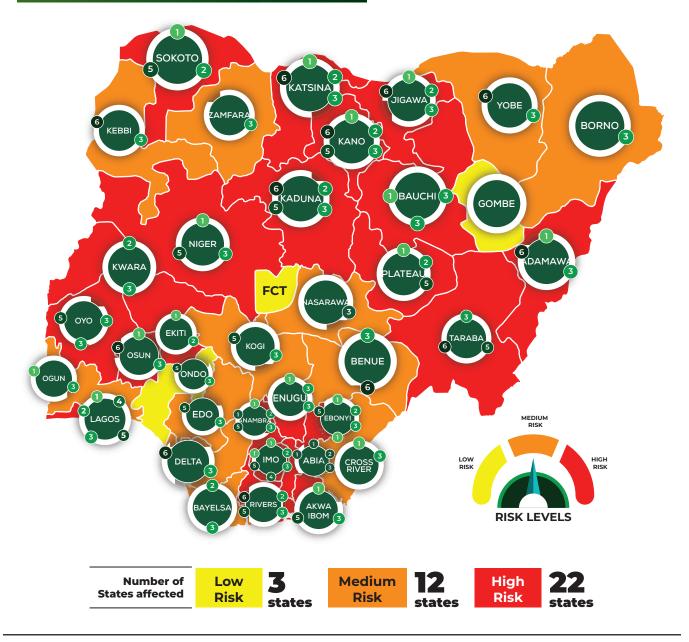
ELECTION MANIPULATION RISK INDEX (EMRI) I

February 2019 - January 2023





LIST OF ACRONYMS

BVAS	Bimodal Voter Accreditation System
CSOs	Civil Society Organizations
EMRI	Election Manipulation Risk Index
ICT	Information and Communications Technology
IDPs	Internally Displaced Persons
INEC	Independent National Electoral Commission
IReV	INEC Result Viewing Portal
PVC	Permanent Voter Card
REC	Resident Electoral Commissioner

INTRODUCTION

The Election Manipulation Risk Index (EMRI) is an evidence-based tool designed to curb election manipulation, facilitate strategic election planning and promote citizens oversight of the electoral process. The EMRI monitors strategies and tools employed by election stakeholders to manipulate the electoral process. The central focus of the EMRI is election administration and It highlights potential risks capable of undermining election integrity. In addition, EMRI outlines mitigation measures to avert the risks posed by these actors.

The central objective of the EMRI is to facilitate systematic and coherent monitoring of the insidious nature of election manipulation in the build-up to Nigeria's 2023 general elections. The EMRI indicators reflect a comprehensive understanding of the electoral process and the interplay of actors in the election value-chain. Though limited in scope, the EMRI can be used by election stakeholders to spotlight issues likely to impact the integrity of the 2023 general elections. It should be seen as a rapid scanning tool, rather than an in-depth solution for threats of election manipulation.

As preparation for the 2023 general election reaches advanced stages, attempts to distort election outcomes using manipulation strategies are on the rise. Key actors are devising strategies to punctuate electoral preparations and neutralize the impact of laudable reforms aimed at enhancing the integrity of the electoral process. The political interference with INEC operations, manipulation of the voter register, frivolous litigations and resistance against electoral technology like BVAS and IReV, and administrative lapses are clear manifestations of election manipulation. Weakness in election administration creates opportunities for manipulation by different actors.

As a response to these risks, diverse stakeholders can use the EMRI as a monitoring tool to systematically track the indicators and highlight their net effect on election integrity. EMRI will also operate as an accountability tool for sustained pressure on democratic institutions to respond to the risks posed by the identified variables and empirical indicators of election manipulation. Citizens can leverage EMRI as an advocacy tool for mobilization and campaigns against election manipulation.

Election manipulation is conceived as the illegal interference with the electoral process with the intention of influencing the outcome of the elections. It also includes the intentional, illegal actions aimed at changing or influencing or forcing the results of an election, by either depressing or increasing the vote share for a particular candidate or party. Distorted election outcomes or manipulated elections lack integrity and these types of elections undermine public confidence in the electoral process. It is therefore important to safeguard the integrity of elections by constraining the influence of election manipulation tool on the credibility of the electoral process.

OBJECTIVES OF EMRI



Create a tool for systematic monitoring and analysis of key indicators and their implications on election integrity



Facilitate strategic election planning and deployment by relevant stakeholders to curb election manipulation



Provide citizens with a clear understanding of what constitutes election manipulation and their role in risk mitigation

METHODOLOGY

The EMRI is a qualitative tool of analysis that relies heavily on observation, content analysis and expert interviews. Data collected through these methods are triangulated to reflect how they result in election manipulation. Following the aggregation of data, the EMRI highlights the states according to the risk of election manipulation, using a ranking system based on the prevalence of the election manipulation indicators. The risk indicator ranking is divided into three categories: High Risk, Medium Risk, and Low Risk. The analysis is limited to key aspects of the electoral process that relate to election management. To avoid duplication, election security is not included in the EMRI due to the existence of diverse assessments and monitoring tools on election security. The bulk of evidence for EMRI came from INEC reports, statements and publications; pre- and post-election observation reports from credible domestic and international observers; and reports from trusted and unbiased media organizations.

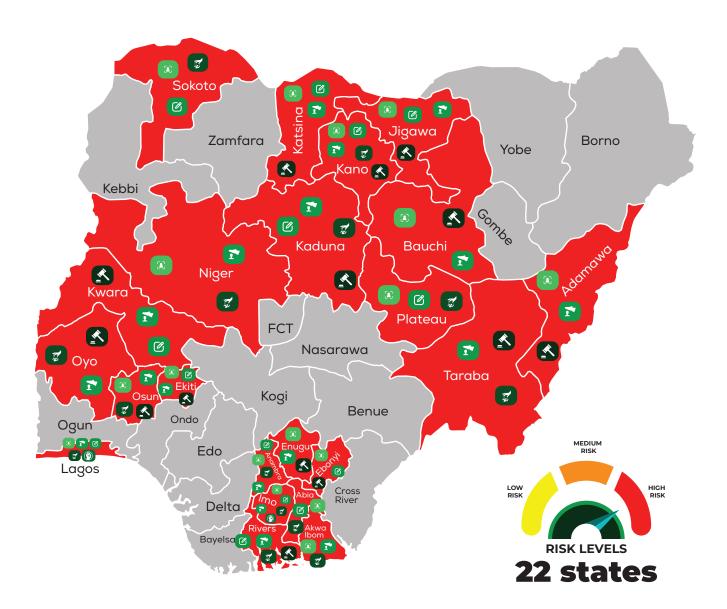
The EMRI is based on six variables namely: (1) INEC capture; (2) manipulation of the voter registration (3) voter suppression; (4) resistance to the election technology especially BVAS and IReV; (5) history of election manipulation, and (6) election litigation. Several empirical indicators are then identified for each of the variables of election manipulation. These indicators form the basis of the Election Manipulation Risk index (EMRI) and they will be carefully tracked.

THE EMRI VARIABLES AND INDICATORS

The EMRI is based on six variables, carefully selected based on their impact on elections. The variables are INEC capture, tampering of the voters register, voter suppression, resistance to election technology like BVAS and IReV, history of electoral fraud, and election litigation. The variables are briefly explained below, indicating their levels of impact.

- INEC Capture: This variable deals with factors that affects the operational independence of INEC, targeted at weakening its capacity to deliver on its mandate. The indicators include attacks on INEC facilities, appointment and deployment of partisan RECs, untimely release of funds, recruitment of partisans as INEC adhoc officials, and threats/intimidation of INEC officials. The impact level of this variable is high based on the centrality of an independent, neutral and transparent election management body to credible elections.
- 2. Tampering with the Voter Register: The bedrock of credible election rests on the credibility, authenticity, and accuracy of the voter register. The indicators for this variable are inclusion of fictitious names in the register, registration of unqualified persons, such as the underaged and foreigners. The inclusion of unqualified persons on the voter register is a form of election manipulation because it gives illegal voters access to vote thereby compromising electoral outcomes. The impact level of this variable is high.
- 3. Voter Suppression: The EMRI conceived voter suppression as any effort legal or illegal aimed at preventing or discouraging eligible voters from registering to vote or voting. The indicators for voter suppression include Permanent Voter Card (PVC) buyout by politicians to neutralise the voting strength of target communities, theft of PVCs, vandalization of INEC offices and election materials, and unavailability of PVCs for all registered voters. One of the preconditions for voting at the elections is possession of PVCs, hence election outcomes are manipulated where PVCs are unavailable for collection by eligible registered voters. The impact level of this variable is medium.
- 4. Resistance to Election Technology like BVAS and IReV: Attempts to scuttle the deployment of technological innovations by the INEC such as BVAS and IReV pose a huge risk to election integrity. The non-use of these tools will make the electoral process vulnerable to manipulation and fraud. The indicators for this variable are frivolous litigation against the BVAS, public statements by political party representatives casting doubts on the BVAS and IReV, and theft of the BVAS. The impact level of this variable is considered high.
- 5. History of Election Fraud: This variable is anchored on the history of election fraud in states. It is based on the assumption the risks of election manipulation are high in states with a history of election fraud in previous election cycles. The indicators for this variable include falsification of results, declaration of election results under duress, overvoting and vote buying. Information on this variable is derived largely from judicial findings on election fraud and INEC election reports. The impact level of this variable is high.
- 6. Election Litigation: Judicial interference with the electoral process pose risks to elections especially when judicial pronouncements disrupt electoral preparations or deviate from provisions in the election legal framework. The indicators include pre-election cases that seek to undermine the electoral process, and frivolous cases against the implementation of electoral legal framework such as the 2022 Election Act, and INEC guidelines/regulations for conducting elections. The impact level for this variable is medium.

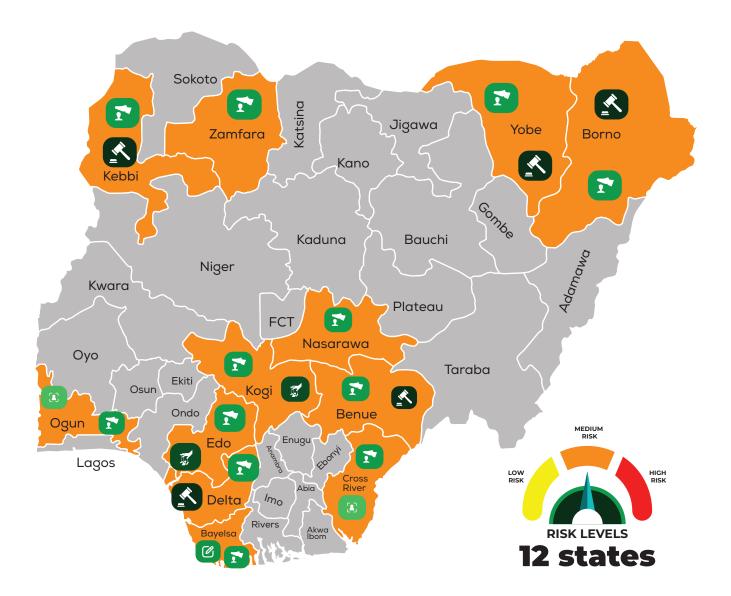
NIGERIAN MAP SHOWING STATES WITH HIGH ELECTION MANIPULATION RISKS

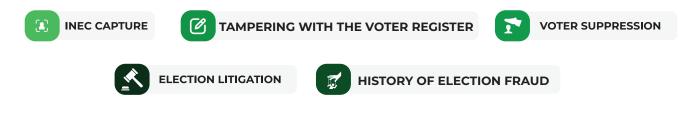






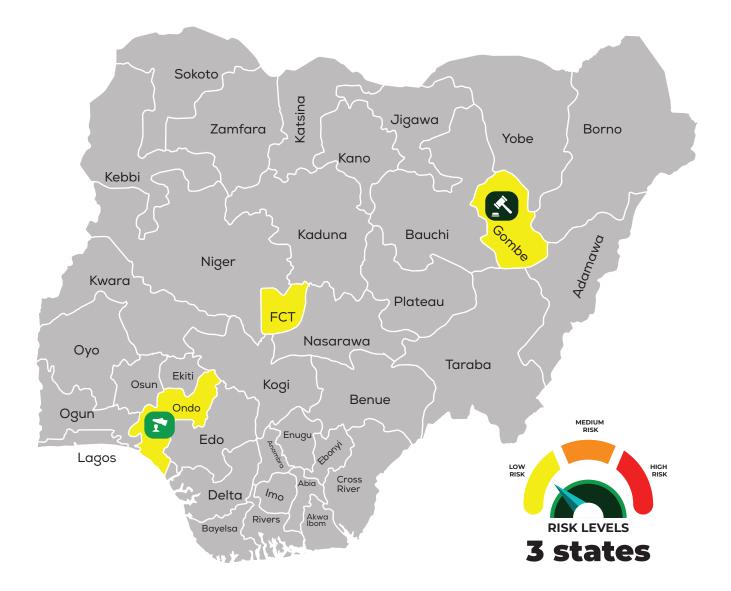
NIGERIAN MAP SHOWING STATES WITH MEDIUM ELECTION MANIPULATION RISKS







NIGERIAN MAP SHOWING STATES WITH LOW ELECTION MANIPULATION RISKS







INEC Capture

- 1. INEC leadership should sustain its nationwide redeployment of INEC officials with tainted records to inspire public confidence
- 2. INEC should deploy trusted, incorruptible and experienced Administrative Secretaries, Heads of ICT, and Operations to high risks states
- 3. Intense scrutiny of applications for adhoc personnel recruitment. Applicants should undergo competency tests and names of successful applicants should be published for public scrutiny. INEC should create a system for submitting objections against partisan and compromised adhoc officials
- 4. INEC should intensify oversight and monitoring of its officials in high and medium risk states. This includes establishing a reporting mechanism that enables citizens to report concerns and complaints against INEC officials.
- 5. INEC should improve regular interface with stakeholders and citizens at the state level. A comprehensive framework for stakeholder engagement should be designed for the newly appointed Resident Electoral Commissioners.
- 6. Civil society and media should ensure adequate deployment of pre-election observers and personnel to monitor INEC officials at the local level
- 7. In addition to improved security deployment in all INEC facilities across the country, the Interagency Consultative Committee on Election Security (ICCES) should ensure improved intelligence gathering to forestall future attacks on INEC facilities

Tampering with the voter register

- 1. Clean-up of the voter register to remove multiple registrants, fictitious names and underage registrants
- 2. Greater transparency with the management of claims and objections submitted by citizens to INEC
- 3. Prosecution of persons engaged in voter registration offences
- 4. Diligent prosecution of INEC officials responsible for the manipulation of the voter register

Voter Suppression

- 1. Timely production and distribution of PVCs to all registered voters
- 2. Decentralized PVC collection process to ease collection by citizens
- 3. Improved security for all INEC facilities nationwide to protect election materials against vandalization
- 4. Enhanced monitoring and oversight of INEC officials managing the PVC collection process to prevent manipulation and deliberate denial to issue PVCs to certain persons
- 5. Citizens should report cases of PVC buyouts and
- 6. INEC should ensure the implementation of its guideline on IDP voting

Resistance to election technology like BVAS and IReV

- 1. Enhanced security in storage facilities where the BVAS is stored
- 2. Restraint on the part of the judiciary to entertain frivolous litigations against the use of the BVAS and IReV
- 3. Continuous public sensitization on the capacity of the BVAS and IReV to limit election manipulation

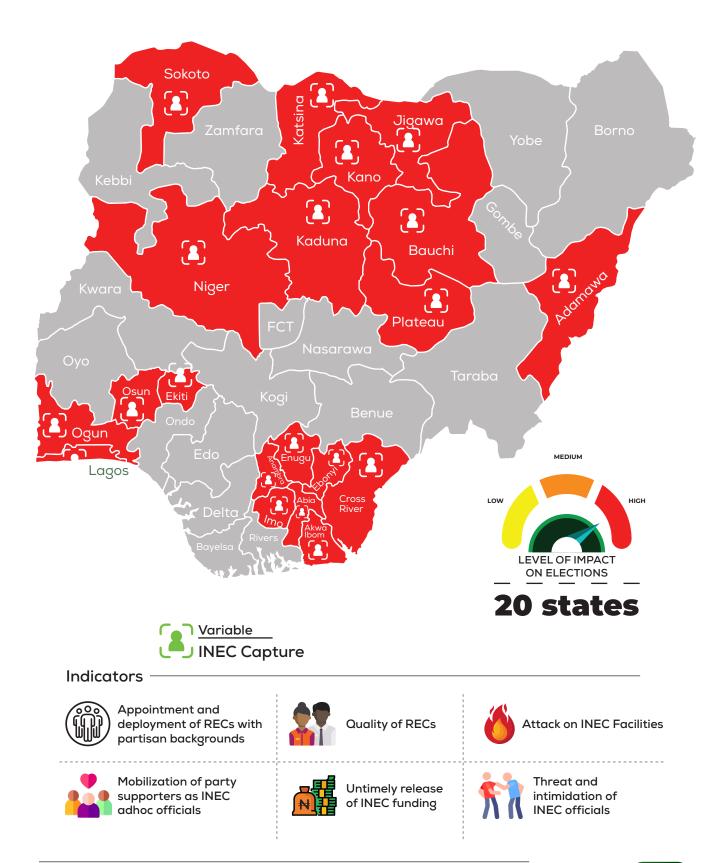
History of election fraud

- 1. Increase public awareness on mitigation measures in the 2022 Electoral Act against election manipulation
- 2. INEC should ensure adequate training of its staff to enforce compliance with the Electoral Act 2022 and INEC Regulations and Guidelines

Election litigation

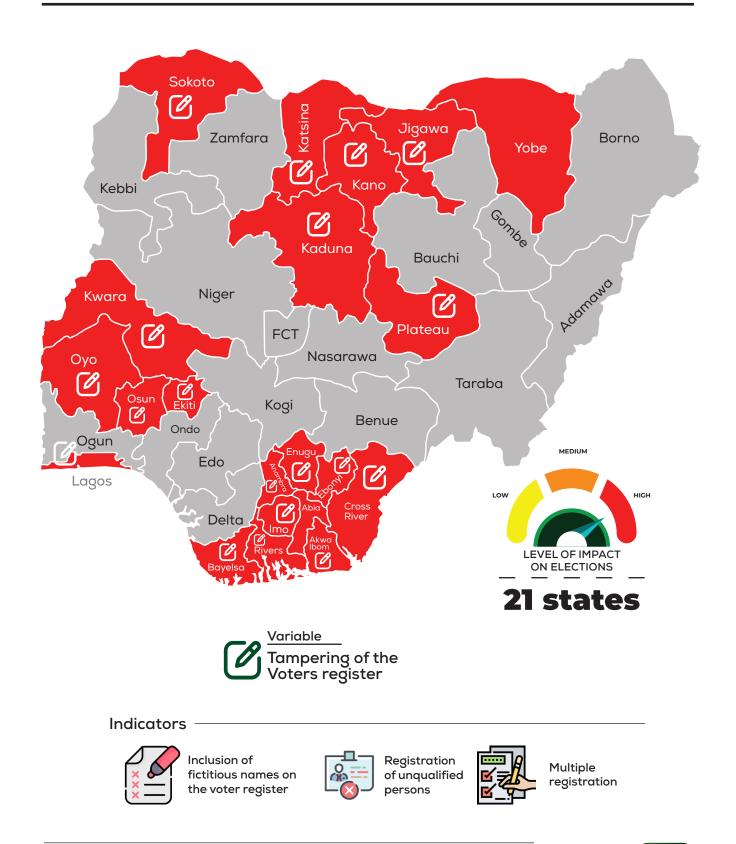
- 1. The judiciary should dismiss cases instituted to undermine the preparations for the general elections
- 2. The Nigerian Bar Association should take disciplinary actions against legal practitioners engaged in election manipulation using the judicial process.
- 3. Improved understanding of judicial officers on provisions of the Electoral Act 2022

NIGERIAN MAP SHOWING STATES WITH ELECTION MANIPULATION RISKS (INEC CAPTURE)



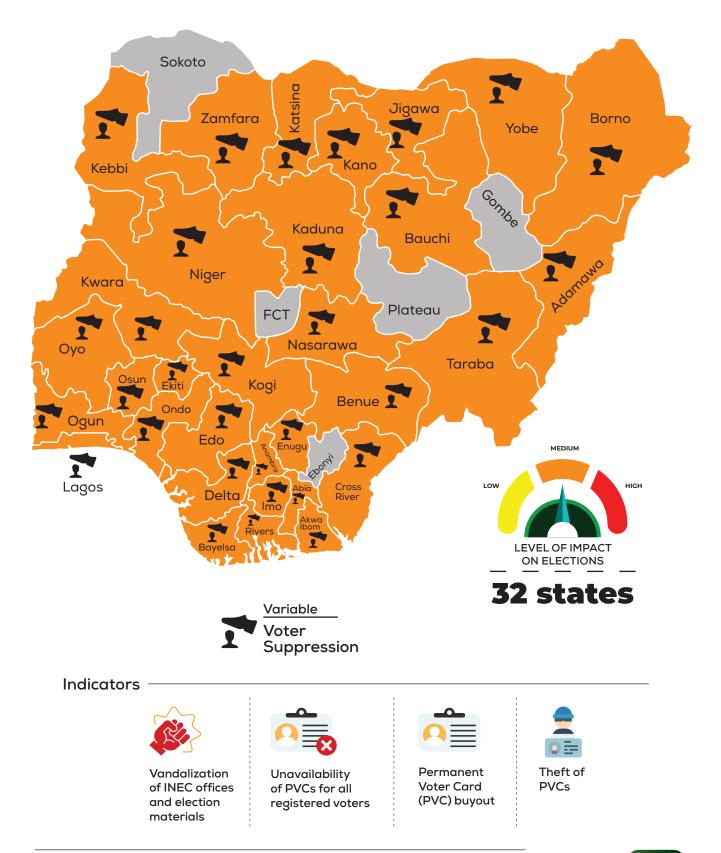


NIGERIAN MAP SHOWING STATES WITH ELECTION MANIPULATION RISKS (TAMPERING WITH THE VOTER REGISTER)





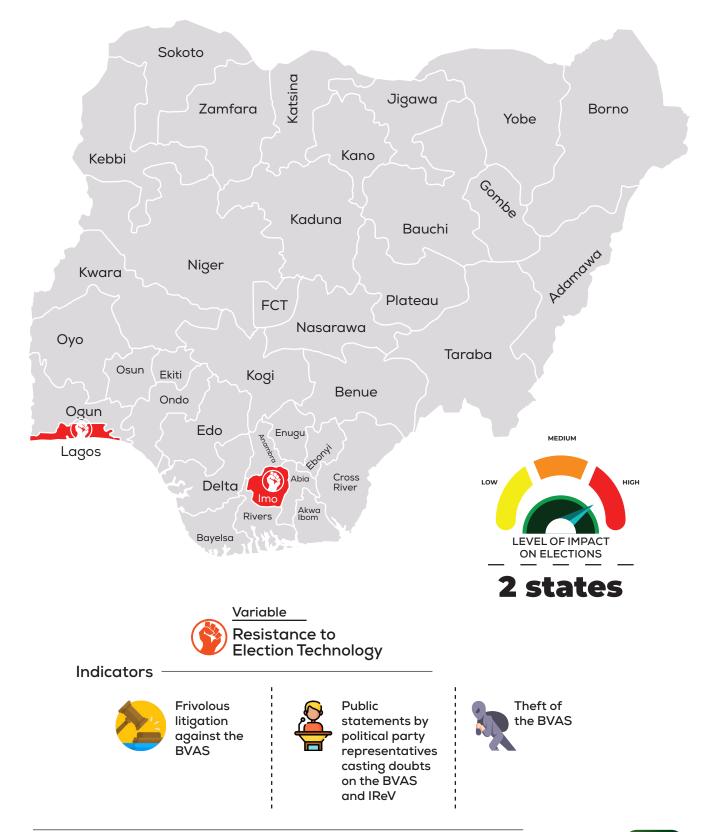
NIGERIAN MAP SHOWING STATES WITH ELECTION MANIPULATION RISKS (VOTER SUPPRESSION)



Election Manipulation Risks Index | February 2019 - January 2023

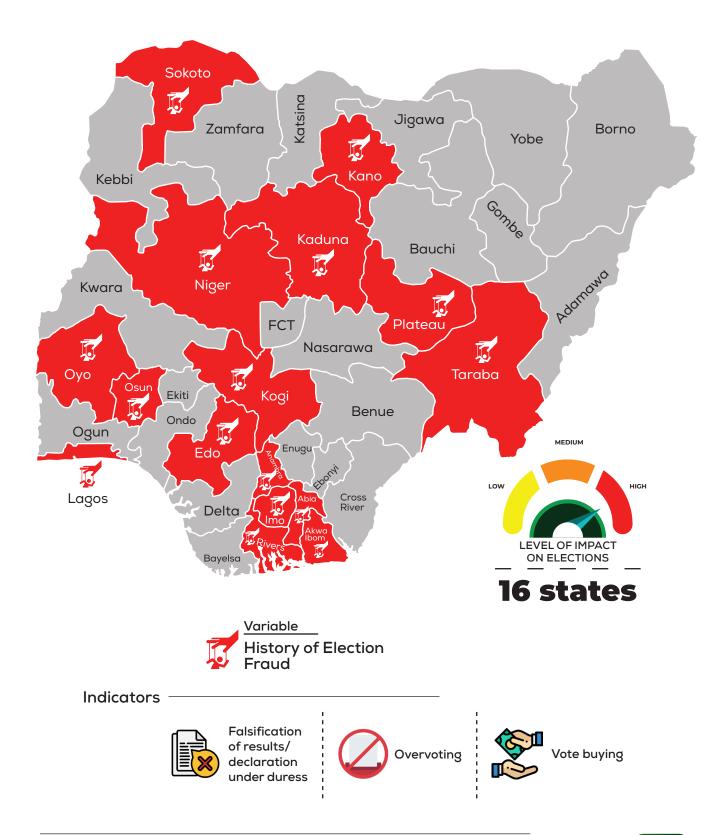
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NIGERIAN MAP SHOWING STATES WITH ELECTION MANIPULATION RISKS (RESISTANCE TO ELECTION TECHNOLOGY)



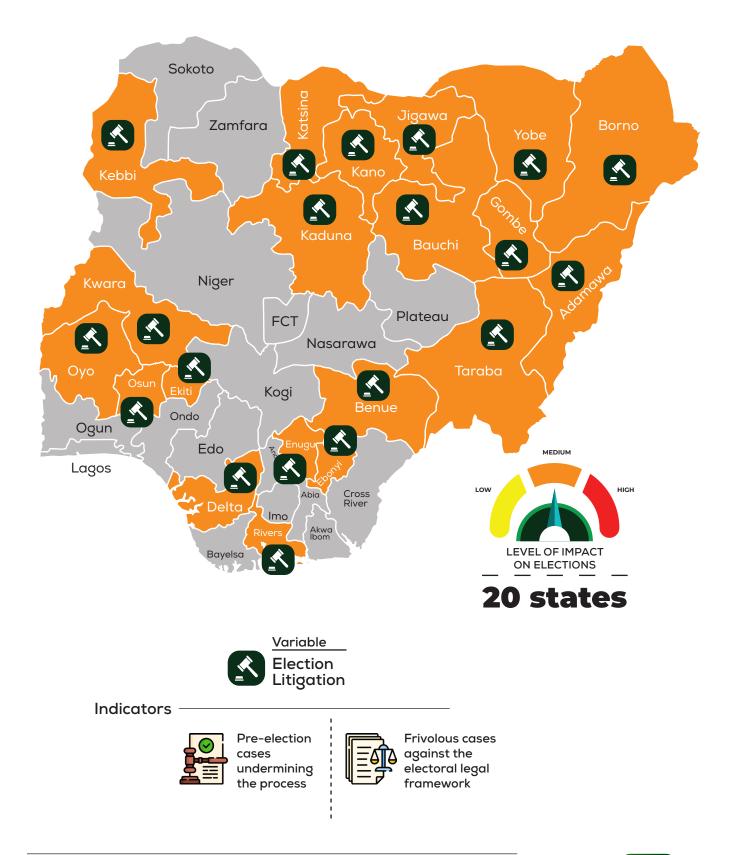


NIGERIAN MAP SHOWING STATES WITH ELECTION MANIPULATION RISKS (HISTORY OF ELECTION FRAUD)





NIGERIAN MAP SHOWING STATES WITH ELECTION MANIPULATION RISKS (ELECTION LITIGATION)





ELECTION MANIPULATION RISKS INDEX (INDICATORS AND SUB-INDICATORS)

S/ NO	VARIABLE	INDICATOR	LEVEL OF IMPACT	STATES	RISK RATING OF STATES	MITIGATING MEASURES
1	INEC CAPTURE	 Appointment of electoral commissioners with partisan backgrounds Quality of Resident Electoral Commissioners Mobilization of party supporters as INEC adhoc officials Untimely release of INEC funding Attacks on INEC facilities Threat and intimidation of INEC officials 	High	Lagos ¹ Ebonyi ² Jigawa ³ Imo ⁴ Anambra ⁵ Abia ⁶ Adamawa ⁷ Bauchi ⁸ Cross River ⁹ Ekiti ¹⁰ Kaduna Katsina ¹² Niger ¹³ Plateau ¹⁴ Sokoto ¹⁵ Abia ¹⁶ Akwa Ibom ¹⁷ Anambra ¹⁸ Ebonyi ¹⁹ Enugu ²⁰ Imo ²¹ Ogun ²² Osun ²³	High Risk Abia Anambra Ebonyi Kano Imo Jigawa Ekiti Enugu Kwara Bauchi Kaduna Katsina Lagos Niger Osun Oyo Plateau Rivers Sokoto Taraba Medium Risk Adamawa Akwa Ibom Bayelsa Benue Borno Cross River Edo Kebbi Kogi Nasarawa Ogun Delta Yobe Zamfara	 INEC leadership should sustain its nationwide redeployment of INEC officials with tainted records to inspire public confidence INEC should deploy trusted, incorruptible and experienced Administrative Secretaries, Heads of ICT, and Operations to high risks states Intense scrutiny of applications for adhoc personnel recruitment. Applicants should undergo competency tests and names of successful applicants should be published for public scrutiny. INEC should create a system for submitting objections against partisan and compromised adhoc officials INEC should intensify oversight and monitoring of its officials in high and medium risk states. This includes establishing a reporting mechanism that enables citizens to report concerns and complaints against INEC officials.

			- INEC should improve regular interface with stakeholders and citizens at the state level. A comprehensive framework for stakeholder engagement should be designed for the newly appointed Resident Electoral Commissioners. - Civil society and media should ensure adequate deployment of pre-election observers and personnel to monitor INEC officials at the local level
			- In addition to improved security deployment in all INEC facilities across the country, the Interagency Consultative Committee on Election Security (ICCES) should ensure improved intelligence gathering to forestall future attacks on INEC facilities



2	TAMPERING OF THE VOTERS REGISTER	 Inclusion of fictitious names on the voter register Registration of unqualified persons Multiple registration 	High	Kano ²⁴ Abia ²⁵ Anambra ²⁶ Bayelsa ²⁷ Ebonyi ²⁸ Ekiti ²⁹ Lagos ³⁰ Imo ³¹ Kano ³² Katsina ³³ Kaduna ³⁴ Jigawa ³⁵ Kwara ³⁶ Rivers ³⁷ Sokoto ³⁸ Plateau ³⁹ Enugu Akwa Ibom Cross river Osun Yobe Oyo ⁴⁰		 Clean-up of the voter register to remove multiple registrants, fictitious names and underage registrants Greater transparency with the management of claims and objections submitted by citizens to INEC Prosecution of persons engaged in voter registration offences Diligent prosecution of INEC officials responsible for the manipulation of the voter register
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	L COTED			A 1 41	
3	VOTER	- Permanent	Medium	Anambra ⁴¹	- Timely production and
	SUPPRESSION	Voter Card		Kano ⁴²	distribution
		(PVC) buyout		Adamawa ⁴³	of PVCs to
				Bauchi ⁴⁴	all registered
		- Theft of PVCs		Zamfara ⁴⁵	voters
				Enugu ⁴⁶	
		- Vandalization		Imo ⁴⁷	- Decentralized PVC collection
		of INEC offices		Akwa Ibom ⁴⁸	process to ease
		and election		Rivers ⁴⁹	collection by
		materials		Bauchi ⁵⁰	citizens
		- Unavailability			- Improved
		of PVCs for		Edo ⁵²	security for all
		all registered		Kaduna ⁵³	INEC facilities nationwide to
		voters		Kebbi ⁵⁴	protect election
				Lagos ⁵⁵	materials
				Niger ⁵⁶	against
				Nasarawa ⁵⁷	vandalization
				Oyo ⁵⁸	
				Osun ⁵⁹	- Enhanced
				Borno ⁶⁰	monitoring and oversight of
				Taraba ⁶¹	INEC officials
				Katsina ⁶²	managing the
					PVC collection
				Enugu ⁶³	process
				Ogun ⁶⁴	to prevent
				Jigawa ⁶⁵	manipulation and deliberate
				Oyo ⁶⁶	denial to issue
		1		Anambra ⁶⁷	PVCs to certain
				Bayelsa ⁶⁸	persons
				Benue ⁶⁹	
				Cross-	- Citizens should report cases of
				River ⁷⁰	PVC buyouts
				Kogi ⁷¹	and
				Edo ⁷²	
				Delta ⁷³	- INEC should
				Abia ⁷⁴	ensure the
					implementation of its guideline
				Ondo ⁷⁵	on IDP voting
		-		Benue ⁷⁶	in in the starting
				Ekiti	
				Kogi ⁷⁷	
				Rivers ⁷⁸	
				Adamawa ⁷⁹	
				Kwara ⁸⁰	
				Lagos ⁸¹	
				Yobe ⁸²	
				Zamfara	
				Kano ⁸³	
				Kogi ⁸⁴	
				Bayelsa ⁸⁵	
				Zamfara	



4	RESISTANCE	- Frivolous	High	lmo ⁸⁶	- Enhanced
+	TO ELECTION TECHNOLOGY	 Frivolous litigation against the BVAS Public statements by political party representatives casting doubts on the BVAS and IReV Theft of the BVAS 	High	Lagos ⁸⁷	security in storage facilities where the BVAS is stored - Restraint on the part of the judiciary to entertain frivolous litigations against the use of the BVAS and IReV - Continuous public sensitization on the capacity of the BVAS and IReV to limit election manipulation
5	HISTORY OF ELECTION FRAUD	 Falsification of results/ declaration under duress Overvoting Vote buying 	High	Kaduna ⁸⁸ Lagos ⁸⁹ Kano ⁹⁰ Abia ⁹¹ Akwa Ibom ⁹² Imo ⁹³ Oyo ⁹⁴ Edo ⁹⁵ Osun ⁹⁶ Rivers ⁹⁷ Anambra ⁹⁸ Kogi ⁹⁹ Niger ¹⁰⁰ Plateau ¹⁰¹ Sokoto ¹⁰² Taraba	Increase public awareness on mitigation measures in the 2022 Electoral Act against election manipulation INEC should ensure adequate training of its staff to enforce compliance with the Electoral Act 2022 and INEC Regulations and Guidelines
6	ELECTION LITIGATION	 Existing pre- election cases undermining the process Frivolous cases against the electoral framework (INEC guidelines/ regulations for conducting elections, Electoral Act) 	Medium	Ebonyi Rivers Kano Kebbi Ekiti Yobe Taraba Kaduna Osun Enugu Delta Adamawa Katsina Benue Jigawa Borno Gombe Bauchi Kwara Oyo	 The judiciary should dismiss cases instituted to undermine the preparations for the general elections The Nigerian Bar Association should take disciplinary actions against legal practitioners engaged in election manipulation using the judicial process. Improved understanding of judicial officers on provisions of the Electoral Act 2022

Election Manipulation Risks Index | February 2019 - January 2023

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6 INEC, "Attack on INEC Offices, 2019-2022", p. 3. On December 13, 2020, Aba South LGA office was vandalized by unknown gunmen; On May 9 2021, there was arson by unknown gunmen at Ohafia LGA office. Similarly, deployment by INEC provides an indicator of this variable, <<u>https://inecnews.com/19-recs-sworn-in-yakubu-reiterates-sanctity-of-the-ballot/</u>> accessed 2 Dec 2022

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16 On May 9 2021, an office of the Independent National Electoral Commission (INEC) in Ohafia Local Government Area of Abia State was set ablaze. Apart from furniture items, all electoral materials and office equipment were destroyed. Daily Trust, "INEC Office Burnt Down In Abia" <<u>https://dailytrust.com/inec-office-burnt-down-in-abia/</u>> accessed 26 Nov. 2022

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Sanni, K., "Bayelsa, Kogi Polls: Voters selling PVCs for N500, N1,000 – YIAGA", Premium Times, < <u>https://www.premiumtimesng.com/news/top-news/363086-bayelsa-kogi-polls-voters-selling-pvcs-for-n500-n1000-yiaga.html</u>> accessed 3 Dec 2022

A suit has been filed against INEC at the Federal High Court Owerri, in *Nwankwere Morale Chinwen v. Independent National Electoral Commission & 1 Other (Suit No. FHC/OW/144/2022)*



seeking a declaration that it is unconstitutional, illegal, and unlawful for INEC to use or deploy the BVAS or any other similar device, equipment, instrument or gadget of such or same nature for the accreditation of registered voters in the 2023 General Elections. The plaintiff further seeks a declaration that it is illegal and unlawful for the defendants to electronically transmit, feed or collate the results of elections in the 2023 General Elections.

87 INEC Report of the 2019 General Elections, p. 310

88 INEC Report of the 2019 General Elections, p.218-221. During the 2019 Governorship Election in the State, there were manipulations with Ad-Hoc staff, as some of the SPOs who managed the POs and APOs directly had mischievously and unknown to the State Office, replaced the POs and APOs I with untrained personnel without authorization.

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91 "Election Manipulation Gone for Good in Abia, Says REC", <<u>https://www.thisdaylive.com/</u> index.php/2018/03/12/election-manipulation-gone-for-good-in-abia-says-rec/> accessed 1 Dec 2022

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96 INEC Report of the 2019 General Elections, p. 323

97 INEC Report of the 2019 General Elections, p. 296

98 INEC Report of the 2019 General Elections, p. 254

99 INEC Report of the 2019 General Elections, p. 161

100 INEC Report of the 2019 General Elections, p. 174-176

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