# E-Voting and Electoral Credibility in Nigeria: A Study of Anambra State 2021 Gubernatorial Election

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## Abstract

Electoral fraud and violence are slack to democracies all over the world. This is compounded by the fact that the conduct of free, fair and credible election is always faced with numerous challenges. In continuous search for conduct of credible elections, advanced and developing democracies are shifting from manual conducts of election to electronic conducts. As a result, countries are increasingly deploying technologies in their elections. These have greatly helped to minimize electoral fraud and violence in such countries. The increasing reliance on E-voting among advanced and emerging democracies all over the world demonstrate that credible election is the backbone of democracy. In Nigeria however, manual voting since independence has totally failed. As a result of the inherent security and credibility challenges confronting successive elections in Nigeria, INEC from 2011 and most remarkably since 2015, tilted towards electronic voting. Since then, the electoral body has continued to make several attempts to ensure that e-voting is fully employed in the conduct of federal and state governments elections in the coming years. Evidence of this, is the introduction and deployment of Bimodal Voter Accreditation System (BVAS) by INEC in the conduct of Anambra State 2021 gubernatorial election. This study therefore investigated how BVAS impacted on electoral credibility in the Anambra state election, employing data gathered from secondary sources. The study adopted the E-democracy framework in the analysis. The paper however argued that although BVAS encountered some challenges in the form of capacity gaps on the part of the operators and polling officials and secondly, tech-glitches, the device if properly modified will have the capacity of enhancing electoral credibility in future Anambra State elections.

**Keywords:** *BVAS, E-voting, Electoral fraud, Gubernatorial election, INEC*

## Introduction

Election is the hallmark of modern democracies all over the world. As a result, orderly conduct of free and fair elections is the major preoccupation of democratic governments across the globe. Accordingly, Egbewole (2010) noted that "the need for regularity of elections as the basis for electing an occupier of an office is based on the fact that it is about the only way that a country can peacefully transit from one government to another." Elections as the core of the

democratic process, enables citizens to exercise their right of choosing their leaders (Electoral Integrity Project, 2018). In essence, periodic elections have become the conventional way by which the citizens are involved in the selection of those who occupy elective positions or offices in their countries. The necessity for regular elections as the basis for selecting occupiers of political offices is anchored on the fact that it is virtually the only means a country can peacefully and acceptably transit from one government or political administration to another. The quality of electoral process is a core indicator of a truly democratic state. Indeed, elections are said to be meaningfully democratic if they are free, fair, participatory, credible, competitive and legitimate. In line with this, (Diamond, 2008, p. 101) affirmed that "elections are adjudged to be credible when they have met these criteria: when they are administered by a neutral authority; when the electoral administration is sufficiently competent and resourceful to take specific precautions against fraud; when the police, military and courts treat competing candidates and parties impartially; when contenders all have access to the public media; when electoral districts and rules do not grossly handicap the opposition;... when the secret of the ballot is protected; when virtually all adults can vote;- when procedures for organizing and counting the votes are widely known; and when there are transparent and impartial procedures for resolving election complaints and disputes."

Over the years however, African democracies have continued to encounter numerous challenges in the conduct of free, fair, credible and transparent elections. Most elections in the continent are marred with gross irregularities, electoral violence and inconclusive ballots among others (Ayoade, 1998). In Nigeria in particular, which is Africa's largest democracy, the country has since independence continued to be faced with plethora of challenges during successive elections, dominant among these dynamic challenges is electoral violence. Electoral violence in the country has over the years taken physical dimension and recently, virtual or online dimension. The physical dimension has been in the forms of assassination of political opponents and people viewed as obstacles to one's political ambition, physical assaults, party-induced harassments by security agencies, attacks of political rallies and campaigns, fraud, thuggery and destruction of ballot papers and ballot boxes. The online or virtual dimension has majorly been in the form of attack or compromise of electronically stored electoral data by cybercriminals and even electoral officials.

In order to fundamentally and holistically tackle the numerous challenges bedeviling manual conduct of elections in Nigeria, the country is copying the advanced democracies all over the world who are increasingly deploying modern Information and Communication Technology (ICT) voting tools, infrastructures and systems in the planning and execution of elections.

In Anambra state however, conduct of free, fair and credible elections has become very problematic as can be seen in past elections. Since the return to democratic government in October 1999, gubernatorial elections in Anambra State have been characterized by intimidation, harassment or violence towards men and women voters, polling officials, security, party agents and observers. In addition, several citizens of the state have lost their lives to electoral violence and many more have lost fathers, mothers, siblings, friends and colleagues. Several properties have as well been destroyed due to electoral violence. In an attempt to ensure permanent election credibility in the state through e-voting, INEC in 2021 introduced the BVAS for the conduct of the November 2021 gubernatorial election. Against this backdrop therefore, this paper investigated the prospects and challenges of the device and how the device can be leveraged for the conduct of free, fair, credible and acceptable elections in the state.

**Biometric Voter Accreditation System (BVAS) Conceptualized**

Due to the newness in introduction and usage of BVAS in the country, there is dearth of available definitions of the concept. However, there is a consensus among scholars (Omorogbe, 2021; Sanni, 2021; Ewepu, 2021) that BVAS is a new device that replaces the Smart Card Reader (SCR) and abolishes incident forms used in previous elections since 2015. INEC's chairman,Mahmood Yakubu, explained that BVAS is an electronic device equipped with a camera, with the capacity to snap polling unit level result and upload same to the INEC Result Viewing (IReV) portal so that citizens can view results as elections are concluded in each Polling Unit. The device as well guards against voting by identity theft where one person uses another person's Permanent Voter's Card (PVC) to vote using the incident form (Yakubu, 2021). The BVAS has the dual capacity for fingerprint and facial authentication of voters. No voter without a genuine PVC will vote. No voter who has not been successfully accredited electronically using the BVAS will vote (Omorogbe, 2021, para. 2; Sanni, 2021). Similarly, Ewepu (2021) noted that "BVAS is a device for electronic accreditation and transmission or upload of results which is

meant to improve the efficiency, transparency and integrity of the entire election process" (para. 5).

The device was first deployed by INEC in its pilot phase for the Isoko South 1 State Constituency Bye-election in Delta State on September 11, 2021 to replace the SCR (Omorogbe, 2021, para. 1), it was however fully utilizedfor the conduct of the November 6 2021 gubernatorial election in Anambra State.

**Theoretical Framework**

The theoretical consideration for this paper will be based on the concept of electronic democracy (E-democracy) as coined by Steven Clift and espoused by Martin Hagen (2000). E-democracy (a combination of the words electronic and democracy), also known as digital democracy or internet democracy, is the use of Information and computer technology (ICT) in political and governance processes. Hagen construes e-democracy as a strategic tool to strengthen democratic practices using the ICT. He thinks certain people are usually omitted in the process of making important political decisions of their countries by way of unintended but unsatisfactorily explained disenfranchisement. For Martin, e-democracy is a form of development and reinforcement of democracy which uses new communication technology to strengthen political power of those often omitted in important political processes. The theory of e-democracy has been adopted in many democratic political systems across the world especially in Europe with uncommon success. It can serve affirmative action purpose for the large number of citizens negatively affected by the paper-based voting system (Olusadum& Ndoh, 2018, p. 34).

The theory of e-democracy is very relevant for our study in the sense that the purpose of introducing BVAS for the 2021 gubernatorial election in Anambra was to strengthen democratic practices in Anambra State in particular and the country in general. Though the device had some major challenges as witnessed in Anambra, it however boosted election credibility and demonstrated the potentials and prospects of leveraging BVAS and other technologies in the conduct of states and national election.

**Methodology**

In order to generate relevant data for this study which is qualitative research, we relied on documentary method of data collection. Qualitative research is a set of non-statistical inquiry technique and processes used to gather data about social phenomenon (MacNabb, 2005). Documentary method involves the act of extracting valuable information from the available evidence so as to reach a conclusion (Sun, 2009). Documentary method of data collection is considered more appropriate for this study because the method is well-suited for contextual analysis and useful when task is to interpret and extract valuable information in order to draw inference from the available evidence. As regards the sources of data collection, this study was anchored on the data gotten from secondary sources like journal articles, official publications, newspapers, magazines, textbooks, internet materials, institutional/organizational publications like Independent National Electoral Commission (INEC), Electoral Act 2010 (as amended), National Bureau of Statistics Annual Reports, etc.

Thus, we adopted the content analysis in analyzing data used for this study. According to Asika (1991), content analysis verbally summarizes the information generated in the research. Based on the above postulations, we systematically analyzed the documents and information retrieved to eliminate possible errors and unwanted variables. The objective of this purpose is to ensure that systematic analysis will provide an ample opportunity to arrive at plausible conclusions as well as ensure valuable deductions. Content analysis is concerned with identifying and understanding the attributes and characteristics and traits of the objects of inquiry (Kelinger, 1973). This is why it has to do with the summary of the information generated in the research, so that appropriate, reliable and analytic methods can be used to further discover relations among variables. The adoption of this method of data analysis in this study is predicated on its reliance on qualitative descriptive analysis. Content analysis is mainly associated with the content analysis of already existing information on issues being researched.

Content analysis was adopted to analyze data generated from the various contents that are within the purview of this research, which includes speeches from or public addresses, and other related publications (Meyer & Barnes, 2005, p. 20). The presentation and analysis involve the reading, prognosis, critique, and discussions of relevant information gathered from different secondary sources from which conclusion can be drawn (Fraser, 2004). The adoption of this method of analysis was informed by the simplicity within which it summarizes exposed and

interpreted relationships implicit in a given data by giving a qualitative description and explanation to the variables under study.

**History of E-Voting in Nigeria and BVAS in Anambra State**

To adequately understand and appreciate the adoption of BVAS in the 2021 Anambra State gubernatorial election, it is pertinent we trace the origin of e-voting in Nigeria. This is because since the return to democratic government in 1999, remarkably from 2011, other vital technologies or devices have preceded BVAS employed for the 2021 election in Anambra State. The undisputable need for Nigerians to record a free, fair and credible election to sustain the democracy led to introduction of biometric registration in the 2011 election and the use of Electronic Card Reader Machine (ECRM) in the 2015 and 2019 elections. This electronic voting method is expected to reduce political violence and post election petitions (Amaechi &Ezirim, 2021, p. 9). The use of ECRM was first adopted and employed by INEC during the 2015 general elections which was widely acclaimed to be the most credible and transparent election conducted in the country since the return to democratic government twenty-two years ago. Akinpelu & Adenekan observed that in the quest to minimize election fraud and rigging, in 2015, INEC introduced smart card readers for the verification of voters and voting cards. This technological progression, to an extent, gave credence to the credibility of the 2015 election as many judged it as the freest and fairest election the commission has conducted since the country returned to civilian rule in 1999. By that, Nigeria joined no fewer than 25 African countries like Sierra Leone, the Democratic Republic of Congo, Zambia, Malawi, Rwanda, Senegal, Somalia, Mali, Togo, and Ghana that have already held elections employing technology-compliant techniques like biometric voter registers and electronic card readers (Akinpelu & Adenekan, 2021, para. 13).

INEC had to move to E-voting system because amongst others, it is a panacea to the exorbitant elections conducted in the country. E-voting is relatively cheap when compared with the manual election which cost the nation trillions of naira every election period. For example, in manual elections, ballot papers are printed for each election making them recurrent costs. Each election, whether presidential, local government, gubernatorial or senatorial, requires a fresh set of ballot papers printed. In the event of a rerun, more ballot papers are yet printed. With e-elections, however, there would be no need to print and transport millions of electoral ballots

and purchase ballot boxes. Electronic Voting Machines (EVMs) are used and reused till their productive life is over. Depending on their lifespan, they may be used for ten or twenty years (Premium Times, 2018, p. 27).

The introduction of card readers in Nigeria's electoral system dramatically changed the entire electoral process in that it made it difficult for politicians to forcefully manipulate the will of the electorates for their own selfish benefits. The use of card readers no doubt has greatly reduced election frauds, increased turn out of voters during elections, decreased electoral violence and vote buying, increased transparency of the electoral processes, enhanced the legitimacy of governments at the national, state and local levels and reduced cost of elections. Electronic voting machines as was seen in Kaduna local government election in 2018 showed that the technology has the capacity of saving costs and endearing credible and transparent voting process in the country. In this regard, Premium Times (2018: 27) stated that "In the May 2018 local government election, the Kaduna State Government saved N1.7 billion by adopting e-voting." In addition, the evolution of voting technology has enhanced the country's democratic process by contributing to the upgrade from Nigeria's outdated legacy voting system largely dependent on inaccurate paper records to Electronic Voting System (EVS) and Electronic Voters Register (EVR) which has minimised inconsistencies in the electoral process (Akinpelu & Adenekan, 2021, para. 12). INEC in 2020 announced that it has plans to fully introduce electronic voting through the use of electronic voting machines in major elections starting from the November 6, 2021 Anambra State gubernatorial election. Though INEC eventually was unable to deploy machines for electronic voting in the state, the successful conducts of local government elections in Kaduna State through electronic voting and the passing of E-transmission of election results by the National Assembly, foretell that in a short while, the nation will fully navigate to electronic voting in all major elections. This no doubt will make the entire electoral process more formidable, transparent and democratized.

Apart from INEC's introduction of biometric registration in the 2011 election and the Electronic Card Reader Machine (ECRM) in the 2015 election, the commission has over the years introduced other technologies like Direct Data Capturing (DDC) machine, INEC Voter Enrollment Device (IVED) and Bi-modal Voters Accreditation System (BVAS). These technologies were introduced to guarantee transparency, acceptability and security of elections and electoral processes.Though BVAS was deployed in its pilot phase for the Isoko South I State

Constituency Bye-election in Delta State on September 11, 2021 (Omorogbe, 2021, para. 1), it was however in the 2021 Anambra gubernatorial election that BVAS was fully deployed and used across all polling units in the state to ensure free, fair, credible and transparent election. The election was the first major election where the Independent National Electoral Commission used the BVAS device and transmitted results online with polling unit workers uploading results directly to the INEC results portal (Yiaga Africa, 2021). In line with this, Ewepu (2021) noted that "the BVAS was used throughout the accreditation of voters in 95% of polling units of Anambra State" (para 3).

**Challenges of BVAS during the 2021 Anambra State Gubernatorial Election**

BVAS encountered a number of technical hiccups which to a large extent compromised the credibility of the November 6 electoral process in Anambra State. Chief among these challenges were the non-functioning and malfunctioning of BVAS in various polling units in the state like in Ihiala, Ogbaru and Otuocha local government areas amongst others. Collaborating this, Sanni (2021) noted that "there were several cases of the malfunction of the Bimodal Voters Authentication System (BVAS) in many polling units in Anambra East Local Government Area of Anambra State" (para 1.). For instance, in 45% of the polling units across the state, the BVAS device malfunctioned at some point during the accreditation. The BVAS was replaced in 1% of the polling units and fixed in 39% of the polling units. In 5% of polling units, the BVAS malfunctioned but was not fixed or replaced. In 3% of polling units, the presiding officers resorted to manual accreditation of voters in contravention of INEC guidelines and regulations (Ewepu, 2021, para 4). This case of BVAS malfunctioning undoubtedly slowed down the process. In Ihiala local government in particular, the excessive malfunctioning of BVAS and failure of the device to authenticate many voters' fingerprints as well as facial recognitions, gave room for violence and electoral insecurity which eventuallyculminated in INEC's cancellation of the election in the local government. On a similar note, BVAS malfunctioning in some polling units led INEC to extend voting hours, first by 90 minutes before allowing voting in certain polling units to continue on 7 November 2021 (Premium Times, 2021).

Another challenge was the capacity gaps on the part of INEC officials and other persons employed to operate the BVAS. According to Yiaga Africa (2021), some officials were not conversant with the BVAS machine and could not operate the device. In case where the device

switched off and had minor technical glitches, these officials did not know where to press or what to do to get the device working.

**Successes of BVAS in Anambra State Gubernatorial Election**

The challenges of BVAS notwithstanding, there are however some laudablesuccesses of the device as witnessed in the November 6 Anambra State gubernatorial election. The most outstanding success of BVAS was that it ensured a peaceful election in the state. Unlike the former gubernatorial elections where electoral violence used to be rife, the 2021 gubernatorial election in Anambra State was very peaceful (Omorogbe, 2021). On the election day, there were no reported cases of loss of lives and destruction of property as used to be the case in prior elections in the state. In addition, results across polling units in the state were confirmed as legitimate by observers such as diplomatic missions and non-profit Yiaga Africa, which monitored the election and ran parallel vote tabulation to confirm the accuracy of the released results (Yiaga Africa, 2021).

Another major achievement of the adoption of BVAS in the conduct of the gubernatorial election was that the device ensured that most registered voters were not disenfranchised from voting to determine the next governor of Anambra State (Sanni, 2021). BVAS enhanced voters' participation and boosted satisfaction in the entire electoral process. This device greatly accounted for the low litigations and withdrawal of appeals in election tribunals unlike what used to be the case (Ovat, 2021; Obetta, 2021).

**Prospects of E-Voting in Nigeria's States and National Elections**

Since Nigeria's independence, manual voting has totally failed, causing electoral violence and loss of human lives every election period. For decades, election riggings have greatly undermined the fundamental tenet of democracy in the country, driving the citizens out of the supposed participatory democracy. From historical experiences, there are a huge number of challenges in Nigeria's manual electoral processes. These include poorly prepared or fraudulent voters' registers, inadequacy of electoral materials, (particularly the ballot papers) leading to the disenfranchisement of voters, snatching of ballot boxes from INEC officials, difficulty in transportation of electoral materials (especially ballot papers) after voting has been concluded, electoral malpractices and violence (Salahu, 2015, p.254). Further challenges of Nigeria's

manual voting system as noted by Oguejiofor (2018) are "logistical and transportation challenges, disenfranchisement of diaspora voters, inadequate transportation mechanism and security challenges" (p. 197). With a voting population of over 84 million electorates (Olumide, 2021, para. 12), Nigeria invests huge resources in manual voting yet with little or no commendable and acceptable election outcome after each election. This no doubt made INEC to start considering looking towards an alternative and more conventional and acceptable system of voting.

As a result of the several inherent security and credibility challenges confronting elections in Nigeria, especially since the return to democratic government in 1999, INEC from 2011 and most remarkably in 2015, tilted towards electronic voting. Since then, the electoral body has continued to make several attempts to ensure that the nation fully transcends from manual voting to electoral voting in the coming years. The first major innovation at E-voting was the introduction of biometric registers in 2011 and electronic card reader technology in 2015. This was a practical response to polemics about the quality of existing voter register, the difficulties in registering voters and establishing their identity (Amaechi & Ezirim, 2021, p. 10). The biometric identification technology came with a number of technologically-based reforms which were embarked upon by the leadership of INEC, headed by Prof Attahiru Jega. These include: biometric voter registration, advanced Fingerprints Identification System, customization of sensitive electoral materials such as ballot papers and result sheets, colour coding of the ballot papers which renders it useless in other constituencies when pilfered or snatched, biometric voter registration, issuance of chip-embedded and machine-readable Permanent Voter Cards (PVCs) as well as the introduction of the Smart Card Reader. The introduction of these devices was necessitated by the fact that reliable voter register and identification mechanism are some of the preconditions for free, fair and credible elections (Amaechi &Ezirim, 2021, p. 11). The deployment of the device ensured that each elector only voted in the ward where he or she was registered (Nwangwu, 2015). Other election devices introduced by INEC since 2011 to guarantee transparency, acceptability and security of elections and electoral processes in Nigeria include the Direct Data Capturing (DDC) machine, INEC Voter Enrollment Device (IVED) and BVAS.From the numerous successes recorded so far in E-voting, scholars like Amaechi & Ezirim (2021), Olumide (2021), Akinpelu & Adenekan (2021), Oguejiofor (2018) and Onuoha &

Akogwu (2019) have averred that E-voting is Nigeria's best chance of securing credible elections, fraud-free election system and as well as achieving peaceful or violent-free elections.

Not minding these achievements recorded so far in E-voting, numerous challenges exist which have shown to have the potentials of endangering election security in the country. As a result, there is a great need for these challenges to be tackled to ensure election credibility and election security.

**Recommendations**

To tackle the challenges of E-voting in Nigeria which among others have manifested in technical hitches of smartcard readers in the various elections around the country and the malfunctioning of BVAS in the 2021 Anambra State gubernatorial election, there is need for INEC to:

- Adequately train its staff in handling and operating these election technologies.

Sufficiently educate the voting public before elections on the how to handle the voting technologies. This can be in form of public seminars, television broadcasts, and demonstrations on YouTube, Facebook, Twitter and Instagram amongst others.

- Adequately test-run all election technologies to be employed for election processes before the D-Day
- Guard against cyber-attacks through the maintenance of closer collaboration between researchers and election officials – to develop verifiable e-voting systems that are suitable for real-world use.
- Take care and be especially vigilant in the hiring of contractors that would supply e-voting equipment and there should be extensive vetting of these companies to ensure that only the best companies are picked.
- Lobby the National Assemble to enact a data protection legislation that will protect the private information of the electoral body as well as the citizens.

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