

ANTI-CORRUPTION ACADEMY OF NIGERIA (ACAN)

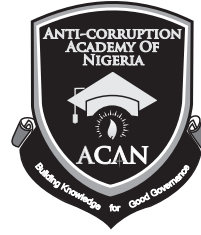
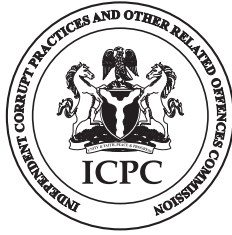
Independent Corrupt Practices and Other Related Offences Commission

ACAN | Policy Brief Series

NO. 1 OF 2019

ERADICATING ELECTORAL CORRUPTION: FOCUS ON VOTE BUYING





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About this Policy Brief

The electoral process is a foundational pillar of democracy. Electoral corruption in general and vote buying, in particular, have immeasurable destructive consequences on the electoral process. Vote buying is prone to subjective definitions because of its inexorable link with the electoral process. This subjectivity creates challenges in four main areas namely; definition, reporting, sanctioning and popular mobilisation against vote buying. This Policy Brief recommends approaches for effectively addressing these challenges.

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LIST OF ACRONYMS

ACAN	Anti-Corruption Academy of Nigeria
ACAs	Anti-Corruption Agencies
CSOs	Civil Society Organisations
EFCC	Economic and Financial Crimes Commission
EOC	Electoral Offences Commission
ICPC	Independent Corrupt Practices and Other Related Offences Commission
INEC	Independent National Electoral Commission
LEAs	Law Enforcement Agencies
NACS	National Anti-Corruption Strategy
NPF	Nigerian Police Force
PMAS	Popular Mobilisation Agencies



PREFACE

The ACAN Policy Dialogues are designed to bring topical anticorruption issues to the fore of national discourse. The Dialogues seek to produce discussions that will aid the formulation or modification of policies and legislation on topical matters. It is intended that the Policy Dialogues will focus on matters that require urgent attention because they lack either effective policy guidance or suitable legislative frameworks. The Dialogues will create an avenue to discuss key issues, share points of view and try to find common ground, agreement or consensus on the policy matter in focus.

In specific relation to the National Anti-Corruption Strategy (NACS), the Dialogues will seek to contribute towards the attainment of the NACS strategic objective of promoting an improved legal, policy and regulatory environment for the fight against corruption. In this regard, the Dialogues will address broad foundational gaps and weaknesses in institutional structures or frameworks which may undermine anti-corruption efforts.

The first in the Policy Dialogue Series on Eradicating Electoral Corruption with Focus on Vote Buying, was held on April 16, 2019, at the premises of the Anti-Corruption Academy of Nigeria in Keffi. The Academy wishes to acknowledge the contributions of various stakeholders to the success of the Dialogue. These include the Hon. Chairman of the ICPC, Professor Bolaji Owasanoye and Members of the Board; the Chairman of INEC, Professor Mahmud Yakubu; the Chairman, Information and Voter Education of INEC, Mr. Festus Okoye; and the Director, Centre for Democracy and Development and Lead Presenter, Ms. Idayat Hassan. We are also grateful to the participants from various organisations and institutions including INEC, Civil Society Organisations, Universities, Ministries, Departments and Agencies of Government, security agencies and international development agencies. The full list of participants at the Dialogue is included as an appendix to this Brief.

The organisation of the Policy Dialogue was coordinated by Dr. Elijah Oluwatoyin Okebukola, a Senior Research Fellow with the Academy. Dr. Okebukola's position as well as those of two other Research Fellows is funded by the Department for International Development, DFID. The Academy is grateful to the DFID for this monumental support for its work. This Policy Brief is one of the outcomes of the work of Dr. Okebukola with the Academy.

Professor Sola Akinrinade, FNAL

Provost, Anti-Corruption Academy of Nigeria
August 2019



FOREWORD

The Independent Corrupt Practices and Other Related Offences Commission, ICPC, under the current dispensation, is working hard to change the narrative of the war against corruption in the country through diverse, multipronged approaches. If the war against corruption is to be won on a sustainable basis, then the strategies must be holistic in approach. Through its research and training arm, the Anti-Corruption Academy of Nigeria, ACAN, the Commission is enhancing the intellectual platform for the anti-corruption initiatives of the Federal Government of Nigeria by delivering evidence-and-knowledge-based outputs to guide anti-corruption policymaking. In implementing its mandate, the Academy is required to ensure that its outputs and interventions are practicable. It is obligatory that all the activities of the Academy must cumulate in the proffering of realistic solutions to issues of corruption.

The above is the background to the Academy's new initiatives, the Anti-Corruption Policy Dialogues and Policy Briefs emanating from the dialogues. The Dialogues address critical issues in diverse areas of the war against corruption with a view to producing guides for the Government in enacting fresh policies in affected areas.

I am pleased to note that the maiden edition of the ACAN Policy Brief Series, focusing on Eradicating Vote Buying, meets all the above elements. This Policy Brief synthesises research findings, field experiences, informed observation and discussions into actionable recommendations for eradicating vote buying in the electoral process.

It is particularly instructive that the process that cumulated in this Policy Brief was not insular as it involved the input of governmental and non-governmental stakeholders, consultations with a wide range of stakeholders, culminating in the first National Anti-Corruption Policy Dialogue. Recommendations contained in this Policy Brief, flow from both the consultations and National Policy Dialogue.

As made apparent from the consultations and National Policy Dialogue, there are a deluge of issues and perspectives on vote buying. This Policy Brief will help governmental and non-governmental stakeholders filter the discussion and concentrate on achievable steps.

In presenting this Policy Brief to all stakeholders, it is important to note that vote buying is not the only corrupt practice that bedevils the electoral process. So, the present focus on vote buying does not exclude future work on dismantling other forms of corruption in the electoral process. The ICPC remains committed to working with all bona fide stakeholders in combatting corruption in the country.

Professor Bolaji Owasanoye

Chairman

Independent Corrupt Practices and Other Related Offences Commission

Abuja, August 2019

EXECUTIVE SUMMARY

There is near unanimity in condemning some types of criminal conduct in Nigeria. These types of criminal conduct include sexual assaults, kidnapping and terrorism, among others. This unanimity disappears when dealing with crimes of corruption, including electoral corruption. In the case of vote buying, the lack of unanimity is exacerbated by the polarising political context in which it occurs. The subjectivity of perspectives on vote buying creates challenges in definition, reporting, sanctioning and popular mobilisation against the scourge.

In furtherance of the aim of the National Anti-Corruption Strategy (NACS) to eradicate electoral corruption, the Anti-Corruption Academy of Nigeria conducted in-depth research on the phenomenon of vote buying. This was followed up by a Policy Dialogue on the subject. The Policy Dialogue served as an avenue to process inputs from stakeholders and review research findings. This Policy Brief is an output of the ACAN research and Policy Dialogue.

The policy brief proposes the parameters for defining, reporting, sanctioning and popular mobilisation against, vote buying. In this regard, it is noted that vote buying involves the exchange of money or any other thing that is of value to the recipient. Vote buying is not limited to transactional exchanges for votes but also includes, vote brokerage and voter trafficking. The context in which vote buying occurs is such that it is highly amenable to malicious and fictitious reports. Emphasis should therefore be on credible reports that are supported by evidence. Such reports should be promptly processed by appropriate agencies and prosecutorial steps taken against offenders. In particular, as provided by the Electoral Act, candidates should be prosecuted for vote buying where the vote buying is done with the knowledge and consent of the candidate or the knowledge and consent of a person who is acting under the general or special authority of the candidate. In addition to prosecuting candidates, erring political parties should be charged as co-defendants.

The public needs to be properly mobilised against vote buying. In educating and re-orienting the populace, it should be noted that there is a growing erroneous disposition and perception that it is acceptable for voters to collect money from vote buyers as long as the voters do not go along with the demands or intentions of the buyers. This belief is rooted in the cynicism that once public officials are voted into office, the legitimate expectations of the electorate will not be met by public officials elected to serve. Hence, the cynical belief that it is better to sell votes and thereby have parts of their expectations met in advance. Citizens should be made aware that the disposition that it is justifiable or excusable to collect money from vote buyers (whether or not the voter accedes to the buyers' demands) actually fuels electoral corruption which in turn energises grand corruption which ultimately leads to poverty in all areas of public and private life.

In sanctioning offenders and in mobilising the public against transacting in votes, stakeholders should take deliberate steps to emphasise prevention and deterrence. Eventually, there needs to be an Electoral Offences Commission to investigate and prosecute electoral crimes, including the corrupt practice of vote buying.



Next Steps

Various stakeholders have their roles to diminish electoral corruption, including vote buying. The recommendations made in this Policy Brief can guide stakeholders in determining their next steps. They may nevertheless be guided by steps suggested in this Policy Brief. Among others, it is suggested that:

INEC should make the electoral environment inconducive for vote buyers and prevent vote buying by:

- Designing polling units, booths and equipment in a manner that assures the secrecy of votes;
- Introducing electronic voting to both protect the secrecy of votes cast and reduce the effectiveness of compliance monitoring done by vote buyers;
- Reviewing the regulations on the transfer of voter registration to ensure that a voter does not vote in one State during in-cycle elections then transfer his or her registration to another State to vote in out-cycle elections

INEC, ACAs, LEAs should take steps towards implementing existing sanctions for vote buying by:

- Creating relevant Standard Operating Procedures for processing vote buying reports;
- Leveraging on the identified elements of vote buying to create and use specialised Form(s) as template for reporting incidents of vote buying.

The National Assembly, with input from other stakeholders should take steps towards ensuring sustainable and robust prosecution of a wider net of electoral offenders by:

- Passing legislation on the creation of an Election Offences Commission (EOC);
- Empowering the EOC to be independent and to prosecute electoral offences; and
- Stipulating a 'punishment section' for Section 28 (2) of the Electoral Act which presently prohibits election officers from receiving bribe or gratification but does not clearly provide the punishment for the offence.

Relevant Heads of Court(s) and Procedural Rule-Making Authorities of the Judiciary should support the reporting and sanctioning of vote buyers by:

- Developing or modifying practice directions to guide making and transmission of recommendations relating to the prosecution of electoral offenders.

Election Petition Tribunals should support the reporting and sanctioning of vote buyers by:

- Making specific recommendation(s) relating to electoral offenders, including vote buyers to INEC (until such a time as the EOC may be established).

Political Parties should demonstrate their aversion to electoral fraud and vote buying by:

- Including clauses that prohibit vote buying in their Constitutions, and other relevant internal documents.



INTRODUCTION

The electoral process is one of the most important pillars of democracy and therefore one of the key areas for anti-corruption intervention. In 2017, the National Anti-Corruption Strategy established the broad national framework for preventing and combating corruption in the electoral process as well as other spheres of national life.

All forms of corruption in the electoral process are inexcusable. Therefore, the present focus on vote buying does not reduce the heinousness of other forms of corruption in the electoral process.

Vote buying, necessarily occurs in a political context. It is therefore highly probable that a person examining a vote buying scenario will adopt subjective definitions. This subjectivity of definitions extends to perspectives on sanctions because a person may view the propriety of sanctions from his/her subjective definition of vote buying. The need to avoid subjective interpretation and implementation of anticorruption issues is implicit in the NACS which has the strategic objective of improving law and policy in the fight against corruption. This Policy Brief seeks to engender the improvement of policy and law on the eradication of vote buying.

The Policy Brief is borne out of research conducted at the Anti-Corruption Academy of Nigeria as well as an Anti-Corruption Policy Dialogue held on 16 April 2019.

Carefully selected key stakeholders, drawn from the Independent National Electoral Commission (INEC), Security and Law Enforcement Agencies (SLEA), Anti-Corruption Agencies (ACAs), political parties, Popular Mobilisation Agencies (PMAs), academics and Civil Society Organisations (CSOs) were invited for the Dialogue. In all, 63 registered attendees participated in the Dialogue.

The Dialogue adopted the method of discussions at plenary and breakout sessions. The main plenary started with a lead paper presentation which was followed by a lead response from INEC, and other contributions, including remarks, questions, reports of research on the topic, reports of experiences on the field, highlights of government policies, papers and reports, comments, views, counterviews, propositions, recommendations and suggested next steps.

Following the opening plenary session and tea break, the Dialogue participants broke into the following 4 parallel group sessions:

1. Definition of Vote Buying
2. Procedures and Mechanisms for Reporting Vote Buying
3. Best Approaches to Mobilising the Public Against Vote Buying
4. Procedures and Mechanisms for Sanctioning Vote Buying

The Dialogue was concluded at a closing plenary session where the reports from the group sessions were presented and discussed with a view to identifying points on which consensus had been reached at the group sessions. These points of group consensus were further discussed at the closing plenary with a view to identifying points of plenary consensus. The points of plenary consensus were accepted to form the basis of this Policy Brief.

DEFINING VOTE BUYING

Legally Prohibited Conduct

Presently, there are various forms of prohibited corrupt practices at different stages of the electoral process. These include corrupt practices related to party primaries, elections, pre-election matters and election petitions. These corrupt practices undermine the integrity of the electoral process. With increasing technological, administrative and logistical improvements in the election management process, persons interested in subverting the process are gradually moving away from physical stealing of electoral materials to purchasing votes.

The Electoral Act 2010 (as amended) does not expressly mention vote buying. However, the Code of Conduct for Political Parties issued by INEC in 2013 prohibits “buying votes or offering any bribe, gift, reward, gratification or any other monetary or material consideration or allurements to voters and electoral officials”. Despite the apparently unlawful nature of vote buying, there are real challenges in reaching a consensus on the types of conduct that constitute vote buying. In effect, vote buying is prone to being defined along the lines of political convenience and affiliation. In this sense, while a person would describe a set of acts as mobilising votes, another person would describe the same set of facts as vote buying. These conflicting views are sometimes engendered by honest but uneducated opinions as to what constitutes vote buying. It is therefore important to have clearly identified parameters for determining what exactly amounts to vote buying.



Votes are now cast for the highest bidder instead of the best qualified candidate

Defining Vote Buying

It will be a clear case of vote buying where a political actor expressly instructs a person or persons to procure voters and votes in exchange for money or any other thing that is valuable to the recipient. The situation is however not so easy to define in matters relating to campaign gifts (in cash or kind), campaign souvenirs, culturally prescribed and/or permitted gifts, etc. So, it becomes imperative to



Courtesy: Google Images



Courtesy: Google Images

Vote buying, if not checked may soon become a way of life for citizens. It is now done in the open

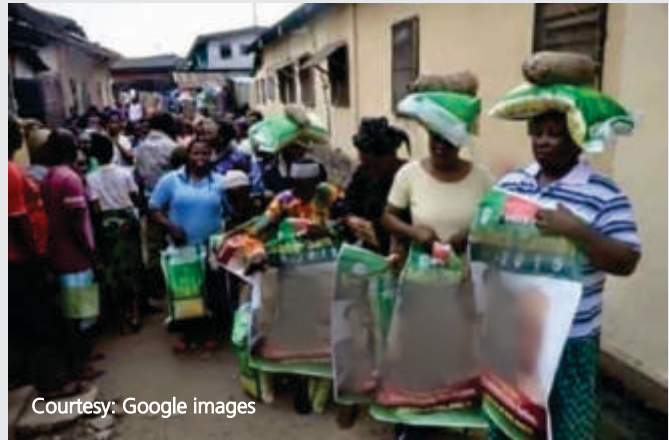
have an objective basis for defining vote buying. Deriving an objective definition of vote buying is essential to its eradication. If one person's vote buying is another's campaign mobilisation then there is little room for agreement on who has engaged in vote buying.

As a first step to deriving an objective basis for defining vote buying, it is necessary to ascertain the goals of the vote buyer and vote seller. That is, when a person engages in vote buying or selling, what does the person seek to achieve?

Objectives of the vote buyer

The vote buyer pays a person or a group of people in order for them to do one or any combination of the following:

- i. Vote;
- ii. Refrain from voting;
- iii. Cast a void vote;
- iv. Cast a vote for the choice of the buyer;
- v. Register as a voter;
- vi. Transfer registration; and
- vii. Engage in false registration.



Courtesy: Google images

Your dividends of democracy have been paid for, even before the commencement of governance

The question is: Why would a person pay another just to do any of the seven items listed above?

An unopposed candidate can pay people to vote where the unopposed candidate is required by law to get a specific number of votes. This indicates that an unopposed position is not necessarily an uncontested position. Even where the law does not require an unopposed candidate to get a specific number of votes, an unopposed but unpopular candidate may feel the need to buy votes.

Paying an eligible voter to refrain from voting is otherwise known as negative vote buying. The aim is to prevent voters from participating in the electoral process. This is targeted at suppressing votes or distorting the electoral value of a candidate. Paying voters to deliberately cast void votes is a variant of negative vote buying. Paying for void votes also seeks to create the wrong impression about candidate(s) or the electoral process. The apparent aim of paying to garner votes for the buyer's choice of candidate is to secure more votes to the advantage of the buyer's choice of candidate.

In addition to the above practices that directly target votes, corrupt persons can also indirectly buy votes by buying voters. The variants of this indirect form of vote buying include paying people to: register as voters, transfer their registration, or engage in false registration. The aim of this corrupt practice is to distort both the voter population and votes in favour of the buyer's political or electoral machinations.

Objectives of the vote seller

The vote buyer needs a voluntary and willing seller to complete the transaction. The vote seller seeks to:

- Obtain some pecuniary or valuable gratification for his/her vote (in the case of direct vote buying).
- Obtain some pecuniary or valuable gratification for his/her or status as a voter (voter buying).
- Obtain some pecuniary or valuable gratification for the votes of persons under his or her influence, control, power or authority (trafficking in voters or vote brokerage).

Recommendations

Based on the analysis of incidents, laws, stakeholder experiences and prosecuted cases, it is recommended that for any conduct to amount to vote buying it should fit the parameters listed below.

Essential elements of vote buying and selling

Constant parameters



Courtesy: Google Images

Your vote has been paid for. Don't expect good governance given to either the voter; or to a person who has authority, control or power over the voter; or to an official in custody or control of votes cast

- The incentive or reward or promise of same is largely targeted or directed at persons with ownership or control of voting rights;
- The incentive or reward or promise of same is given in connection to an election, referendum, recall or other voting process;
- Incentive or reward or promise of same that gets to the recipient is largely for private use or enjoyment and not for the benefit of the public at large;
- Incentive or reward is money or any other thing of value to the recipient; and
- Incentive or reward or promise of same is

Variable Parameters

- Incentive or reward or promise of same may be requested by the voter or the candidate (or persons acting for either).
- Incentive or reward or promise of same may be given prior to, at the point of, or after voting.
- Incentive or reward or promise of same may be conditional upon success of the buyer's choice or carrying out the act required by the buyer.
- Incentive or reward or promise of same may have an impact on the voting behaviour of the recipient.
- Incentive or reward or promise of same may be something to which the voter is ordinarily entitled.



Courtesy: Google Images

Wishes and aspirations of many Nigerians are surrendered to one selfish and greedy politician through the sale of the voter's card

PROCEDURES AND MECHANISMS FOR REPORTING VOTE BUYING

Just as the definition of vote buying can be tainted by the subjective views of the definer, reports of vote buying and selling can be tainted by political dispositions. This calls for the establishment of modalities for ensuring that legitimate reports are duly processed, and malicious reports do not swamp the system. In striking the required balance, questions arise as to whether:

- reports should be received at any time after the incident or if there should be a time limit for reporting;
- all reports should be given the same weight;
- reports should be received from anyone who wishes to report; and
- emphasis should be on all categories of buyers and sellers.

In considering these questions among others, it is noted that INEC does not presently have the technical capacity or resources to investigate crimes. It is also noted that reports can be made with malicious intent to distract a person elected and sworn into office. It is further noted that vote selling and buying frequently involve large numbers of people. In addition, vote buyers frequently deploy mechanisms for monitoring compliance by vote sellers. These monitoring mechanisms include threats of physical and supernatural harm to any vote seller who reports vote trading incidents to the authorities. In view of relevant issues, observations and considerations, it is necessary to have clear policy guidelines on reporting incidents of vote buying and selling.

Recommendations

- Early reporting should be emphasised and encouraged.
- Reporting focus to be on vote buyers, vote brokers and voter traffickers.
- Reports received within 30 days of incident should be given priority.
- Anybody with information can report to the Independent Corrupt Practices and Other Related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC), the Nigeria Police Force (NPF) or any other appropriate law enforcement agency. These agencies have the technical capacity to investigate and prosecute.
- Anybody with evidence can report to INEC which should process the report in conjunction with information from other sources and, if a pattern emerges, thereafter forward the report to the ICPC, EFCC or NPF for action.
- Reports supported by evidence to be given priority.
- Emphasis should be on intelligence-based and evidence-backed reports.
- Safety of persons making reports should be paramount and taken into account at all stages of processing the reports.

SANCTIONING VOTE BUYING

Sanctioning is crucial to preventing the persistence of vote buying. Although the extant laws do not expressly mention vote buying, some of the acts that fall within the definition of vote buying are prohibited by existing laws.

Existing Sanctions Relevant to Vote Buying

- Bribery and conspiracy to bribe a person to vote or refrain from voting (S124 Electoral Act): punishable by a maximum fine of N500,000.00 or imprisonment for 12 months or both;
- Corruptly influencing a voter (S130 Electoral Act): punishable by a fine of N100,000.00 or imprisonment for a term of 12 months or both;
- Gift, loan, offer, promise, procurement, etc. to procure an elective office (S 124 (1) (b)): punishable by a maximum fine of N500,000.00 or imprisonment for 12 months or both;
- Buying or selling voters' cards (S23 Electoral Act; 120 (1) (d)): punishable by a maximum fine of N1,000,000.00 or imprisonment for 12 months or both;
- Using official vehicle to convey someone else to polling station (S121): punishable by a maximum fine of N500,000.00 or imprisonment for 12 months or both;
- Impersonation of persons allowed to vote (S122 Electoral Act): punishable by a maximum fine of N500,000.00 or imprisonment for 12 months or both;
- Violating secrecy of voting (S125 Electoral Act): punishable by a fine of N100,000.00 or imprisonment for a term of 6 months or both;
- Receiving bribe or gratification by election officer (S28 (2) Electoral Act); and
- Multiple, fictitious or wrongful registration punishable by a fine of N100,000.00 or imprisonment for a term of 12 months or both (S12 and 24 Electoral Act).

To achieve the best results, it is important to consider the nature and context of the prohibited conduct when determining the most appropriate manner to apply sanctions. The sanctioning regime for vote buying must therefore take the following elements into consideration:



Courtesy: Google images

If we do not provide adequate sanctions for vote buying, thuggery will continue to undermine the electoral process

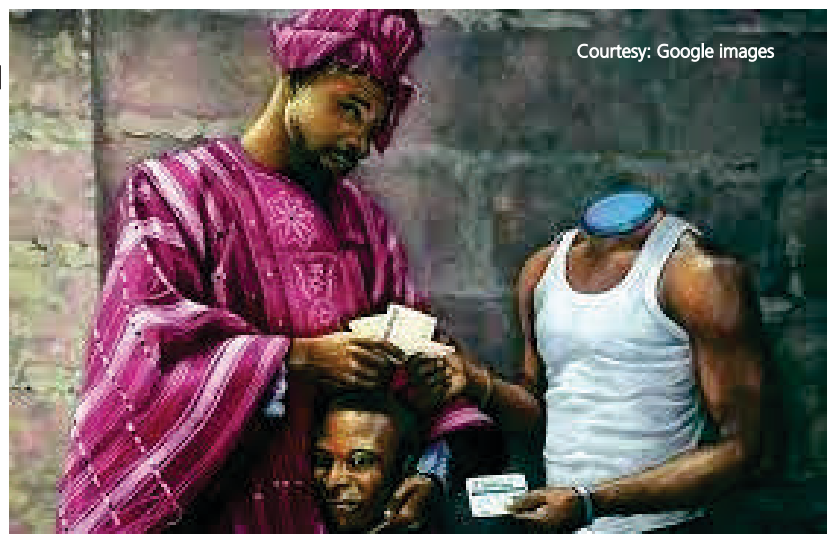
- It is sometimes the case that thousands of votes are bought and sold during elections;
- It is not practicable to extend sanctions by way of criminal prosecutions against all those involved in vote buying and selling at elections;
- Non-criminal sanctions can be applied in conjunction with criminal sanctions;
- A candidate shall be deemed to have committed an offence if it was committed with his knowledge and consent or the knowledge and consent of a person who is acting under the general or special authority of the candidate with reference to the election (S124 (6) Electoral Act);
- INEC is empowered by law to prosecute but presently lacks the technical capacity to investigate;
- Some of those involved or complicit in vote buying and other forms of electoral corruption are INEC contract or permanent staff;
- The population of offenders, volume of money involved, and complicated schemes involved in vote buying and other forms of electoral corruption require the response of an agency solely dedicated to handling electoral offences;
- Political parties have legal personality, so, they can sue, be sued, and be prosecuted;
- Vote buying happens on a humongous scale at intra party level especially in party primaries;
- Illicit funds and illicitly disbursed funds are spent on vote buying during party primaries and other intra party voting;
- The law presently confers extensive autonomy on parties to regulate their internal matters. This autonomy does not translate into a licence to use illicit funds or illicitly disbursed funds; and
- Election Petitions Tribunals are empowered to make recommendations relating to electoral offenders, including vote buyers (S149 EA).



The youth have a whole life ahead of them. If you sell your vote, you've sold all your life opportunities

Recommendations

- Election Petitions Tribunals should apply the powers conferred by law to make recommendations for prosecution;
- Eventual establishment of an Electoral Offences Commission (EOC) which should focus on all electoral offenders and offences, including vote buying;
- Vigorous implementation of exiting provisions of laws penalising vote buying and related conduct;
- Pending the establishment of EOC, investigation and prosecution should be targeted at persons most responsible for vote buying, including the candidate, buyers, vote sale brokers, voter traffickers and their principal agents;
- While criminal prosecutions may not be practicable against small time offenders due to the huge numbers involved, written warnings should be issued to such persons and their names publicised. Such written warnings should include name of the investigated offender and the details of the incident;
- Candidates should be prosecuted individually or alongside vote buyers where the vote buying is done with the knowledge and consent of the candidate or the knowledge and consent of a person who is acting under the general or special authority of the candidate;
- Where a candidate is prosecuted for vote buying, the candidates political party should be charged as a co-defendant and the party should be fined where convicted;
- Prosecution of persons involved in the use of illicit funds (including funds from unexplainable sources) and illicitly disbursed funds to buy votes at intra-party level;
- The law needs to be modified to include party primaries in its scope so appropriate sanctions for vote buying can be applied at intra party level even where the funds used are not illicitly obtained or disbursed;
- The present prohibitions relating to unlawful registration do not extend to situations where voters from a State or polling area are paid then trafficked en masse to another State or polling area for the purposes of registration. This act which corruptly undermines the electoral process needs to be expressly criminalised;
- Malicious or dishonestly false reports should be expressly penalised and prosecuted;
- Present sanctions for violating secrecy of votes should be vigorously enforced. In addition, secrecy of votes should be reinforced (especially electronically) so there can be total secrecy of votes;
- Present sanctions against campaign finance laws should be vigorously enforced; and there should be prompt confiscation of money and goods used for vote buying.



Selling your vote is as good as giving up your rights & privileges to your vote buyer.

POPULAR MOBILISATION AGAINST VOTE BUYING

There is a growing erroneous disposition and perception that it is acceptable for voters to collect money from vote buyers as long as the voters do not go along with the demands or intentions of the buyers. Voters also see moneys paid by vote buyers as their share of the nation's wealth. The increasingly infamous saying is: "collect their money and vote your conscience." In reality, it is not always possible to collect the vote buyers' money and "vote according to your conscience." Vote buyers take disingenuous but concerted steps to ensure that votes paid for are delivered. Among others, vote buyers make voters swear religious oaths similar to those applied by human traffickers; they use human and technological intelligence to monitor voters; and they use actual bodily violence, or threat of same, on persons who have collected payment but did not vote as demanded.



Courtesy: Google images

Your vote is your power. Protect it and use it wisely



Courtesy: Google images

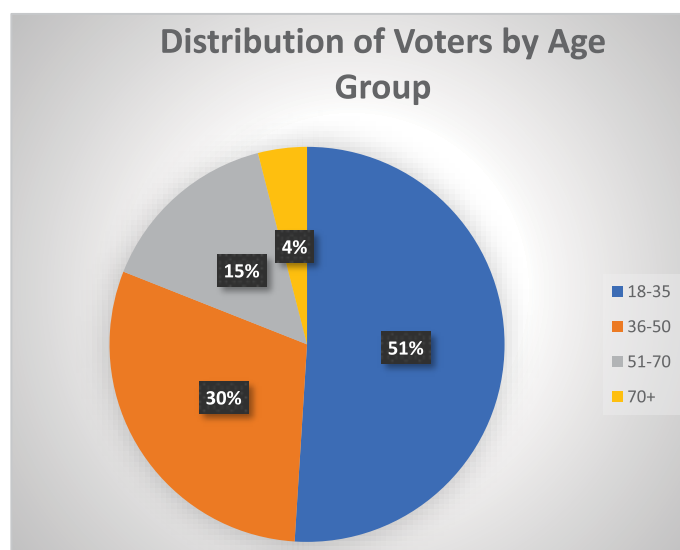
Your vote can help to determine who governs you

In all, the disposition that it is justifiable or excusable to collect money from vote buyers (whether or not the voter accedes to the buyers' demands) actually fuels electoral corruption which in turn energises grand corruption which ultimately leads to poverty in all areas of public and private life. Certainly, approaches to mobilising the public against vote buying will be different from approaches to mobilising the public on other issues of corruption that do not involve or require the participation or acceptance of the citizens - one size does not always fit all.



Recommendations

- Sustained voter orientation and re-orientation before, during and after elections;
- Platforms and modalities that appeal to the youth (who make up 51% of voters) should be accentuated
- Emphasis should be on the harm done by vote buying to the nation at large. In particular, the following should be made clear to citizens:
 - o The electoral process is collectively owned by all the citizens, including those not participating or not able to participate in the voting process. No individual is at liberty to sell his/her vote;
 - o Those that buy votes are corrupt politicians who will become corrupt officials who will steal public funds;
 - o Vote buying devalues the electoral system and precipitates bad governance;
 - o Poverty is not an excuse or justification for selling votes because the corrupt practice engenders deeper degrees of poverty; and
 - o Those that buy and sell votes are enemies of Nigeria and lovers of nationwide poverty and bad governance.
- The dangers of electoral corruption should be a component of the Anti-Corruption General Studies for tertiary institutions recommended by NACS;
- The dangers of electoral corruption should be a component of the primary and secondary schools Anti-Corruption education; if necessary, the National Values Curriculum should be so amended;
- Traditional rulers and leaders should be involved in mobilising the public against vote buying;
- Community organisations, peer education/engagement should be deployed;
- Community dialogue involving key stakeholders in the community should be emphasised;
- Theatre should be imaginatively deployed to educate the populace on the harmful consequences of vote buying;
- Public education should reinforce the fact that sanctions apply against vote buyers and sellers;
- Social and conventional media should be used strategically to reach a wider audience;
- Role models, particularly among non-political office holders should be projected; and
- Local languages should be used in communication for wider impact. This should be in addition to the use of national official language.



Statistical analysis released by INEC based on a total number of 84,004,084 voters



PREVENTING VOTE BUYING: NEXT STEPS

Eradication of vote buying requires a coherent and objective basis for identifying, reporting, sanctioning and mobilising against the corrupt practice. An effective policy on the issue will help to establish objective parameters for working towards preventing and eradicating vote buying in the electoral process.

This Policy Brief is the result of extensive research and the deliberations of key stakeholders at an Anti-Corruption Policy Dialogue convened specifically on the topic of eradication of vote buying. Its key recommendations reflect the consensus of views of participants at the Dialogue. These recommendations appertain to Federal and sub-national governmental policy makers, the National Assembly, the Election Management Body (INEC), Anti-Corruption Agencies, Law Enforcement Agencies, Political Parties, PMAs, CSOs and other key stakeholders.

Going forward

Flowing from the recommendations relating to definition, various stakeholders can take the next steps towards the eradication of vote buying:

INEC should make the electoral environment inconducive for vote buyers and prevent vote buying by:

- Designing polling units, booths and equipment in a manner that secures the secrecy of votes;
- Introducing electronic voting to both protect the secrecy of votes cast and reduce the effectiveness of compliance monitoring done by vote buyers;
- Enforcing the ban on use of image capturing devices in the voting booths;
- Reviewing the regulations on the transfer of voter registration to ensure that a voter does not vote in one State during in-cycle elections then transfer his or her registration to another State to vote in out-cycle elections.

INEC, ACAs, SLEAs should take steps towards implementing existing sanctions for vote buying by:

- Setting up task teams for prosecuting vote buyers;
- Training investigators and prosecutors to identify the essential elements of vote buying;
- Creating Standard Operating Procedures for seamless workflow between investigators and prosecutors of vote buying;
- Creating Standard Operating Procedures for participating in summary trial of offenders;
- Creating Standard Operating Procedures for upscaling prosecutions to candidates and other superiors on the vote buying ladder;
- Creation and use of Standard Operating Procedures for handling reports, evidence and information on vote buying;
- Creating Standard Operating procedures for ensuring the safety of persons that report vote buying. This should include devices for receiving and processing anonymous reports as well as protection of whistle blowers;
- Leveraging on the identified elements of vote buying to create and use specialised Form(s) as template for reporting incidents of vote buying. Separate/different Form(s) to be used for



reports where the reporter has material evidence and where the reporter has only information but no evidence.

Relevant Heads of Court(s) and Procedural Rule-Making Authorities of the Judiciary should support the reporting and sanctioning of vote buyers by:

- Making or modifying practice directions to guide making and transmission of recommendations relating to the prosecution of electoral offenders.

Election Petition Tribunals should support the reporting and sanctioning of vote buyers by:

- Making recommendation relating to electoral offenders, including vote buyers to INEC (until such a time as the EOC may be established).

INEC, PMAs, ACAs and CSOs should take steps towards preventing vote buying by:

- Educating their own staff on the types of conduct that constitute vote buying. This may be by internal documents, seminars, workshops, briefings, etc;
- Educating voters, candidates and political parties on the types of conduct that constitute vote buying. This should be by publicly available means of orientation, including documents and media engagement;
- Educating the populace on the harm of vote buying with emphasis on debunking the erroneous view of “collect the money and vote your conscience”; and
- Informing citizens, well in advance of elections, that vote buyers and sellers will be prosecuted.

The National Assembly, with input from other stakeholders should take steps towards ensuring sustainable and robust prosecution of a wider net of electoral offenders by:

- Passing legislation on the creation of an Election Offences Commission (EOC);
- Empowering the EOC to be independent and to prosecute electoral offences; and
- Stipulating a punishment section for Section 28 (2) of the Electoral Act which presently prohibits election officers from receiving bribe or gratification but does not clearly provide the punishment for the offence.

CSOs can support the prevention of vote buying by:

- Translating or writing orientational materials in local languages;
- Ensuring that the materials accurately capture the identified elements of vote buying; and
- Ensuring that the materials emphasise the harm caused by vote buying which outweigh any ostensible benefit to the vote seller.

Political Parties should demonstrate their aversion to electoral fraud and vote buying by:

- Including clauses that prohibit vote buying in their Constitutions, and other relevant internal documents.

As agreed by participants at the “Anti-Corruption Policy Dialogue on Eradication of Electoral Corruption: Focus on Vote Buying”, vote buying is not the only electoral corrupt practice. Nevertheless, it is evolving to be the alternative or supplement to other forms of electoral corruption. The concerted effort of all stakeholders is required to ensure that transacting in votes does not erode the integrity of the electoral process any further.



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