronic results management, should the legal encumbrance be lifted. This system has been deployed in several major off-season/end-of-tenure and bye-elections. These include the Edo and Ondo State Governorship elections, six Senatorial and three Federal Constituency bye-elections, 15 State constituencies and one Councillorship Constituency in the FCT. From the result obtained from these elections, the Commission is convinced that electronic result management will add great value to the transparency and credibility of elections in Nigeria.

Secondly, the Commission used the IReV portal to test the security of our systems if they are deployed for electronic transmission of results. Again, our systems have passed the entire necessary security tests, including "dummy hacking" by ethical hackers.

Thirdly, the Commission has used the IReV online publishing of Polling Unit results to test the capacity of the national infrastructure to support future electronic transmission of results. Results were transferred in real-time from all parts of the country covering different types of elections from

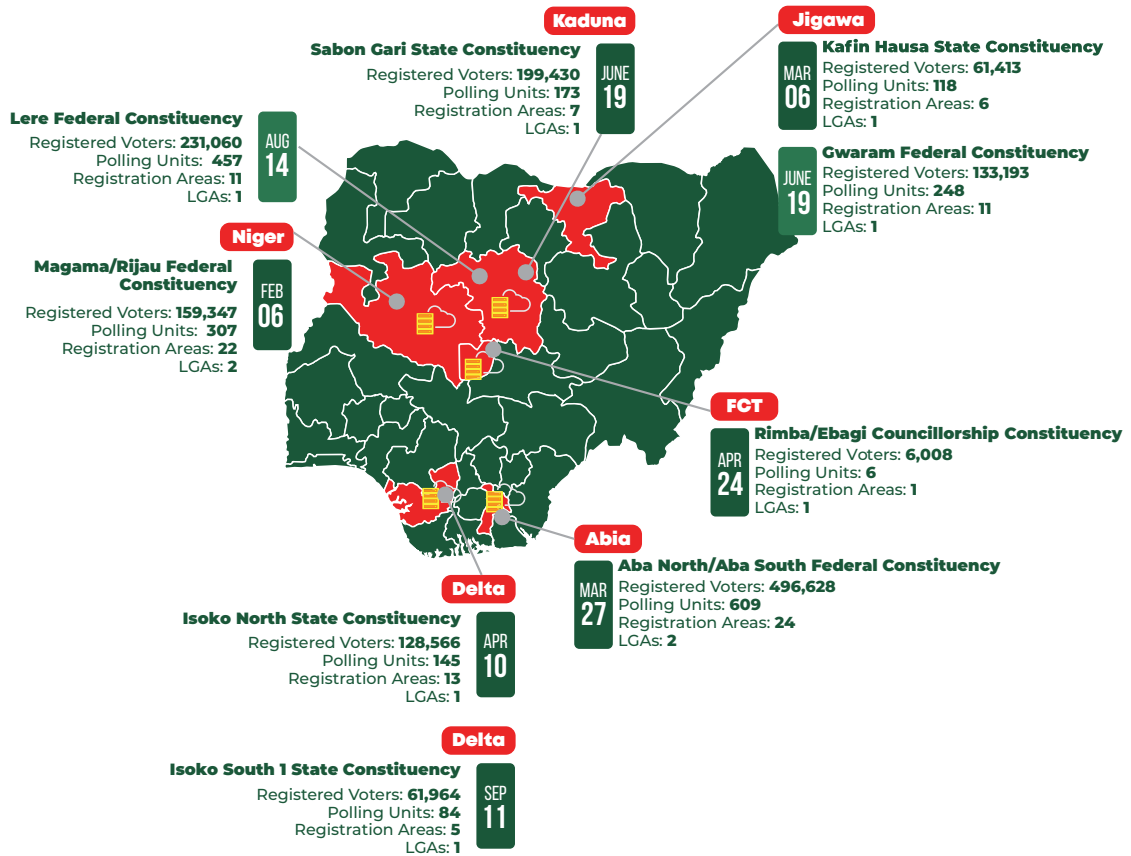
densely populated urban areas to rural locations, forest areas to the savannah region, islands to mainland, creeks to mountains and even areas affected by insecurity such as insurgency and banditry. The Commission has been able to successfully transfer images of polling unit level results to IReV from Oworonsoki in Kosofe LGA of Lagos State, Ariaria Market in Aba North LGA of Abia State to far-flung locations such as Dugge in Rijau LGA of Niger State, Mahin in Ilaje LGA of Ondo State, Kwalkwalawa in Bakura LGA of Zamfara State, Dumadumin Toka

in Kafin Hausa LGA of Jigawa State, Foropa in Southern Ijaw LGA of Bayelsa State, Iguobazuwa in Ovia South West LGA of Edo State, Briyel in Bayo LGA of Borno State, Bundot in Dass LGA of Bauchi State and Okwelle in Onuimo LGA of Imo State. Since August 2020, the Commission has conducted elections and transmitted election results from 20 States and the FCT, covering 27 constituencies spread across 84 LGAs, 925 Wards and 14,296 polling units involving 9,884,910 registered voters as illustrated by the following graphics:

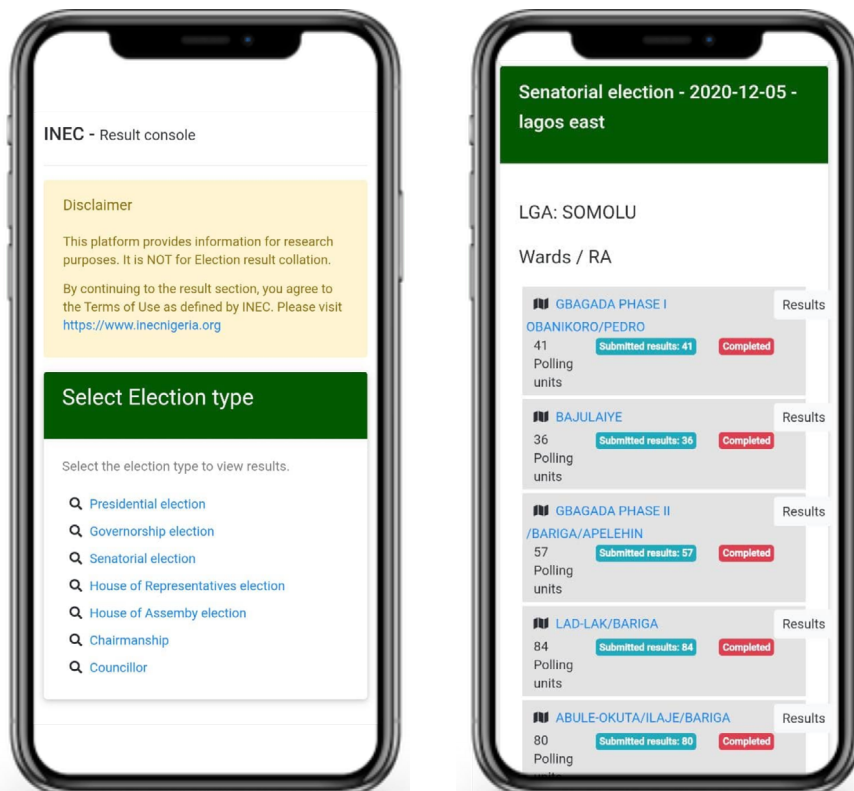




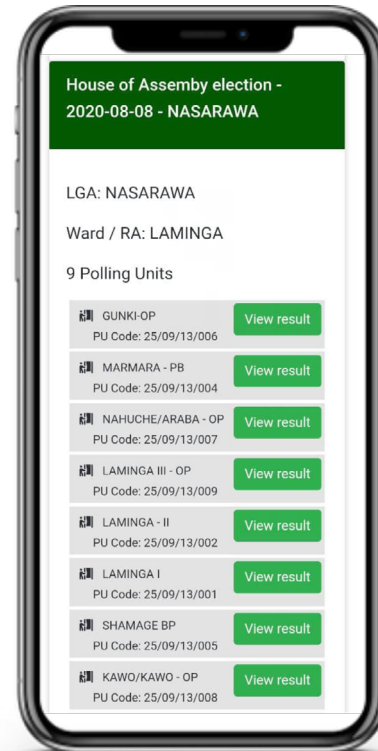
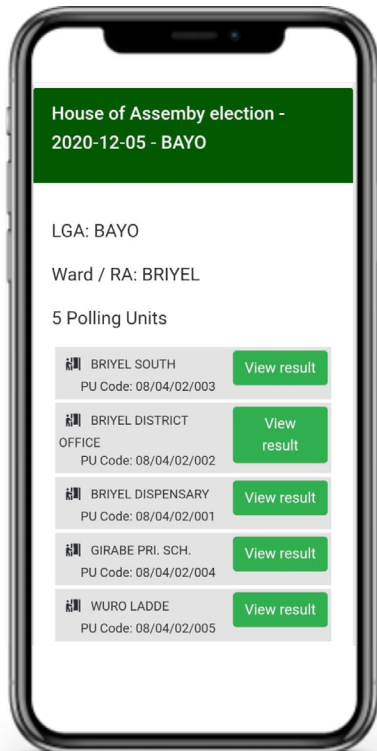
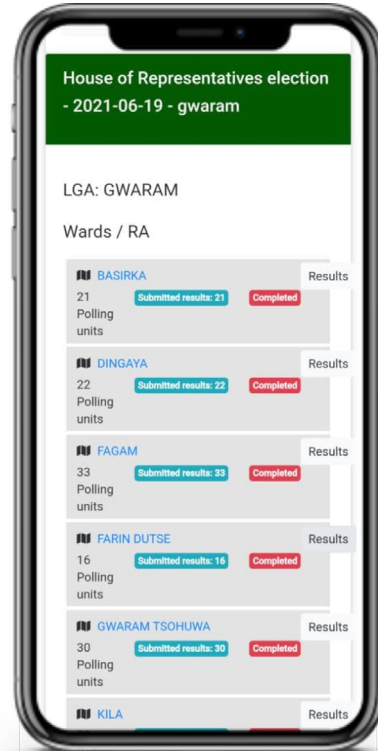
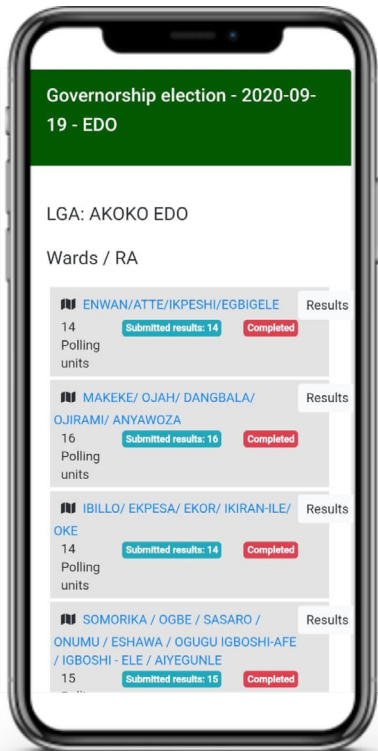
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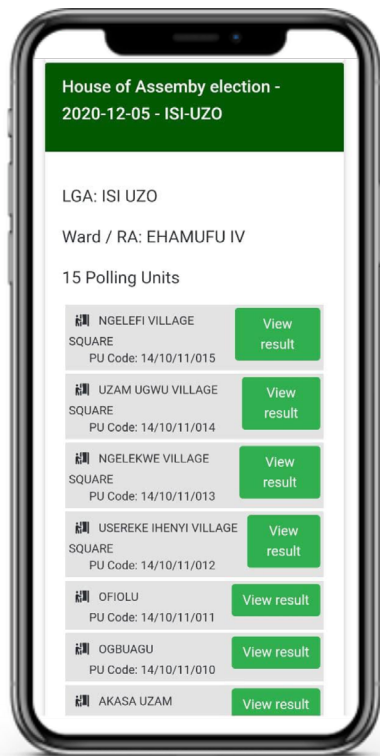


Screen shot of the transmitted results from IReV



Screen shot of the transmitted results from IReV





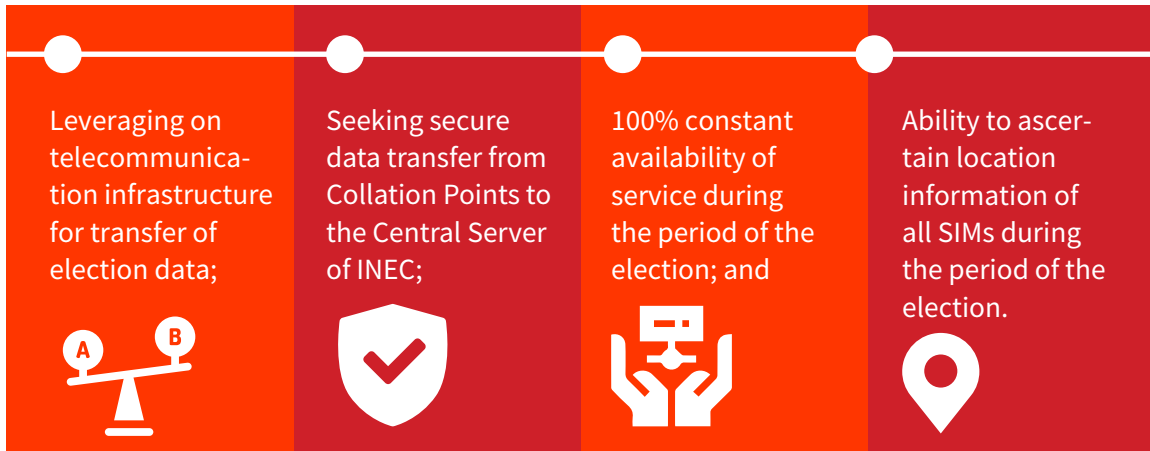
The conclusion that the Commission draws from these diverse pilots conducted since 2011 is that the country is ready for electronic transmission of results. The national ICT infrastructure is also adequate for the purpose of electronic transmission of results. This is underscored by all the discussions we held with the Mobile Network Operators (MNOs) and the regulator, Nigerian Communications Commission (NCC), over the ten-year period of these pilots, but especially between 2018 and 2019. It is important to share the outcome of those discussions to underscore the Commission's conviction about the readiness of the country for electronic transmission of election results.

Engagement with NCC and MNOs

INEC has had a longstanding partnership with both MNOs and NCC. Over the years, they have partnered with INEC in sending bulk SMS, providing short codes, assigning e-lines, as well as mapping networks for the use of Smart Card Readers, all of which have been invaluable to the work of the Commission. This partnership has continued with the discussion on electronic transmission of results.

On 30th January 2018, the Chairman of INEC paid a visit to the NCC and asked for partnership on its task of conducting free, fair and credible elections, particularly as it concerns telephony and data transmission support for the

electoral process, ahead of the 2019 General Election. Subsequently, the two Commissions established the *INEC/NCC Joint Technical Committee on Electronic Transmission of Election Results*, which was co-chaired by Engr. Ubale Maska, the NCC Commissioner for Technical Services and Dr. Mustapha Lecky, an INEC National Electoral Commissioner. The Joint Technical Committee included all the major MNOs. The final report of the Committee signed by the Co-Chairmen and presented by Engr. Maska on 9th August 2018 identified and categorised INEC's requirements into four as follows:



Based on these requirements, the Joint Committee recommended three solutions viz:



National Roaming



Multi-IMSI/Multi-SIM



Traditional Data Communication Connection Service from MNOs using APN.

However, the first two solutions (i.e. National Roaming and Multi-IMSI/Multi-SIM) were discouraged by the Joint Committee on the grounds of exorbitant cost and security concerns, leaving the third solution as the most appropriate option. The Joint Committee also found that mobile networks adequately covered 93% of INEC Polling Units with capacity to cover the outstanding 7%. The Committee went on to allocate Polling Units to the four major mobile network operators – Airtel, Glo, 9Mobile and MTN – for the purpose of transmitting election results. A total cost implication of Three Hundred and Ninety-Five Million, One hundred and Twenty-Three Thousand Naira (N395,123,000) was worked out for the services covering the cost of SIM, system configuration and integration, system support and data bundle with one-year validity. In addition, the Joint Committee made

other technical recommendations, including the allocation of one terabyte (1TB) of data bucket per 10,000 SIMs per annum by the network operators and configuration of one Access Point Name (APN) and Virtual Private Network (VPN) “by all operators towards INEC platform to enhance security”. Such detailed work and recommendations involving the major MNOs and the NCC as the regulator of telecommunications in Nigeria, profoundly convinced INEC that electronic transmission of election results was possible for the 2019 General Election. However, INEC expected to receive a clear legal mandate for electronic transmission of election results with the Electoral Act amendment that was ongoing at the time in order to commence implementation. Unfortunately, that did not happen.

Based on the foregoing, INEC is convinced that the nation has the infrastructure to implement the electronic transmission of election results. The MNOs have the capacity to do so and network coverage across the country is adequate and secure. This position is substantiated by the 2018 position of the people who should know namely, the MNOs, who informed the Joint Committee that they had provided such services to other customers, including the NCC which regulates telecommunications in Nigeria. This is particularly so because the Joint

Technical Committee submitted its report three years ago. With the massive developments that constantly take place in the telephony and data transmission sector, the capacity would have further improved since then. In other words, the capacity is even more reliable today than it was three years ago when the MNOs and the NCC certified that electronic transmission of election results was possible. The contrary positions are probably built on some misconceptions which must be addressed.

Some Misconceptions about Electronic Transmission of Results

Electronic Result Transmission and Electronic Balloting/ Internet Voting

There is a common misconception that electronic transmission of election results is the same as electronic balloting or Internet voting. They are not the same thing. As we have already made clear, there are four components of full electronic voting namely, a reliable register of voters; electronic accreditation of voters; electronic balloting; and electronic transmission of results. Electronic balloting could take the form of voting using electronic equipment that records and tabulates votes or through the Internet. In the

latter, voters are likely to be required to visit a website or portal where they make their choice of candidates and these are routed via the Internet to backend servers for collation. This means that for a voter to vote, he/she must have a good Internet connection. Consequently, this has nothing to do with electronic transmission of election result, as we have clearly outlined. In any case, INEC is not contemplating this option now. Voting will take place in each of the 176,846 Polling Units across the country at which registered voters must present themselves personally to be accredited using their voters' cards and their names marked on the voters' register.

IReV is a Form of Electronic Transmission of Election Results

The INEC Result Viewing (IReV) portal is not the same thing as electronic transmission of results, though they have affinities. Electronic transmission of election results would entail not only sending data from one point to another, but also the electronic collation of those results to determine the outcome of the election. At the moment, IReV entails online publishing of scanned copies of the Polling Unit result sheets (Form EC8A), which are usually published at each Polling Unit as Form EC6OE. Note that the figures in the uploaded result sheets are not collated for the announcement of results. The Collation Process is distinct and by extant laws involves manually recording, adding and announcing results. However, INEC has used IReV to test its capabilities for transmitting election results and other data and has found it to be adequate and secure.

Smart Card Reader (SCR) Failure is a Sign that INEC is Not Ready

A recent trend among some politicians is to suggest that the challenges experienced with the SCR during elections indicate that INEC is not ready for electronic transmission of result. This is unfortunate. The SCR, as it is presently deployed for elections, is not used for result transmission, it is not permanently connected to data network and it does not require permanent electricity supply to function once its battery is properly and fully charged. Therefore, there is no connection between any imagined

issues with the SCR and electronic transmission of election results. It seems that this orchestrated attack on the SCR which began in 2014 is a diversionary euphemism for partisan discomfort with the transparency that careful application of technology to our electoral process can bring.

The introduction of the SCR into our electoral process in the 2015 General Election as an instrument for electronic accreditation of voters was widely acclaimed as a major achievement. The SCR reduced the level of pernicious human intervention in the accreditation process. It almost eliminated the use of forged voter's cards and impersonation. Since its introduction, some partisan interests have been trying to discredit it. First, its use was challenged in Court to legally strike it down based on the rather odd claim that it was used to supersede the register of voters in violation of Section 49 of the Electoral Act 2010 (as amended). To the contrary, the SCR was introduced to ensure that the provision of that Section of the law is fully actualised. Section 49 of the Electoral Act provides as follows:

(1) *A person intending to vote with his voter's card, shall present himself to a Presiding Officer at the polling unit in the constituency in which his name is registered with his voter's card.*

(2) *The Presiding Officer shall, **on being satisfied that the name of the person is on the register of voters**, issue him a ballot paper and indicate on the Register that the person has voted" (emphasis ours).*



The introduction of the SCR into our electoral process in the 2015 General Election as an instrument for electronic accreditation of voters was widely hailed as a major achievement. The SCR reduced the level of pernicious human intervention in the accreditation process. It almost eliminated the use of forged voter's cards and impersonation

Clearly, the intention of the law is that the person appearing before the Presiding Officer with his voter's card is carrying a genuine voter's card and is the person whose name is on the register of voters. That is the reason for the law requiring the Presiding Officer to be "satisfied". Now, how do you ensure that the Presiding Officer is correctly "satisfied", given that inappropriate voter's cards may be presented and that people could impersonate others, especially in this age of identity theft? This is where the SCR comes in. It is used essentially to determine, first, that the holder of the card has a genuine card by scanning the card for authenticity and, secondly, by matching the fingerprint of the person against the fingerprint on the card, which the SCR extracts when the card is scanned. This is a simple use of technology to achieve the intendment of the law. It is strange that this could have been interpreted as a violation of the law and even stranger that some Courts agreed with this interpretation.

Having failed to use the Courts to strike the SCR down, some partisan interests turned to strong arm tactics, including mobilising their supporters to refuse using the SCR outright, destroying them, tampering with them, not charging them or not deploying them as required. In recent times, we have seen this in some Local Government elections conducted by some State Independent Electoral Commissions (SIECs). They requested for the SCR from INEC to appropriate its legitimizing effect, even when they have no intention of using them. By so doing, they claim that the SCRs are malfunctioning and subsequently try to discredit them. In one such election, the SIEC allowed the use of any identification document, including international passports, which are not read by the SCR. This clearly shows that there was no intention of using the SCR properly, yet they criticize it in the media. The Commission will henceforth review the use of SCR by SIECs to ensure that such deliberate misuse of the equipment, is stopped. The bottom line is that the

functionality of the SCR has nothing to do with electronic transmission of election results.

Digital Mobile Network Generations

An unusual impression has been created that electronic transmission of election result is dependent on the generation of mobile network in use at a location. It is then suggested that only certain generations can effect data transmission. In the first place, 2G, 3G, 4G and 5G refer to different generations of digital mobile network. Put simply, it has to do with bandwidth and rate of up/down transfer of data. Understandably, the later generations are faster than the older ones. A mundane analogy is that a newer version of a vehicle is likely to go faster than an older one, but they will both get there in the end. To suggest that 2G cannot transmit election data is simply incorrect. In any case, the MNOs and the NCC were well aware that only 2G network existed in some places in the country when in 2018 they concluded that electronic transmission of results was possible.

INEC Should Require NCC Attestation for Electronic Transmission of Results

INEC has always created partnerships with diverse agencies of government, private sector and civic groups in its determination to establish a virile and world-class electoral process for Nigeria. To this end, INEC works with security agencies, the judiciary, Office of the Surveyor General of

the Federation (OSGOF), the National Population Commission (NPC), the National Orientation Agency (NOA), the National Youth Service Corps (NYSC), civil society organisations, trade unions, the media and other stakeholders whenever the need arises. INEC's longstanding partnership with NCC and MNOs should be seen in this regard. However, constitutionally it is the role of INEC alone to register voters, register and regulate political parties and conduct elections. Any process that facilitates the denudation of the constitutional responsibilities of INEC to conduct elections or subjects those constitutional responsibilities to the approval of an agency of government will only undermine the electoral process. Consequently, while INEC needs the partnership of NCC to transmit election results electronically, it does not require its approval. In fact, Section 160 of the Constitution empowers INEC to "impose duties" on other federal government agencies in the discharge of its functions viz:

(1) Subject to subsection (2) of this section, any of the bodies may, with the approval of the President, by rules or otherwise regulate its own procedure or confer powers and impose duties on any officer or authority for the purpose of discharging its functions, provided that in the case of the Independent National Electoral Commission, its powers to make its own rules or otherwise regulate its own procedure shall not be subject to the approval or control of the President.

Put simply, to require INEC to obtain attestation from NCC and approval of the National Assembly to implement electronic transmission of election results will be in breach of the Constitution.

Indeed, INEC should rather impose the necessary duties on the NCC to ensure that the electronic transmission of election results is actualised.



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Enabling Legal Framework

What the Commission urgently requires is a legal framework that enables rather than inhibits electronic transmission of results specifically, and full electronic voting generally. Three broad areas in amending the Electoral Act are critical:

- i. There should be broad provisions that enable the Commission to introduce relevant technologies at the right time. Consequently, provisions that refer to specific technologies, such as the Smart Card Reader, which could become obsolete, inapplicable or irrelevant in future, should be avoided.
- ii. Sections of the Electoral Act that entrench the manual processes should be amended to make both manual and electronic methods legitimate and discretionary for the Commission. The Commission has identified about ten sections of the Electoral Act that require such amendment. For instance, Sections 63 and 65 of the Act provide for manual result forms and manual transmission and collation of results, respectively.

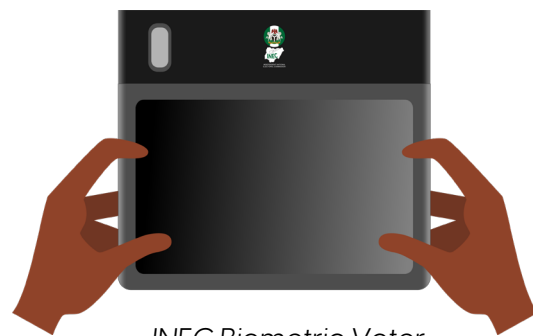
iii. The Electoral Act should make electronic verification of voters (accreditation) based on biometric features the basis for allowing voters to cast their ballots. The current situation whereby manual

accreditation takes precedence over biometric accreditation via electronic means, undermines the full benefits of the application of technology to elections.

The Way Forward

The deployment of appropriate, targeted, tested and safe technology has been invaluable to electoral credibility in Nigeria. In elections, like many aspects of human life, technology plays a vital role. Over the last ten (10) years, the Commission has deployed technology to improve the conduct of elections in particular and electoral activities in general. The register of voters is fully biometric. The accreditation of voters during elections is now electronic. The nomination of candidates by political parties for elections, the accreditation of observers and the media are all done online. Most recently, the Commission introduced online pre-registration of voters, making Nigeria the first country in Africa to do so.

The Commission is determined to keep innovating and consolidating on the gains of several pilots conducted in the last one decade. In doing so, the sole aim is to deepen electoral integrity on which



*INEC Biometric Voter
Authentication System (BVAS)*

there is a consensus among Nigerians in favour of transparent and credible elections in the country.

What is critical for the Commission is a legal framework that enables rather than constrains innovation for transparent and credible elections. It should remain the responsibility of the Commission to organise, undertake and supervise elections as enshrined in Sec. 15, Part I of the Third Schedule to the Constitution of the Federal Republic of Nigeria 1999 (as amended).



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