



## RECOMMENDATIONS

The systemic failings evident in this election and the low levels of voter participation show the **need for fundamental reform**. Without this, there is a risk of further democratic deterioration and unaccountable leadership. Such reform requires principled political leadership committed to the rights of Nigerian citizens and an inclusive process of national dialogue involving state institutions, parties, civil society, the media and other experts. This needs to be urgently undertaken to allow time for debate, legislative changes and implementation well in advance of the next elections. The EU EOM has 30 recommendations for improving elections in Nigeria.<sup>1</sup> They include seven priority recommendations:

### LEGAL FRAMEWORK

1. **Comprehensive legal regulation be established for the cancellation of voting in polling units**, with clear grounds specified, timeframes elaborated, and requirements made for transparency.
2. **Consolidated official versions of legislation be made available** online and in paper format in real time in order to improve public accessibility and awareness, and to avoid legal confusion.

### ELECTION ADMINISTRATION

3. **Priority recommendation: Organisational and operational capacity** within INEC be considerably strengthened. Improve planning, tracking, and the required human and material resources needed for timely and accountable operations. In addition, improve internal communication within INEC.
4. In order to enhance integrity and confidence in INEC, the commission works with **full transparency**, making information of public interest immediately and easily accessible, including on its website. This includes decisions, voter registration information, PVC distribution and polling data, manuals for officials and results.
5. INEC **increases consultation** with stakeholders, including more frequent meetings with political parties centrally and at state level, especially during the election period. In addition, press conferences be regularly and consistently held, particularly before and after election day. INEC improves strategic communication on incidents and crises, through early press conferences and statements including on electoral security issues.
6. **Training** of all *ad hoc* polling staff, election supervisors, and collation and returning officers be significantly improved, with polling staff having extended practical training on the use of smart card readers, closing and counting procedures and completing polling unit result forms.
7. **Turn voting points into separate polling units**. This would help enable greater transparency in results, and reduce the number of affected voters in case of cancellation of voting in specific polling units. Ultimately, spread the location of polling units for increased accessibility for voters. All polling units have sufficient space and a layout that protects secrecy of the vote.

---

<sup>1</sup> Many similar recommendations were also made in 2015 and by previous EU EOMs. However they have been adapted and prioritised according to issues arising in the 2019 general elections.

8. **Information about smart card readers and data from their use in polling units be made public at the time of results announcement.** This includes the number of voters accredited, as verified through permanent voter cards and those biometrically verified through fingerprint authentication. This information be announced, recorded on results forms, and data put on INEC's website.
9. **Priority recommendation:** Legal requirements be established for **full results transparency**, with data easily accessible to the public. All results, including those from lower levels, be immediately displayed at collation centres. Results forms from all collation centres be scanned and published on the INEC website by the time of the declaration of final results. Results forms from all polling units be published before the deadline for submission of petitions against declared results.
10. **Priority recommendation:** **INEC procedures for the collation of results** be elaborated and strengthened to improve integrity and confidence in electoral outcomes. Detailed INEC procedures be developed that provide for public scrutiny in dealing with irregularities and anomalies on results forms at all levels. Double entry of data and computerised checks be undertaken to avoid numerical errors.
11. **Delimitation** be undertaken well in advance of the next general elections to reduce inequality of the vote. The legal framework for boundary delimitation be developed to include provision for impartial delimitation decisions, based on consultation and with a complaints and appeals mechanism.

## **VOTER REGISTRATION**

12. The **voter registration system** be improved, including with a plan for developing and maintaining the register in order to provide for its accuracy and inclusiveness. This involves improving fingerprint recording and recognition, the removal of the names of the deceased as well as duplicate entries across the country, and the management of transfers of registration. Such processes be subject to stronger INEC supervisory checks and internal audits, with greater scrutiny from agents, observers and the media. More time be given for claims and objections by citizens.
13. Improve the system of **collection of permanent voter cards**, with more local distribution points and stricter adherence to distribution procedures. Regular public updates be provided on collection rates, ultimately with a breakdown by polling unit. In order to improve biometric functionality, the collection of cards be combined with on-the-spot biometric testing of the registrants' cards and fingerprints.

## **PARTIES, PRIMARIES AND THE REGISTRATION OF CANDIDATES**

14. The law be amended to strengthen legal requirements for **integrity and transparency in party primaries** as well as internal party dispute procedures. The law also be amended to give INEC powers to reject nominations for candidacies if primaries are not conducted in line with legal requirements.

## **POLITICAL FINANCE**

15. **Political party oversight** be strengthened to promote compliance with legal and regulatory requirements, including in regards to political finance. The responsible body follow robust transparency and accountability procedures, be appropriately resourced, and have strong administrative sanctioning powers.

16. So that campaign finance rules are comprehensive, establish **legal limits for campaign donations and expenditures** of political parties, and introduce a legal obligation for individual candidates to report on contributions and spending. Reports by candidates and parties be promptly disclosed and subject to full public scrutiny, with sanctions applied for non-disclosure.
17. **Strengthen transparency and accountability in campaign spending.** Consider establishing reporting requirements for media outlets, advertising agencies and social network platforms, on prices charged and income received from political advertising. Paid online campaign material be required to be clearly labeled and to display a digital imprint of the sponsoring organisation at all times, so voters can easily distinguish between paid and user-generated content.

## **MEDIA**

18. Establish a legal and regulatory system that **transforms** the federal government-owned media, the NTA and FRCN, **into genuine public service broadcasters.** This includes provisions for editorial independence, financial autonomy, clear separation from any government institution, and an open and competitive selection process of the management.
19. Transform the National Broadcasting Commission into a **genuinely independent media regulatory body.** Establish institutional transparency and accountability requirements, and the selection of the board and director through an open, inclusive and competitive system, with a cross-party approval mechanism and/or participation of industry professionals.
20. **Priority recommendation:** Reform the licensing system for broadcast media **to provide for pluralism and diversity in all states.** Ownership structures be publicised, powers to grant licences be vested in the National Broadcasting Commission without presidential approval, and licence fees be tailored to the economic circumstances in each state.

## **DIGITAL COMMUNICATIONS**

21. **Remove or revise vague legislative provisions** that have been used to overly restrict freedom of expression in the media and online. In particular, the vague definitions of “*cyberstalking*” in the 2015 Cybercrimes Act and “*classified matters*” included in article 9 of the Official Secrets Act.
22. Adopt a **data protection law** as well as other mechanisms to protect citizens’ right to privacy of their personal data, both online and offline.

## **ELECTORAL SECURITY**

23. **Priority recommendation:** The **inter-agency body responsible for electoral security** works more transparently and inclusively with regular consultations with political parties and civil society. Security arrangements, general principles for rules of engagement, updates, and complaints mechanisms be made public. Clear delineation of the operational roles of different security agencies be established, with the military only involved at the request of INEC.

## **ELECTORAL DISPUTE RESOLUTION**

24. **Priority recommendation:** To improve access to remedy and avoid petitions being taken to different courts at the same time, **electoral tribunals be extended to also cover pre-election cases.** Judicial capacity be increased through the appointment of more judges, training on election-related matters and improved case-management mechanisms.

25. **Shorten the timeframes for pre-election cases** so that cases are completed well in advance of election day. This could include reducing time limits for determinations and appeals, and the number of appeal levels.

## **ELECTORAL OFFENCES**

26. Strengthen the **mechanism for the prosecution of electoral offences** with responsibility for investigation and prosecution transferred to a separate institution as envisaged in the National Electoral Offences Commission Bill, 2017. Requirements be made for prompt public statistical information on investigations, prosecutions and convictions.

## **CIVIL SOCIETY AND ELECTORAL OBSERVATION**

27. Legal provisions be made for the **right of observers** to access all stages of the election process, and to make it an offence to obstruct or intimidate observers. Legal provisions to include requirements for timely, accessible and clear accreditation arrangements. Citizen observers be encouraged to undertake observation of many different aspects of the election, including voter registration activities, the primaries, electoral dispute resolution, election offence prosecutions and media monitoring.

## **INCLUSION**

28. **Priority recommendation:** Given that it is only possible to run for office through a party, introduce a **legal requirement for political parties to have a minimum representation of women** among candidates. Non-compliance be sanctioned with proportionate and deterrent penalties. Parties be required to have policies and provide regular information on the promotion of women's political participation within parties, as candidates, and more widely.
29. INEC publishes a framework for the electoral participation of **internally displaced persons** before the start of any voter registration exercise and ensure its full and consistent implementation. INEC undertakes regular consultation with displaced persons and provide updates on plans for their inclusion.
30. Parties be legally required to have **policies on the political participation of persons with disabilities**, including within the party and as candidates. Require INEC to provide assistive devices in all polling units and information in accessible formats.