

Covid-19 Pandemic and the New Face of Democracy: Analysis of the Independent National Electoral Commission Rules for Elections in Nigeria

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Abstract: Against the background of 'the new normal' occasioned by Covid-19 pandemic, it is not in doubt that the conduct of election will experience new challenges. This is particularly true of developing countries where the conduct of election is fraught with irregularities. This study examines the Independent National Electoral Commission (INEC) rules for election within the context of Covid-19 pandemic and evaluates its prospects and challenges for future elections in Nigeria. Relying on secondary sources, the study found that, though INEC rules for election was aimed at adapting to the new normal, its prospect remains uncertain in Nigeria's election. The study concludes that Nigeria's democracy can be enhanced through the introduction of electronics voting (e-voting) system, to achieve safe and credible elections in Nigeria.

Keywords: Covid-19, Democracy, Election, E-Voting

1. INTRODUCTION

Election is a key indicator of democracy and constitutes major ingredients in democratization process of modern government. True to this point, Heywood (2000) and Birch (2008) maintain that elections serve as the means for granting legitimacy and authority to elected leaders in a democratic system. Therefore, the conduct of election should be free and fair to ascertain its legitimacy. This becomes vital since the importance of election in liberal democracy is anchored on impartial and transparent electoral process (Diamond, 1999; Mozaffar & Schedler, 2002).

Coronavirus otherwise known as Covid-19 is a novel virus that originated from Wuhan, in China (World Health Organization, 2020; Wuhan Municipal Health Commission, 2019). Due to the contagious effect and rate of spread of Covid-19 globally, the World Health Organization confirms the virus as a pandemic on 11 March, 2020 (Centers for Disease Control and Prevention, 2020; WHO, 2020). To contain the spread of Covid-19, governments have introduced mass quarantine policy such as self-isolation and lockdown (Centers for Disease Control and Prevention, 2020; Ohia, Bakarey and Tauseef, 2020; WHO, 2020). Furthermore, safety hygiene practices including constant washing of hand, using of hand sanitizer, wearing of face mask, maintaining social and physical distancing at least 1 meter away in public gathering etc., has been suggested to minimize the spread of Covid-19 (WHO, 2020; Nigeria Center for Disease and Control, 2020).

The conduct of election in Nigeria necessitates large gathering of people. Covid-19 and its preventive measures (social and physical distancing, lockdown, movement restriction, wearing of face masks etc.) defy proper conduct and organization of election in Nigeria. As a way of adjusting to the new normal, the Independent National Electoral Commission specifies rules for the conduct of elections within the context of Covid-19 pandemic. This study analyzes the rules for the conduct of election within Covid-19 pandemic and evaluates its prospects and challenges for safe and credible election in Nigeria. The study is divided into six parts. Added to this introductory note, the second part provides contextual meaning to the terms; Covid-19, democracy and election. While the third part presents case studies of countries with elections amid Covid-19 pandemic, the fourth part analyses INEC rules for elections in Nigeria, the fifth part discusses the challenges and prospect of INEC rules for elections in the context of Covid-19 pandemic in Nigeria, before conclusion.

2. CONCEPTUAL CLARIFICATIONS: COVID-19, DEMOCRACY AND ELECTION

Covid-19 is a new strain of coronavirus that has not been previously identified in humans. Coronaviruses are known to cause illness such as common cold and severe diseases including Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS) (WHO, 2020; CDC, 2020). Covid-19 was confirmed by the WHO on the 31st of December, 2019 in Wuhan, China (WHO, 2020). Existing narratives found that SARS-CoV and MERS-CoV was transmitted from animal to humans in China and Saudi Arabia respectively (Peiris, Lai and Poon, 2003; Shrikrushna, Quazi, Shubham, Suraj, Shreya, Rohit, Suraj and Biyani, 2020; WHO, 2020). The virus spreads mainly through close contact with an infected person (NCDC, 2020; WHO, 2020). Covid-19 symptoms includes fever, cough, dyspnea and tiredness (NCDC, 2020; Shrikrushna, et al, 2020; WHO, 2020). While global effort aimed at finding cure for Covid-19 is still in view, the virus has continued to alter social, economic and political systems globally. In developing countries such as Nigeria with low testing capacity for Covid-19, the pandemic portends grave consequences for sociopolitical development.

Democracy has been defined as a system of government that allows qualified adult citizens to participate in the political power directly or through their elected representative (Appadorai, 2004; Diamond, Hartlyn, Linz and Lipset, 2006). Seward (2001) defined democracy as an institutional arrangement for arriving at political decisions in which individuals acquire the power to decide, by means of competitive struggle through vote. Democracy provides unlimited opportunities for adult participation in political process (Webler and Tuler 2018; Pzeworski 2019). Thus, democracy does not function in isolation; it involves participation of the people and acceptability of the government which gives it meaning and substance. The extent of involvement of the people encompasses the power to decide who rules, what policy to support and decision which would benefit the greatest number of people (Landman 2018; Michels and De Graaf, 2010).

Since direct democracy became impossible to practice due to large population in modern polities, the concept of election has continued to gain credence in representative democracy (Diamond, 1999; Katz, 2000; Somerville, 2001). Therefore, election is conceived as a formal method through which qualified citizens select candidates that will represent them in government (Olurode and Anifowose, 2004; Powell, 2000). It can also be defined as the process of voting to choose candidates that will represent the citizens in the parliament and other government offices (Andrew, 2003; Mesfin, 2008). These definitions suggest equal participation of the electorates and contestants in the electoral process to be credible, free and fair. To this extent, election functions as the means for enabling the electorates to choose leaders of their choice and hold them accountable for their performance in government, strengthening the stability and legitimacy of the polity and giving citizens opportunity to hear their say in the government (Lijphart, 2008; Schedler, 2001; Waldemar, 2013).

3. EXPERIENCES AND LESSONS FROM COUNTRIES WITH ELECTIONS AMID COVID-19 PANDEMIC

The conduct of periodic and credible election is a significant feature of a democratic government which enables electorates to vote into government good leaders and vote out bad ones. However, Covid-19 pandemic continues to affect electoral cycle globally. Where elections were conducted, the health risk of the voters and the tendency of biased result pose grave consequences on electoral integrity. Covid-19 is confirmed in 199 countries with a total of 15,526,057 confirmed cases, 8,873,385 recoveries and 633,656 deaths globally as at July 24, 2020 (WHO, 2020), among which are cut in the web of electoral cycle (see table 1 and 2 respectively for information on countries that postponed and held elections amid Covid-19 pandemic).

United States could be regarded as one of the most hit country by Covid-19 pandemic also cut in the web of conducting primary elections. While Democratic Presidential primaries in the United States were postponed in states such as Connecticut, Georgia, Hawaii, Indiana, Kentucky, Louisiana, Maryland, New Jersey, Pennsylvania, Rhode Island etc., elections were conducted in states such as Alaska, Arizona, Florida, Ohio, Illinois, Wisconsin etc. during the pandemic (Netherlands Institute for Multiparty Democracy, 2020; The New York Times, 2020). Experience from the United States shows that primary elections in states such as Illinois and Wisconsin were characterized by inadequate electoral officials and low voter turnout, resulting to complains and litigations from contestants (Netherlands Institute for Multiparty Democracy, 2020; The New York Times, 2020). In other states

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such as Alaska and Ohio where success were recorded, voting by mail was opted in lieu of in-person voting (Netherlands Institute for Multiparty Democracy, 2020; The New York Times, 2020).

Table1. Countries that Postponed Election Due to Covid-19 Pandemic

Argentina	Municipal elections scheduled for March 29
Armenia	Referendum election scheduled for April 5
Austria	Local elections scheduled for March 15 and March 22
Australia	Legislative council and local elections scheduled for May and September
Bangladesh	Constituencies election scheduled for March 29
Bolivia	General and Subnational elections scheduled for March and May
Bosnia/Herzegovina	Local elections scheduled for October 4
Botswana	By-elections scheduled for May 2020
Brazil	Senatorial supplementary election scheduled for 26 April
Canada	By-elections and Municipal election scheduled for April 4 and May 11
Chad	Legislative elections scheduled for December 13
Cyprus	Turkish Cypriot leadership election planned for April 26
Czech Republic	Senate by-elections scheduled for March-April
Dominican Republic	Presidential and legislative elections scheduled for May 17
England	Local Assembly and Regional elections originally scheduled for May
Ethiopia	Parliamentary election scheduled for August 29
France	Local elections scheduled for June 28
Gabon	Legislative election scheduled for April 4 and 18
Gambia	Constituency by-election scheduled for 16 April
Germany	Local elections scheduled for April–October
India	Rajya Sabha (Indirect) elections scheduled for March-December
Indonesia	Regional elections scheduled for September 23
Iran	Parliamentary elections scheduled for April 17
Italy	Referendum and Local elections scheduled for March 29 and September
Kenya	By-elections scheduled for April, June–July
Kiribati	Parliamentary elections scheduled for April 7
Kosovo	Extraordinary election for Mayor scheduled for March 15
Kyrgyzstan	Local elections scheduled for April 12
Latvia	Local snap elections for city council scheduled for April 25
Liberia	Senatorial elections scheduled for 13 October
Macedonia	Parliamentary elections scheduled for April 12
Maldives	Local council elections scheduled for 4 April
Mexico	Local elections scheduled for June 7
Nigeria	Senatorial By-elections scheduled for March
Moldova	Local elections scheduled for May 17
Montenegro	Local elections scheduled for April 5
Oman	Municipal council elections
Pakistan	By-elections scheduled for March
Papua New Guinea	Government General Elections scheduled for June
Paraguay	Primary and Municipal election scheduled for July 12 and 8 November
Peru	Local municipal elections scheduled for March 29
Poland	Presidential elections originally scheduled for 10 May
Romania	Local elections scheduled for June
Russia	Constitutional referendum scheduled for April 22
Serbia	Parliamentary, provincial and local elections scheduled for April 26
Slovakia	Elections for local self-governing bodies scheduled for April 4
Solomon Islands	By-elections scheduled for June
South Africa	Municipal by-elections scheduled for March–May
Spain	Regional elections scheduled for April 5
Sri Lanka	Parliamentary elections scheduled for April 25
Switzerland	Federal vote scheduled for May 17
Syria	Parliamentary elections scheduled for April 13
Tunisia	Municipal elections scheduled for March 28–29
Uganda	Special interest groups elections scheduled for April–May
United States	Primary and Local elections scheduled for March-May

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Uruguay	Local elections scheduled for May 10
Zimbabwe	By-election scheduled for April 4

Source: *International Institute for Democracy and Electoral Assistance, 2020.*

Table2. *Countries that Held Election amid Covid-19 Pandemic*

Austria	Local elections, June 28*
Australia	Local and By-elections, March 29 and July 4
Bangladesh	Local by-elections, March 1
Benin	Local elections, May 17
Burundi	Presidential elections, May 20
Cameroon	Parliamentary Rerun election March 22
Canada	Council election, March 26
Croatia	Parliamentary elections, July 5
Czech Republic	Senate by-elections, June 5-6 and June 13*
Dominican Republic	Presidential and Legislative elections, July 5*
France	Local elections, 28 June 28*
Germany	Local elections, March 16 and March 29
Guinea	Constitutional referendum, March 22
Guyana	General elections, March 2
Iceland	Presidential elections, June 27
India	Rajya Sabha (Indirect) election, June 19*
Iran	Parliamentary elections, February 21
Ireland	Senatorial election, March 30-31
Israel	Legislative elections, March 2
Japan	Local and by-elections, April 4 and July 5
Kiribati	Parliamentary elections, April 14*
Malawi	Presidential rerun election, June 23
Mali	General elections, March 29
Malaysia	By-election, July 4
Moldova	Local elections, March 15
Mongolia	Parliamentary elections, June 24
Nigeria	Local government election, May 30
Niue	General elections, May 30
Poland	Presidential elections, June 28*
Russia	Constitutional referendum, July 1*
Saint Kitts and Nevis	National Assembly Elections, June 6
Serbia	Parliamentary, provincial and local elections, June 21*
Switzerland	Local and Municipal elections, March 29/April 4
South Korea	Parliamentary elections, April 15
Taiwan	Chairperson Elections February 22 and March 7
Tunisia	Municipal by-elections, July 6*
Togo	Presidential election, February 22
Slovakia	General elections, February 29
Suriname	General elections, May 25
Tajikistan	Parliamentary elections, March 1
Ukraine	By-elections March 15
United States	Primary elections, March 17, April 7 and 28, June 2*
Vanuatu	General elections, March 19
Note: <i>Elections marked with asterisk (*) were formerly postponed (see postponed elections due to Covid-19 pandemic), but were later held amid the pandemic</i>	

Source: *International Institute for Democracy and Electoral Assistance, 2020.*

Mali is another country that conducted parliamentary election during Covid-19 pandemic. The situation in Mali presents a case of protracted general election and terrorism challenges (International Foundation for Electoral Systems, 2020; Netherlands Institute for Multiparty Democracy, 2020). In this condition, the conduct of elections in Mali was characterized by low voter turnout. Available information shows that 36% of registered voter participated in the election resulting to disenfranchisement of the majority of voters (International Foundation for Electoral Systems, 2020). Furthermore, Covid-19 preventive measures were not observed by voters while protective

devices such as hand washing facilities and hand sanitizers were meant to be available but arrived late (International Foundation for Electoral Systems, 2020).

On April 15, South Korea became the first country to hold national elections amid Covid-19 outbreak. The Parliamentary Elections witnessed the highest voter turn out since 28 years despite the risk of the spread of the virus (International Institute for Democracy and Electoral Assistance, 2020a; Kim, 2020). Despite the larger turn out of voters, no corresponding effect has been link to increasing number of confirmed cases of Covid-19 in the country (Gallo, 2020; International Institute for Democracy and Electoral Assistance, 2020a). Various approach were put in place that accounted for the success of the election during the pandemic including; a pragmatic method to flatten the curve of Covid-19 and increased testing capacity for Covid-19 before the election, observance of Covid-19 preventive protocols such as use of face mask, social distancing and hand gloves etc. during election, checking of voters temperature before entry to the polling station, enfranchisement of self-isolated or quarantine voters to participate in the election (to stand at 2-meter intervals), adequate enlightenment of the electorate on the new approach of voting among others (National Election Commission, 2020).

4. COVID-19 PANDEMIC: INEC RULES FOR THE CONDUCT OF ELECTION IN NIGERIA

Section 15, Part 1 of the Nigerian constitution empowers the Independent National Electoral Commission to organise, and supervise elections and, monitor the organization and operation of political parties, including their primaries, conventions, congresses, and party finances (Nigeria Constitution, 1999). To minimize the spread of the novel virus in the conduct of election in Nigeria, the INEC (2020) specifies a number of rules for stakeholders to comply with Covid-19 containment. Inter alia, this includes:

- a. Compulsory use of face masks for all persons involved in the election process.
- b. Adherence to social and physical distancing at all election activities including 6feet queuing distancing at Polling Units.
- c. Reduction in the number of election staff on Election Day (14 to 7 for buses, 12 to 6 for boats).
- d. Where an election official, a voter or any other person present at an election venue shows symptoms of Covid-19, the person must be isolated from other persons at the venue.
- e. Covid-19 testing for INEC staff before and after deployment for elections.
- f. Reduction in the number of Voting Points in a Polling Unit for Covid-19 prevention compliance.
- g. Review of election information kits to include Covid-19 information.
- h. Accreditation and voting to commence at 8:30am instead of 8:00am and end at 2:30pm instead of 2:00pm.
- i. Periodic disinfection of chairs, tables and work area as well as the Smart Card Reader (SCR) and other shared voting materials after a voter has used any of them (INEC, Policy Number, 01/2020).

5. CHALLENGES AND PROSPECT OF INEC RULES FOR FUTURE ELECTION IN NIGERIA

Despite the INEC rules to prevent the spread of Covid-19 in the conduct of election, adjusting to the new normal come with challenges and prospects that may affect electoral process in Nigeria. A major challenge is the compulsory use of face masks during election. In Nigeria where elections are fraught with violence, the use of face masks in elections makes it difficult to identify the identity of the person involved in ballot box stuffing and falsification of election result. Existing narratives showed that electoral violence continues unabated in Nigeriabecause they are orchestrated by the political elites which make it difficult for electoral offenders to be prosecuted (Nwolise, 2007 and Ogbeide, 2013). This becomes worrisome especially in Nigeria where successive elections have been characterized by violence and snatching of ballot boxes. Thus, mask wearing during elections in Nigeria have the tendency of providing 'security' for criminality. Furthermore, wearing of face masks may complicate proper identification of voters during registration, accreditation and voting processes resulting in voter impersonation, double or multiple votes etc. These problems were widely reported by both the international and local observers on the conduct of the 2019 general elections in Nigeria (Commonwealth Observers Group, 2019; Nigerian Bar Association, 2019).

The fear of the spread of Covid-19 may also affect voter turnout in Nigeria’s election. Voter turnout is perceived as a significant factor that provides electoral mandate to leaders and as a yardstick for determining healthy democracy (Highton, 2004; Juenke and Shepherd, 2008). After the index case of Covid-19 in Nigeria through an Italian citizen that tested positive for the virus on 27 February, 2020, (NCDC, 2020), the number of confirmed cases and death of Covid-19 in Nigeria has continued to increase. Analysis in table 3 shows that 37225 confirmed cases, 15333 recovery and 801 deaths of Covid-19 were recorded across states in Nigeria as at July 21, 2020. Despite government strategies (lockdown, movement restriction, inter state travel ban etc.) to contain the spread of Covid-19, the increasing number of confirmed cases may discourage eligible voter to participate in election. Experiences of elections conducted during Covid-19 pandemic in countries like Mali, United States, Australia, India etc. show a significant reduction of voter turnout due to the fear of contacting Covid-19 (International Institute for Democracy and Electoral Assistance, 2020b).

Closely related to the above problem is the question of legitimacy and ‘authoritarian opportunism’. Legitimacy accords authority to democratic government through consent by the majority of the people. In an election where the total number of actual voters is far less than 50% of the registered voters, the legitimacy of majority rule as it applies to democratic government may not be achieved. Authoritarian opportunism arises when a government explores emergency periods to postpone election in a bid to hold on to power or introduced obnoxious policy to repress opposition parties during electioneering process (Parello-Plesner, 2020 National Democratic Institute, 2020). A case in point is Hungary, where law has been passed which empowers the government to rule by decree during emergency period (Parello-Plesner, 2020). In Nigeria’s nascent democracy, Covid-19 pandemic emergency may worsen the narratives of cancellation of election result, postponement of election or inconclusive election, which can create a power vacuum, loss of confidence by voters and prolonged litigations by contestants after elections.

Table 3. *Number of Confirmed Cases, Recovery and Deaths Rate of Covid-19 in Nigeria as at July 20, 2020.*

No. of Confirm Cases	No. of Recovery	No of Death
37225	15333	801

Source: NCDC, 2020.

The whole process of election requires adequate personnel for proper management and organization of election (Omotola, 2010; Schedler, 2001; Waldemar, 2013). The lack of orderliness that paved the management of election in Nigeria stems from inadequate election and security personnel to ensure proper voting at the polling center (Agba, Coker & Ogaboh, 2010; Aliyu, 2019). The resultant reduction in the number of election staff to comply with Covid-19 containment may worsen logistics problems (inadequate election officials and materials, late arrival of election officials and materials at the polling center, etc.) that affect the conduct of free and credible elections in Nigeria. In the same vein, maintaining social and physical distancing in a tense and rowdy gathering typical of electioneering process in Nigeria may increase the spread of Covid-19 in Nigeria.

Another challenge to the INEC Covid-19 rules for the conduct of election is the inclusion of Covid-19 information on election kit. This portends negative consequences for rural voters to learn new election information which may become difficult for them to discern. More importantly is the fact that INEC had fixed subnational elections for November 19 and October 10 for Edo and Ondo states respectively which is barely two months from now. Yet no conscious attempt is being made to educate voters over this development. To this extent, election irregularities associated with void votes may worsen the narratives of inconclusive election in Nigeria. More so, the organization of a timely and credible election may be hindered through periodic disinfection of chairs, tables and the Smart Card Reader.

On the positive side, the outbreak of Covid-19 pandemic opens an avenue for the introduction of e-voting in Nigeria’s electoral system. Electronics voting system is a computerized method that enables voters to use electronic tools and processes for casting, transmitting and counting of the votes (Alvarez and Hall, 2008; Emad and Heba Refa, 2010). E-voting has been suggested to reduce workload in terms of processing of votes, facilitate timely announcing of election results and eradicate human error associated with the conduct of election in Nigeria (Obiefuna-Oguego for, 2018; Onu and Amobi, 2012). Although, voting method in Nigeria has moved from manual to Biometric Finger Print, yet the conduct of election is characterized by Smart Card Reader malfunctioning, vote trading, poorly

prepared or fraudulent voters' registers, voter impersonation, inadequate electoral materials, ballot box snatching, etc. (Aliyu, 2019; Ogbeide, 2013; Omotola, 2010). In the context of Covid-19, e-voting is a paradigm shift to avoid direct human contact, control and influence on the conduct of election. Therefore, the spread of Covid-19 that may follow through convergence of large voters on Election Day will be avoided. E-voting will also ensure safe and credible election by eradicating violence, ballot stuffing, voter impersonation and multiple votes that characterized elections in Nigeria.

Another prospect of Covid-19 pandemic on Nigeria's election is the use of Information, Communication and Technology (ICT) medium such as Facebook, Whats App, Twitter, etc. for electioneering campaign in Nigeria. Politics just like the social media is a game of numbers, connecting to social network have emerged as a form of networking among and within different persons which can in turn aid political advantages (Agekameh, 2015; Bamidele, 2015; Jibo, 2003). The use of ICT will help to reduce incidence of money politics in Nigeria's elections such that voters now have freedom to vote according to their conscience. Moreover, ICT will also prevent direct contact between voters and candidates during campaign, militating against vote trading and vote buying in Nigeria's election and enhancing freedom of association and the right to participate in political activities, which may not have been possible due to Covid-19 containment.

6. CONCLUSION

Democracy relies on people's participation in the electoral process. The conduct of election in Nigeria necessitates large gatherings of voters which defy Covid-19 preventive measures (social and physical distancing, lockdown). Thus, adjusting to the new normal requires the INEC to introduce a number of rules in order to prevent the spread of Covid-19 in the conduct of election in Nigeria. However, the possibility of ensuring safe and credible election within the context of INEC Covid-19 rules may further complicate democratic participation in Nigeria. Yet, Covid-19 pandemic opens a paradigm shift for the introduction of e-voting in the conduct of election and the use of social media platforms for electioneering campaign in Nigeria.

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