

2020



COVID-19 AND ELECTIONS: SAFEGUARDING THE INTEGRITY OF THE ELECTORAL PROCESS IN EDO AND ONDO GOVERNORSHIP ELECTIONS

ELECTORAL HUB TECHNICAL BRIEF 1/2020

INTRODUCTION

The world is witnessing one of the worst pandemics in the last two centuries. This pandemic, “COVID-19”, is disrupting both the routine lives of citizens and the functional operations of government. One of the areas of governance that is affected is the conduct of elections – an integral part of citizen’s fundamental rights.¹ Nigeria, just like many democracies around the world, is presently being faced with a predicament: how to hold different scheduled elections during this pandemic without spreading the virus further. An election is one of the pillars of democratic values and standards, and it is an avenue for citizens to participate in the administration of the state.² With the COVID-19, executive policymakers and legislatures around the world have agreed that conducting elections conventionally would be potentially dangerous and may increase the spread of the disease³.

Also, there is a danger that Covid-19 will affect the conduct of the forthcoming governorship elections in Edo and Ondo states, amplifying threats surrounding electoral security and voter turnout that may eventually threaten the legitimacy of the elections. Therefore, how can the Independent National Electoral Commission (INEC) proceed with the two governorship elections in Edo and Ondo States? What are the appropriate steps and mechanisms that should be considered to ensure that the rights and safety of all citizens and stakeholders are guaranteed in the process? Ordinarily, under the present conditions, conducting the elections bear a degree of risk for both voters and poll workers. It is therefore imperative that INEC considers the public health risks of proceeding with the elections as well as the legal and constitutional implications of postponing same.

There have been several elections conducted in different countries since the coronavirus pandemic broke out, with the different Election Management Bodies (EMBs) employing novel measures to safeguard both poll workers and citizens as well as ensure that the rights of the citizens to vote are not impaired.⁴ INEC, while devising its strategies towards the

¹ Lawrence Norden et al., “Estimated Costs of Covid-19 Election Resiliency Measures,” Brennan Center for Justice, March 19, 2020, <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures>.

² Danielle Root, “Election Contingency Planning during the Coronavirus Pandemic,” Center for American Progress, March 18, 2020, <https://www.americanprogress.org/issues/democracy/news/2020/03/18/481794/election-contingency-planning-coronavirus-pandemic/>.

³ Hamza Mohamed, “How Is the Coronavirus Pandemic Affecting Elections in Africa?,” Al-Jazeera News, April 13, 2020, <https://www.aljazeera.com/news/2020/04/coronavirus-pandemic-affecting-elections-africa-200409085324155.html>.

⁴ International Institute for Democracy and Electoral Assistance (IDEA), “Global Overview of COVID-19: Impact on Elections,” International IDEA, accessed May 20, 2020, <https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>.

elections, should consider the measures taken by those countries, particularly whether they can be adopted in Nigeria. The recently promulgated Quarantine Regulations of 2020⁵ would unquestionably affect an electoral process since physical movements and social gatherings have been constrained. INEC can ensure that the revised health and safety standards can be integrated into the election administrative processes for electoral and democratic safety. However, the degree of effectiveness depends upon INEC's financial capacity and the period between the implementation of these new procedures and the election date.

In Nigeria, the 1999 Constitution (as amended) and Electoral Act 2010 (as amended) has set out clear periods for holding governorship elections and INEC has to follow the constitutional provisions. Unfortunately, the Constitution or the Electoral Act did not anticipate a public health crisis of the nature of coronavirus hampering the electoral process, and INEC is in a legal quagmire of on how to approach the situation. This Technical Brief, therefore, reviews the key challenges that the COVID-19 poses to the two governorship elections and proffer pragmatic recommendations that should guide INEC in devising its administrative guidelines for the elections.

According to the National Bureau of Statistics in 2018 population projection, Edo and Ondo states have a population of 4,430,739 and 4,863,334 respectively. As at the last general elections in conducted in 2019, Edo has 2,210,534 and Ondo 1,822,346 registered voters. Both Edo and Ondo have 18 local government areas (LGAs), Edo state has 192 Registration Areas (RAs), 2,627 polling Units (PUs) and 5,583 voting points, while Ondo state has 203 RAs, 3,010 PUs across its 18 LGAs⁶. Potentially therefore, a total of 4,032,880 persons are expected to vote at both governorship elections and INEC is expected to prepare for this number of voters in line with the current COVID-19 pandemic protocols to ensure safety of all electoral personnel and voters.

⁵ Nigeria Covid-19 Regulations 2020; Pursuant to Quarantine Act (CAP Q2 Laws of the Federation of Nigeria 2004)

⁶ INEC's Total Registered Voters and PVC Collection for the 2019 General Election document - <https://inecnigeria.org/wp-content/uploads/2019/02/Total-Registered-Voters-PVC-Collection.pdf>; <https://www.inecnigeria.org/resources/registration-area-centres-nationwide/>

IMPLICATIONS OF COVID-19 ON EDO AND ONDO GOVERNORSHIP ELECTIONS

In March 2020, the COVID-19 was officially declared a global pandemic – a disease spreading quickly and with no viable vaccine⁷. Governments all over the world, including the Nigerian Federal Government (FG), took various precautions, including restricting international travel, to stem further outbreaks. To avoid the risk of infection, health officials from WHO and NCDC recommended the prohibition of events or activities involving large crowds (to reduce the chances of healthy people coming into contact with persons who may have COVID-19) and staying home (except in situations of urgent medical care).⁸ The FG, through the quarantine regulations 2020, implemented these recommendations as well as a total lockdown of the high-risk cities of Lagos, Abuja and Ogun for a period of 14-days (and thereafter extending it for another 21 days).⁹ Afterwards, the FG eased the lockdown order and introduce special guidelines and curfew to prevent community spread.

Both the COVID-19 pandemic and the quarantine regulations would have serious implications for the conduct of elections in Nigeria. The by-elections for the senatorial district in Bayelsa, Imo and Plateau states have already suffered indefinite postponement by INEC with no new dates yet. The governorship elections that are scheduled for the 19th of September 2020 and 10th of October 2020 in Edo and Ondo states respectively may be seriously affected or postponed unless definitive steps are taken to ensure the safety of all stakeholders if the elections are to hold.

Despite the increasing desire by most stakeholders, particularly the voters, for the elections to go ahead later in the year, there are serious vulnerabilities which INEC and other key stakeholders should note. These vulnerabilities or challenges include:

⁷ BBC, “Coronavirus Confirmed as Pandemic,” *BBC News*, March 11, 2020, sec. World, <https://www.bbc.com/news/world-51839944>.

⁸World Health Organisation (WHO), “Advice for Public,” World Health Organisation, 2019, <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>; Nigeria Centre for Disease Control (NCDC), “NCDC Coronavirus COVID-19 Frequently Asked Questions (FAQ),” Nigeria Centre for Disease Control, 2020, <https://covid19.ncdc.gov.ng/faq/>.

⁹ Section 1, Nigeria Covid-19 Regulations 2020

1. VOTER REGISTRATION AND EDUCATION

- a. With no alternative registration process that can ensure social distancing or protection of INEC staff, INEC may find it difficult to conduct voters' registration exercise and thereby denying new voters the opportunity to participate in the election.
- b. With social-distanced voters likely to be getting more election information than ever from social media, information security is critical to prevent influence from untrustworthy sources.
- c. Voters' turnout may be greatly hindered by the pandemic. The quarantine restrictions, coupled with the viral nature of pandemic, would make citizens less likely to vote if they are concerned for their health and safety of their family members.
- d. Senior citizens with underlying health conditions, who could be more affected by COVID-19, might be especially less likely to vote and thereby making the electoral process less inclusive.

2. ELECTION CAMPAIGNS

- a. Political parties and their candidates are restricted from the following electioneering activities such as large rallies, road walks, parties' stakeholders' meetings and shaking voters' hands. Generally, all kinds of personal contact that are the normal practice to get the vote out would no longer be possible.
- b. The COVID-19 pandemic would certainly move election campaigns online, which should normally provide candidates and parties with a wider platform for their political messages. A lot of Nigerians that cannot access the internet are still disadvantaged, though, and without any steps to reach them, they may become much more disconnected during the elections. Furthermore, the regulatory framework on campaigns is not sufficient to effectively monitor online campaigns.
- c. The campaign situation can get even worse with the antics of state-owned media, who still contravene the provisions of the Electoral Act and do not provide equal opportunities to all political parties. Without rallies, opposition parties have even fewer ways to get their message out.
- d. There is also issue of campaign expenditure. We may see more situations where candidates resort to giving handouts in the name of COVID-19 palliatives and donations. This could unduly influence voters.

3. ELECTION DAY VOTING PROCEDURES

- a. Medical authorities suggest the avoidance of interaction of large crowds as a simple and efficient means of preventing the spread of Coronavirus. Long lines in polling units force people to wait for long periods, often in confined spaces, before they can vote.

- b. Eligible voters may be erroneously disallowed to vote due to improper reading of temperatures or signs of physical illness.
- c. The pandemic may also evolve with new complications and trends arising before the day of elections thereby putting the elections as well as the public health at risk. Personal contact and interaction on election day could lead to a new wave of infections.

4. ELECTION ADMINISTRATION AND LOGISTICS

- a. Administering elections during this pandemic would be a problem for INEC, public health agencies, as well as poll workers. Complications from infections and pandemic governance could arise on a weekly, daily, and even hourly basis, requiring officials to make adjustments to protocols and practices in elections.
- b. To effectively mitigate the risks posed by the pandemic, INEC will have to introduce safety procedures that would require fresh funding and budgetary allocations.
- c. Postponement of elections may incur additional costs and financial risks to all stakeholders.
- d. With the borders closed, international procurement and supplies becomes a challenge to INEC's procurement process and regime.

RECOMMENDATIONS ON EFFECTIVE STRATEGIES AND PRACTICES

It should be acknowledged that initiatives to limit the spread of COVID-19 during the governorship elections may have both procedural and technological implications for election administration and voting process¹⁰. The reforms needed to handle these challenges involves constitutional, statutory and administrative interventions. However, since it would be cumbersome and time-consuming to embark on the constitutional and statutory changes, the administrative changes (within the mandate of INEC) to the electoral process should be the top priority. It is in this regard that the Election Hub technical brief has highlighted the following ideas and practices that can help INEC prepare for, and respond to, the COVID-19 pandemic impacting the administration of an election, which include:

S/N	Theme	Recommendations
1	Election Planning and Administration	<ul style="list-style-type: none"> a. Develop contingency plans that outline procedures for mitigating potential election administration issues in emergencies. b. Identify additional precautions for the safeguarding of polling units, INEC should consult with NCDC, public health experts and infectious disease specialists. c. Develop new strategies for recruitment and posting of ad-hoc staffs. To prevent staffing shortages at polling units, INEC must have a surplus of ad-hoc staff on standby in case others get sick or cannot come to the polls. d. Develop and adopt online training methods for the training and assessment of its ad-hoc staffs for the elections. e. Devise logistical plans for an alternative voting arrangement f. There should be cooperation between the INEC and various State agencies, and any decision taken should be informed by the consultation findings. To prevent widespread misunderstanding and political turmoil, all those interested in planning and conducting

¹⁰ International institute for Democracy and Electoral Assistance (IDEA), “Elections and COVID-19,” 2020, <http://aceproject.org/ero-en/misc/elections-and-covid-19-technical-paper-by>.

		<p>elections have to consult actively and regularly with each other, along with departments of state public safety, to provide on-the-ground information and troubleshooting approaches to evolving issues.</p> <p>g. Supplementary funding would be required from the National Assembly to ensure that the proposed changes to the electoral process (such as an increased number of poll workers, adoption of new communication technologies) would be effective. Thus, INEC should seek further allocations from the National Assembly to ensure that the pandemic does not prevent free and fair governorship elections.</p>
2	Voter Registration	<p>a. INEC should adopt and bolster online voter registration systems. Since it would be deployed for just the two states, the cost would not be so enormous as compared to a nationwide registration exercise. The online voter registration process would encourage more eligible citizens to be included in the voters' register and subsequently participate in the elections.</p> <p>b. INEC should provide to the National Assembly for consideration and approval the budget of additional costs of implementing these new strategies.</p> <p>c. The National Assembly must allocate considerable funding for implementing and expanding voter registration and voting opportunities for all eligible Nigerians living in Edo and Ondo state ahead of the governorship elections.</p>
3	Voter Education and Information	<p>a. Fear and confusion around a pandemic create a fertile environment for disinformation and efforts to manipulate the electoral process for improper purposes and partisan gain. INEC should take steps to reassure citizens that voting would be safe and to guard against the use of Covid-19 to suppress voters' turnout or otherwise manipulate the election.</p> <p>b. INEC should provide accessible and easy-to-use tools for voters to look up polling locations and registration status to proactively counter misinformation or malicious attacks to government systems.</p>

		<ul style="list-style-type: none"> c. INEC should revamp its mobile Election App and make it more responsive to the needs of citizens for accurate election information. d. INEC must continually inform voters of all changes to voting rules and all options available to register and vote
4	Voting Process	<ul style="list-style-type: none"> a. Polling units must meet public health standards. That means INEC must ensure that sufficient alcohol-based hand sanitizers and hand washing facilities are available at all polling units and mandatory social distance between persons must be maintained in the queuing line. b. Poll workers must be provided with personal protective equipment (PPE) like masks, gloves, overalls, face shields. Additional cleaning agents and supplies to constantly clean and sanitize all facilities, machines, and resources used for the elections should be provided. c. Poll workers should avoid unnecessary handling of voter identification documents. d. Since our laws do not permit postal, online or early voting, INEC should adopt voting methods that minimize direct contact with other people and reduce crowd size at polling stations. In this regard, INEC may consider increasing the number of days for voting from Saturday-only to include Friday and Sundays. Then, the number of voters that would be permitted on each voting should be divided accordingly to enable better crowd control. INEC may also consider setting up additional polling streams. e. Special voting cubicles or centres should be set-up at government-run isolation centres. Persons under self-quarantine should be only allowed to visit the polling units and vote after the polling units have been close to the general public. f. Where there are changes to the location of a polling unit on health grounds, the local communities must be notified in a timely and accessible manner about changes in the locations.

- g. NCDC posters should be visible and posted across polling units to remind voters and poll workers of essential safeguards to prevent the spread of the virus and to identify signs of an infection.
- h. No one should be turned away from the polling unit even if they exhibit any symptoms. The guideline should provide for accelerated voting by such persons. No eligible voter should be inadvertently disenfranchised.

OPTION OF POSTPONEMENT OF THE ELECTIONS

Due to the health crises unfolding, some nations have opted to defer elections – a situation where INEC may be called to consider. But postponement also comes with its risks, some electoral experts have noted.¹¹ That is because elections are important to preserve the confidence of the people and the credibility of governance. If elections are not held within the constitutional timeframe, the legitimacy of any subsequent government may be questioned. For instance, after calling off a parliamentary election set for April 25, 2020, Sri Lanka is yet to announce a new date, and this has left the country in a constitutional dilemma — because parliament had already been dissolved before the election date, so there is no parliament, theoretically, in the nation.¹²

Nonetheless, all decisions on postponement must balance the risk of holding an election through voting in person in a polling station with the potential public health implications of bringing people together in confined spaces, against alternative voting methods, and the impact postponing an election would have on democratic standards of the country.

Finally, the decision on postponement should be inclusive and agreed through consensus between INEC and all political parties. The decision should not be made unilaterally by INEC so as not to undermine the confidence in the electoral process and results.

¹¹ Lindsay Newman, “COVID-19: America’s Looming Election Crisis,” Chatham House, April 8, 2020, <https://www.chathamhouse.org/expert/comment/covid-19-americas-looming-election-crisis>.

¹² Minelle Fernandez, “Sri Lanka Election Body Mulls Delaying Polls Due to Coronavirus,” Al-Jazeera News, May 13, 2020, <https://www.aljazeera.com/news/2020/05/sri-lanka-election-body-mulls-delaying-polls-due-coronavirus-200513060109627.html>.

CONCLUSION

Since Covid-19 was proclaimed a pandemic by the World Health Organisation on 12 March 2020, national legislative and/or presidential elections have only taken place in four countries: Vanuatu, Guinea, Kiribati, and South Korea¹³. Of the four, the pandemic had severely impacted only South Korea. South Korea's turnout at the polls was about 66%, the highest since 1992¹⁴. The voting, however, took place under exceptionally secure conditions, including temperature checks, mandatory use of protective gear and special booths for high-risk voters.¹⁵ Positively, South Korea's election was hailed as a success, particularly with a high turnout rate of over 66% of registered voters. The election demonstrated the EMB's efficacy in proper preparations and the willingness of the majority of voters to take part in the election amid the pandemic crisis. South Korea announced specific measures ahead of the vote to reduce the threat of virus spread. On the eve of the election, the 14,330 polling stations in the country were disinfected, and poll workers were required to wear helmets and plastic gloves.¹⁶ Upon the commencement of voting, poll workers disinfected voters, ballot papers and other voting equipment regularly. Therefore, with such successful precedent, it means that if appropriate steps and mechanisms are set in motion, INEC will indeed hold successful governorship elections in Nigeria.

According to EMBs, which held elections recently during this pandemic period, issues relating to voting access have received the most attention in various reports. If INEC finds that, as required by the Electoral Act, physical voting is untenable or risky (particularly for vulnerable people in the communities), voters must be provided with alternative means of voting, as we have recommended. We would reiterate that the postponement of elections will not necessarily solve COVID-19 problems since some scientific studies have warned that the spread of the virus might continue for a longer period¹⁷. INEC should, therefore, commence early planning towards ensuring the credibility of the elections.

Finally, in each election cycle in Nigeria, INEC and its staff are faced with insufficient funding and inadequate technology to conduct the elections. Elections have always been severely underfunded, and it is even worse when INEC has to confront COVID-19. The National Assembly must safeguard fundamental voting rights. To fulfil this duty, INEC must be provided with appropriate emergency funding to implement the necessary

¹³ International Institute for Democracy and Electoral Assistance (IDEA), *no. 4*.

¹⁴ Julia Hollingsworth and Yoonjung Seo, "How to Hold an Election during a Pandemic," CNN, April 15, 2020, <https://edition.cnn.com/2020/04/13/asia/elections-coronavirus-pandemic-intl-hnk/index.html>.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Chloe Taylor, "Coronavirus Outbreak Likely to Go on for Two Years, Scientists Predict," CNBC, May 1, 2020, <https://www.cnbc.com/2020/05/01/coronavirus-pandemic-likely-to-last-for-two-years-scientists-predict.html>

measures as recommended above (e.g. alternative voting methods, protective gears and sanitary supplies at polling units) to keep the upcoming governorship elections safe, secure and accessible.

References

- BBC. “Coronavirus Confirmed as Pandemic.” *BBC News*, March 11, 2020, sec. World. <https://www.bbc.com/news/world-51839944>.
- Fernandez, Minelle. “Sri Lanka Election Body Mulls Delaying Polls Due to Coronavirus.” *Al-Jazeera News*, May 13, 2020. <https://www.aljazeera.com/news/2020/05/sri-lanka-election-body-mulls-delaying-polls-due-coronavirus-200513060109627.html>.
- Hollingsworth, Julia, and Yoonjung Seo. “How to Hold an Election during a Pandemic.” *CNN*, April 15, 2020. <https://edition.cnn.com/2020/04/13/asia/elections-coronavirus-pandemic-intl-hnk/index.html>.
- International institute for Democracy and Electoral Assistance (IDEA). “Elections and COVID-19,” 2020. <http://aceproject.org/ero-en/misc/elections-and-covid-19-technical-paper-by>.
- International Institute for Democracy and Electoral Assistance (IDEA). “Global Overview of COVID-19: Impact on Elections.” International IDEA. Accessed May 20, 2020. <https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>.
- Johnston, Eric. “Should Japan Vote during the Pandemic?” *The Japan Times*, May 5, 2020. <https://www.japantimes.co.jp/news/2020/05/05/national/politics-diplomacy/japan-vote-coronavirus-pandemic-elections>.
- Mohamed, Hamza. “How Is the Coronavirus Pandemic Affecting Elections in Africa?” *Al-Jazeera News*, April 13, 2020. <https://www.aljazeera.com/news/2020/04/coronavirus-pandemic-affecting-elections-africa-200409085324155.html>.
- National Conference of State Legislatures (NCSL). “COVID-19 and Elections.” National Conference of State Legislatures, April 19, 2020. <https://www.ncsl.org/research/elections-and-campaigns/state-action-on-covid-19-and-elections.aspx>.
- Newman, Lindsay. “COVID-19: America’s Looming Election Crisis.” Chatham House, April 8, 2020. <https://www.chathamhouse.org/expert/comment/covid-19-americas-looming-election-crisis>.
- Nigeria Centre for Disease Control (NCDC). “NCDC Coronavirus COVID-19 Frequently Asked Questions (FAQ).” Nigeria Centre for Disease Control, 2020. <https://covid19.ncdc.gov.ng/faq/>.

- Norden, Lawrence, Elizabeth Howard, Gowri Ramachandran, Derek Tisler, and Edgardo Cortés. “Estimated Costs of Covid-19 Election Resiliency Measures.” Brennan Center for Justice, March 19, 2020. <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures>.
- Root, Danielle. “Election Contingency Planning During the Coronavirus Pandemic.” Center for American Progress, March 18, 2020. <https://www.americanprogress.org/issues/democracy/news/2020/03/18/481794/election-contingency-planning-coronavirus-pandemic/>.
- Taylor, Chloe. “Coronavirus Outbreak Likely to Go on for Two Years, Scientists Predict.” CNBC, May 1, 2020. <https://www.cnbc.com/2020/05/01/coronavirus-pandemic-likely-to-last-for-two-years-scientists-predict.html>.
- World Health Organisation (WHO). “Advice for Public.” World Health Organisation, 2019. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>.



©2020 Initiative for Research, Innovation and Advocacy in Development

About the Electoral Hub

The Electoral Hub (E-Hub), a project of the Initiative for Research, Innovation and Advocacy in Development (**IRIAD**), is a multidisciplinary strategic think-tank which seeks to provide solutions to improve the credibility and integrity of the electoral process. It is conceptualized to complement the roles and activities of the different institutions, stakeholders and drivers of the electoral process and governance. E-Hub's aim is to strengthen electoral governance and accountability in Nigeria through the provision data and critical analysis supporting the credibility and integrity of the electoral process. Because we believe that the integrity of the electoral process is crucial in improving the electoral governance architecture and democracy in Nigeria. We also believe in contextual analysis for solutions rooted in the principles of justice and equity

The Hub's core values are knowledge-exchange, inclusion, justice, equity, transparency and accountability.

Contact

IRIAD- The Electoral Hub

C/O 1 Sankuru Close

Maitama

Phone: +234 9092068680; email: electoralhub@gmail.com

Twitter: @electoralhub; Instagram: electoralhub

