

THE RELEVANCE AND EFFICACY OF INEC, ELECTION PETITION TRIBUNALS AND LEGAL PRACTITIONERS IN SUSTAINING DEMOCRATIC GOVERNANCE IN NIGERIA

By

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ABSTRACT

One of the major tenets of governance across the globe is Democracy. This tenet of governance is an all encompasses and embracing act which is engulf with many activities and processes done not only by one person or body. Therefore to have a successful and effective democratic governance, all these bodies involved must work diligently to provide the result that will lead to good governance. Sometimes one organ may work perfectly while the other will haphazardly execute its own, this in return will not produce the desired end result of good governance. Therefore, in this paper, an examination of three major stakeholders in bringing good governance in Nigeria will be made with a view of identifying their major role towards achieving good governance. These three institutions are the INEC, Election Petition Tribunals and Legal Profession. What role are these three institutions playing, what are the shortcomings and challenges facing them shall be the focus of this paper.

Keywords: INEC, Legal Practitioners and Good Governance.

1.1 Introduction

Democracy has today become the order of the day in terms of being a model of governance to many Nations. Democracy, which simply means government of the people, for the people and by the people, has its own legal underpinning. All the nations experiencing democracy today have achieved it through a body established by law, which is empowered to organise and supervise the conduct of elections for such countries. This body is none other than Electoral Commission or Board as the case may be.

Nigeria is not an exception to this rule. Nigeria has experienced several democratically elected governments' right from pre-independent times to its current republic status. These governments are normally the products of election organized by Electoral Bodies bearing various names such as Electoral Commission of Nigeria (ECN), established by Order-in-Council which conducted the 1959 Election; the Federal Electoral Commission (FEDECO) 1979, the National Electoral Commission (NEC) established in 1992; National Election Commission of Nigeria (NECON) 1995, and finally the Independent National Electoral Commission

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(INEC) 1998. These various electoral bodies were saddled with the responsibility of organising and conducting elections in Nigeria at one time or another.

When elections are completed, these electoral bodies are saddle with responsibility of declaring the winning candidates and perhaps offered them with returning certificates which validates the seat they will occupy in the contested election. Sometimes, electoral bodies may inadvertently or advertently gives a wrong person the retuning certificate which by implication means a wrong person was determined and validated to occupy the contested seat. Where this occurred, the only option left for the agreed person is to go to election petition tribunal which in most cases is been handled by legal practitioners. Needless to say in Nigeria, election tribunals with the help of legal practitioners have unseats many candidates declared by INEC as elected and brought back the rightful elected candidate.

This paper aims at viewing the impact and role of INEC, Election Tribunals and Legal Practitioners in sustaining democratic governance in Nigeria.

1.2 Establishment

The establishment of the INEC started in 1987 when President Ibrahim Badamasi Babangida the then military President enacted the National Electoral Commission Decree No. 23 (NEC), 1998. After the departure of the IBB government. General Sani Abacha, also a military Head of State, established the National Electoral Commission of Nigeria (NECON) Decree 12 of 1995. With the coming of the General Abdulsalami Abubakar in 1998, he established the Independent National Electoral Commission INEC by Decree 17 of 1998. The Decree provide thus: "There shall be established for Nigeria a body to be known as the Independent National Electoral Commission hereinafter in this Act referred to as the Commission."¹ This provision is further retains under section 153(1) of the 1999 constitution.

More recently are the Acts passed by the National Assembly in 2006 and 2010 respectively. The Electoral Act 2006, which came in to force on 16th June 2006 and the Electoral Act 2010 which repealed the 2006 Electoral Act. These legal regimes and the 1999 Constitutions are regulating the conduct of elections in Nigeria.

1.3 Composition of INEC

Under Section 153(2) of 1999 Constitution, the composition of INEC is contained in the third Schedule to the Constitution. The INEC shall comprise the following:-

1. A Chairman, who shall be the Chief Electoral Commissioner
2. Twelve (12) other members known as National Electoral Commissioners, who shall be persons of unquestionable integrity and not less than fifty years and forty years of age respectively,²

¹ Section 1, Sub Section 1 of the Decree 17 1998.

² Section 14(1) para 1 of the Third Schedule of 1999 constitution

Apart, from the above officers; there also shall be for each state of the Federation and Federal Capital Territory (FCT) Abuja, a Resident Electoral Commissioner, who shall be appointed by the President, and shall be a person of unquestionable integrity and should be not less than forty (40) years of age.³

Apart from the above, the Commission shall have a secretary who shall be appointed by the Commission and such person to be appointed must have qualifications and experience to be determined by the Commission as are appropriate for a person required to perform the functions of the office of the secretary.⁴ The major function of the secretary here includes;

- i. Keeping of proper records of the proceedings of the Commission;
- ii. Heading the Commission's secretarial and taking in charge of administration of the Commission; and
- iii. Be responsible for the direction and control of all other employees of the commission with the approval of the commission.⁵

1.4 Functions of INEC

Subject to the powers of the national assembly as may be conferred to the INEC from time to time, the Independence National Electoral Commission shall have the following functions:

- a) Organize, undertake and supervise all election and matters pertaining to elections into all the elective offices provided for in the Constitution of Federal Republic of Nigeria or any other law.
- b) Register political parties in accordance with the provisions of the Constitution, and any Act of the National Assembly.
- c) Monitor the organization, conduct and operations of the political parties, including their finances.
- d) Monitor political campaigns and provide rules and regulations, which shall govern the political parties.
- e) Arrange and conduct the registration of persons qualified to vote and be voted for at elections, and prepare, maintain and revise the register of voters for the purpose of any election under the Constitution.
- f) Arrange for the annual examination and auditing of funds and accounts of political parties and publish a report on such examination and audit for public information.
- g) Ensure that all Electoral Commissioners, Electoral and Returning Officers

³ Section 153(2) 1999 Constitution

⁴ Section 8(1), Electoral Act 2010

⁵ Section 8(2), Ibid

take and subscribe the oath of the office prescribed by the law.

- h) Delegate any of its powers to any Resident Electoral Commissioner.
- i) To carry out other functions as may be conferred on it by law or an act of the National Assembly.⁶

The Court of Appeal in *Haruna v. Modibo*⁷ Further elaborates on the functions of INEC when it remarked thus:

The Independent National Electoral Commission by its statutory existence is an independent body with constitutional powers to conduct elections in Nigeria. The function of the Commission by statute is one of an umpire in the conduct of an election. The body should never place itself in a position where imputations may be made that support one party or the other, in an election. The officials of the Commission should be neutral and not be partisan in favour of any candidate. No matter the allegations made against it, the Commission should remain fair and focused. It is not expected of the Commission to appeal from election cases but should leave candidates to fight their own battle. It is in the interest of the electoral process that the Commission and its officials should remain as neutral as possible in election cases as its primary responsibility is to conduct free and fair election regardless of who wins...

Furthermore apart from the provision of the 1999 Constitution above, Section 2(a) - (c) Electoral Act 2010 added additional functions to the Commissions as thus;

- a. Conducting voter and civic education
- b. Promoting knowledge of sound democratic election processes; and
- c. Conducting any referendum required to be conducted pursuant to the provision of the 1999 Constitution or any other law or Act of the National Assembly.

1.5 Funding

With respect to the funds use by INEC to regulate and carryout its activities as provided by the Electoral Act and the Constitution, the Commission is to use fund to be known as Independent National Electoral Commission Fund⁸.

Sums and payments available to the Commission for carrying out its functions and purposes under the Constitution and the Act and all other assets from time to time accruing to the Commission shall be paid to the Commission Funds and such sums as

⁶ Sec Section 15 of part 1 to Third Schedule of 1999 Constitution

⁷ (2004) NWLR 16 (pt 900) 487 at 515. See also in the case of Senator *Dr. Ugochukwu Uba v. Hon. C. N. Ukachukwu* (2004) 10 NWLR (pt 881) p. 224 at 236 where Court of Appeal also emphasized the role of INEC and its officials.

⁸ Section 3 sub 1 of the Electoral Act 2010

may, from time to time, be created to the Fund by way of interest from investments made from the fund.

Aid and grants that may from time to time accrue to the Commission in order to carry out its functions will equally be paid to the Commission Fund and all disbursements from the fund shall be made in accordance with rules established by the Commission Fund.⁹

The Commission may, from time to time, apply the proceeds of the Fund established pursuant to the Act¹⁰

- a. to defray the cost of administration of the Commission.
- b. to reimburse members or members of any Committee set up by the Commission for such expenses as may be expressly authorized by the Commission in accordance with the rates approved by it;
- c. to the payment of the salaries, fees or other remuneration or allowances and pension, superannuation allowance and gratuities payable to the officers and servants of the Commission¹¹,
- d. to the maintenance of any property vested in the Commission; and
- e. to all or any of its functions under this Act.

1.7 Conducting Elections Under the Electoral Act 2010

The Electoral Act 2010 under part IV spelt out how and manners elections will be carried out or conducted in Nigeria. After making all adequate arrangements for a conducive Election, the INEC is expected to publish a Notice in each state of the Federation and Federal Capital Territory not less than 90 days before the date appointed for holding the election, to state the date of the election, and appoint the place at which nomination papers are to be delivered.¹²

This Notice shall normally be published in each constituency in which the election is to be held, and where an election held is not conclusive due to one reason or the other, and the need for By-Election becomes necessary, INEC is to publish a notice stating the date of the election 14 days before such day appointed for the election.¹³

All adequate arrangements must be made before the election commences. These arrangements include logistic provision of material such as ballot paper, boxes, provision and demarcation of all polling centres throughout the federation, and other arrangements that will guarantee a free and fair election devoid of any rancour.¹⁴

And it should be noted, however, after all material are provided as listed above, the Electoral Act 2010 requires that all materials are to be certified before the commencement

⁹ Section 3 (2c) Ibid

¹⁰ Section 4 sub 1 Ibid

¹¹ No payment of any kind under this paragraph (except such as may be expressly authorized as aforesaid) shall be made to any person who is in receipt of emoluments from the Government of the Federation or the Government of a state;

¹² Section 30 (1) of the Electoral Act 2010,

¹³ Section 30 (3), Ibid

¹⁴ Section 9-22 Electoral Act, 2010

of the election. And as regard to who will certify and the venue of the certification, the Court of Appeal in *Buhari v. Obasanjo*¹⁵ held that it is the polling agent who has the authority to certify the documents. The certification is to be done either at the polling unit or at the ward collection/distribution center where materials are to be handed over to the Presiding Officers. This is because the polling agent carries out his functions only within the operational base or area of a Presiding Officer, and the operational base of the presiding officer is either the polling unit or the ward collection/distribution center where the election materials are to be delivered to him.

The spirit and purpose of the certification of materials was to ensure duly authentication of materials and to ensure that fake ballot papers, result sheets and other sensitive material were not used.

The Act provides that elections to the office of President, Governor, and into the Senates, House of Representatives, House of Assembly, Chairman/Vice Chairman and Membership of Area Council shall be held on the day to be appointed by INEC.¹⁶ And where election could not be held on such day fixed by INEC due to any National disaster, or public chaos, another day shall be fixed and the general public must know.¹⁷

A poll can take place in an election to the office of the President or Governor of a state, whether or not only one person is validly nominated in respect of such office or in an election in respect of an office, if after the expiry of the time of delivery of nomination papers there is more than one person standing nominated.¹⁸

The Supreme Court of Nigeria in *Buhari & Ors v. Obasanjo*¹⁹ explained more on the function of the Electoral Act, while unanimously dismissing the appeal, held that the function of the Electoral Act is to regulate the election generally, thus in Section 138(1) of the Electoral Act (2006) provides that if the Electoral Tribunal or the Court, as the case may be, determines that a candidate returned as elected was not validly elected, and if notice of appeal against the decision is given within 21 days from the date of the decision, the candidate returned as elected shall notwithstanding the contrary decision of the Electoral tribunal or the court, remain in office pending the determination of the appeal.

The Supreme Court went further to said that under Section 138(1) of the said Act, if the electoral tribunal or the court, as the case may be, determine, that a candidate returned as elected was no validly elected the candidate returned as elected shall notwithstanding the contrary decision of the electoral tribunal or the court remain in office pending the expiration of the period of 21 days within which a petition may be brought. According to Supreme Court, these are the provisions laid down by the Act to govern the period of transition between the election proper and the period of challenges before the Election

¹⁵ (2005) All I-VVLR (pi 258) p 1604 at 1627

¹⁶ Section 25 (3-5) Ibid

¹⁷ Section 26 (1) Ibid

¹⁸ Section 40 Ibid

¹⁹ (2004) 1 EPR 163

tribunals or the court to determine validity of the election and who has been validly elected.

Section 25 to 54 of the Electoral Act 2010, set out the procedure in election. Every person intending to vote shall present himself to a presiding officer at the polling unit within the constituency in which his name is registered with his voter's card. The presiding officer shall on being satisfied that the name of the person is on the register of voters issue him a ballot paper and indicate on the register that the person has voted. A presiding officer should be satisfied that the name of the person who intends to vote is on the register of votes.²⁰

The Presiding Officer is empowered²¹ under the Act to announce closure of an election at the election of every designated election. Once an announcement of closure of election has been made, no person shall be allowed to vote, except those already inside the polling centre. It is the duty of the presiding officer to enter all votes scored by each candidate in a prescribed form provided to him by the Commission, and such scores entered in the form must be duly signed by him and counter-signed by the candidates' polling agents. After which the Presiding Officer can now announce the result publicly. Where there is controversy as to the counting of the vote, any of the polling agents is allowed to call for a recount, but such recount is not allowed more than once.²² The essence of having votes scored by each candidate in a prescribed form is to guide the INEC and other candidates who may wish to contest the conduct of the election through petition to election tribunal or court.

Votes scored by each candidate in a prescribed form will be clearly and specifically stated in order to indicate or states the votes scored by the candidate whenever any petition will be made to any Election Tribunal or the Court. This was decided by Court of Appeal in *Col. Yohanna Mamman Dickson Rtd & Ort v. Isaiah Chawai Balat & INEC*²³ where it was held, that where there is a substantial non compliance in stating the votes scored by candidate at election the petition in the instant case is riddled with defects and irregularities and non-compliance with the mandatory provision of the said rules which rendered it incompetent under the doctrine of non compliance under paragraph 4(I)C of first schedule to the Electoral Act 2002.

1.8 Offences

One novel approach of the Electoral Act 2010 is the recognition of many offences committed during the election period which the other previous Electoral Act did not recognize. This becomes necessary in view of the ugly experience of the previous election in Nigeria which was characterized with many electoral offences. To address this, the Electoral Act 2010 makes it an offence for any person who is in unlawful possession of any voter's card whether issued in the name of any voter

²⁰ *Haruna v. Modibo* (2004) N.W.L.R. 16 (pt 900) p. 487 at 507

²¹ Sec Section 62(1) and (2) of the Electoral Act, 2010

²² Section 64, Ibid

²³ (2004) EPR243

or not; or sells or attempt to sell or offers to sell any voter's card whether issued in the name of any voter or not; or buys or offers to buy any voters' card whether on his behalf or on behalf of any other person; commits an offence and shall be liable, conviction to a fine not exceeding five hundred thousand (N500,000) or imprisonment not exceeding to years or both.²⁴

Furthermore, any person who makes a false statement in any application for registration as a voter knowing it to be false; or any person who after demand or requisition made to him without just cause, fails to give any such information as he or she possess or does not give the information within the specified; or any person who in the name of any other person, whether living, dead or fictitious, signs an application form for registration as voter to have that other person registered as a voter; or any person who transmits or his concern in transmitting to any person as genuine declaration relating to registration which is false in any material particular, knowing it to be false; or any person who by himself or any other person procures the registration of himself or any other person on a voters' registered for a state, knowing that he or that other person is not entitled to be registered on that voters' registered or is already registered on it or on another voters' register; or any person who by himself or other persons procures the registration of any fictitious person commit an offence and shall be liable on conviction to a fine not exceeding one hundred thousand naira (N100,000) or imprisonment not exceeding one year or both.²⁵

Apart from the above offences relating to buying and selling of voters' card and registration of voters, other electoral offences were equally recognized under the 2010 Electoral Act. Such as offences in respect of nomination, offences relating to disorderly behavior at political meetings, offences relating to improper use of voters card, offences relating to improper use of vehicles, offences relating to impersonation and unqualified voting, offences relating to dereliction of duty, offences relating to bribery and conspiracy, offences relating to disclosure of secrecy in voting.²⁶

1.9 Election Tribunal

The 1999 Constitution provides for the creation of Election Tribunals under Section 285(1) as thus;

There shall be established for the Federation one or more election tribunals to be known as the National Assembly Election Tribunals which shall, to the exclusion of any court or tribunal, have original jurisdiction to hear and determine petitions as to whether

²⁴ Section 23, Electoral Act 2010

²⁵ Section 24, Ibid

²⁶ See Generally Sections 117-132

- a. Any person has been validly elected as a member of the National Assembly.
- b. The term of office of any person under this constitution has ceased;
- c. The seat of a member of the senate or member of the House of Representatives has become vacant; and
- d. A question or petition brought before the election tribunal has been properly or improperly brought."

In regard to Governorship and Legislative Houses of Assembly, the Constitution further provides:

There shall be established in each state of the Federation one or more election tribunals to be known as the Governorship and Legislative Houses Election Tribunals which shall, to the exclusion of any court or tribunals, have original jurisdiction to hear and determine petitions as to whether any person has been validly elected to the office of Governor or Deputy Governor or as a member of any legislative house²⁷

These Election Tribunals have in one way or the other adjudicated election petition cases in Nigeria, this is so because, in all the successive elections conducted in Nigeria, the Election petitions tribunal do sometimes revised the result of INEC; in most cases, where the petition were successful, the elected candidate declared by INEC are normally put through the acid test of validity.

And looking at the composition of the members of these tribunals one can without doubt, say that, they are men of high integrity. The composition of Governorship and Legislative Houses Election Tribunal include: The Chairman and four other members who shall be appointed from among the judge of High Courts, Khadis of a Shari'a Court of Appeal, Judges from the Customary Court of Appeal or any other member of the judiciary not below the rank of a Chief Magistrate. They shall be appointed by President of the Court of Appeal in consultation with the Chief Judge of the State, Grand Khadis of Sharia Court of Appeal or President of Customary Court of Appeal and shall be sworn by Chief Justice of the Federation.²⁸

1.10 The Election Petition and Legal Practitioners Role Under the Electoral Act 2010

Part VIII of the Electoral Act 2010 provides for the determination of election petitions arising from the election. Sections 133 to 145 provides for the rules of election petitions and appeals which are set out in the First Schedule 2010 Electoral Act. Legal practitioners are subjected to high degree of care here because

²⁷ Section 285(2) 1999 Constitution

²⁸ See Sixth Scheduled, the 1999 Constitution of Nigeria

of the constraint of time they are facing in carrying out any election petition. Section 133 (1) of the Act provide thus:

No election and no return at any election under this Act shall be questioned in any manner other than by a petition complaining of an undue election or undue returns presented to the competent tribunal or court in accordance with the provisions of the Constitution or of this Act, and in which the person elected or returned is found as a party.²⁹

Under Rule 3 (1), the petitioner may present the election petition in person, or by his solicitor, but in practice legal practitioners do all election petitions, due to the fact that, the constitution gave them a special treatment, our courts, recognised that elections petitions are special proceedings for which special provisions are made and not civil proceedings.³⁰

The legal practitioner must take note that the petitioner or petitioners are either candidate(s) at the election or the political party which per take at the election¹⁵ and the respondent is the person whose election is complained of, but if the petitioner complains of the conduct of an electoral officer, presiding officer, a returning officer, or any other person who took part in the conduct of an election, such officer may not be joined as a respondent.³¹

Due to this special proceeding, not much time is given like other cases in ordinary civil proceedings. Therefore, a legal practitioner must be very conscious of this and must plan his case wisely. And under Rule 25(1-2) of the Act, the proceedings are to be conducted from day to day until the hearing is concluded. Therefore, "Time is of essence".

Under the election petition proceedings, unlike normal civil proceedings, where amendment to the pleadings are allowed and time within which to bring the matter extended, in election petition proceedings, no substantial amendment to the pleadings is allowed and time within which to bring the election petition can also not be extended.³²

Therefore, the above points raised must be known, and the legal practitioner must act timeously and competently so as not to be out of time, or his petition struck out on technical grounds.

The Election Tribunal or the Court of Appeal as the case may be may not be the final judgement/arbiter. The legal practitioner must prepare his mind to appeal subject to the wish of his client. This may be either to the Court of Appeal, which is from judgement of

²⁹ Section 285 of 1999 Constitution allows the establishment of this Election tribunals. and also section 239

³⁰ *Obi v. Mbakwe* (1984) 1SC NCR 192 at pp. 199-200 (Bello JSC)

³¹ Section 137 (3) provides; " If the petitioner complains of the conduct of an Electoral Officer, a Presiding or Returning Officer, it shall not be necessary to join such officers or persons notwithstanding the nature of the complaint and the Commission shall, in this instance, be –

(a) Made a respondent; and

(b) Deemed to be defending the petition for itself and on behalf its officers or such other persons".

³² See Rule 14 (1) of the Proceeding. See also *Lamido v. Turaki* (1999) 4 NWLR pt. 600) 1578

Election Tribunal, or to the Supreme Court, that is from the judgement of the Court of Appeal. This too must be done timeously and competently.

1.11 Complementary Bodies to the INEC

In order to allow the INEC to effectively functions in Nigeria by giving full attention to the conduct of fair and credible election in the country, the 1999 Constitution allows for the creation of complimentary body in the name of States Independent Electoral Commission which shall be established in each state for the conduct of local government election.³³

Under the 1979 Constitution, election were conducted by the Federal Electoral Commission (FEDECO), however the 1999 Constitution in part II of the Third Schedule provides and gave the SIEC power to organize, undertake and supervise all elections to local government.

In *A.D. v. Plateau State Independent Electoral Commission*³⁴ the Court of Appeal held that, it is the duty of the State Independent Electoral Commission by virtue of the provision of paragraph 4 of the part II in the Third Schedule to the 1999 Constitution to Organize, undertake and supervise all elections to Local Government Councils within the state. It is also to render such advice as it may consider necessary to the Independent National Electoral Commission on the compilation of the register of voters as applicable to local government elections in the state. The composition of the SIEC shall be made of a Chairman, and not less than five, but not more than seven other persons as members of the Commission.

Under the 1999 Constitution, the SIEC is expected to be completely independent; it does not take directives or orders from the State Governor or any other person or authority within the state, in exercising its powers to make appointments or to exercise disciplinary control over persons, the State Independent Electoral Commission shall not be subject of the direction and control of any other authority or person.³⁵

It must be noted however that many Nigerian express their skepticism that since the SIEC is a creation of state, there is a very high tendency that the exercise given to SIEC will be completely teleguided by the states. That the various states governments would use them to appoint or validate their candidates and as such the SIEC was being seen as a lapse in the 1999 Constitution. Well the experience so far since the creation of State Independent Electoral Commissions by states as required by the 1999 Constitution there seems to be reality in the above argument because record have shown that most of the Local Government elections conducted by states through this Commissions are been won by the ruling parties in the state hundred percent which is suggestive that the state government control the activities of the commissions.

³³ Section 197 (1) 1999 Constitution

³⁴ (2004) 10 M.W.R. (pt 888), p. 19 at 24

³⁵ See Section 202 1999 Constitution

However, it is humbly submitted that if the States Independent Electoral Commissions will be allowed to work independently without interference by the State Government in power, their creation is a good development, because this will reduce so much financial burden on the INEC, and perhaps it is hoped would facilitate quick, fair and expeditions elections at the Local Government Election level which is the grassroots election in Nigeria.

1.12 Conclusion and Recommendation

There is no gain saying that for any successful election to be conducted in any country, there is need for strong, impartial and independent electoral body backup by viable legislations which must be reviewed from time to time. Election is a continue process, some lapses and lacuna can only be noticed as the democratic system continue in the country. It is believed that it is only through these that perfection can be achieved.

The election tribunals Practice and procedures must be reviewed and revised from time to time to address major challenges encountered in the previous elections, this is the only way many impact and their role can be felt.

No any election without loser and winner and in order to entrench the doctrine of fair hearing and natural justice, losers or aggrieved persons must have a forum of leveling their complains within a reasonable time. This forum is the election tribunal.

Therefore, the secret and success of any election does not lies on the electoral body alone, a collective and responsive efforts are needed to achieve them.

These three institutions are expected to closely work together towards nation building and not to work for their personal aggrandizement. Democracy and elections are the mirror of civilized nation which signal good governance.

To conclude therefore, for good governance to be sustained in a democratic setting the above three institution discuss ought to adhere to the following recommendations:

- i. There is need for periodic review of Electoral Act, this in turn will give room for accommodating shortcoming observed in the previous election with a view of addressing them in order to achieve perfection.
- ii. Nigerians citizens should not regard INEC staff as enemy of progress and look upon them as accomplice of electoral malpractice but rather as staff or officials mandated by the Nigerian Constitution to conduct one of the required yearning and aspirations of the people.
- iii. INEC staff should as a matter of policy be engaged in observing and seeing the conduct of some selected countries that have good records of conducting good, fair and credible elections across the globe in order to tap from their good experiences and record of success with a view of emulating the same thing in Nigeria.
- iv. Election tribunals/courts should be established on permanent basis rather than co-opting judges from other judicial arms that are servicing other cases which in

much case their co-option do creates a vacuum in their various court.

- v. Legal practitioners as a matter of fact should desist from shady electoral practice and other related matters but should handle their electoral cases and matters sincerely, dedicatedly and with all sense of purpose.
- vi. Rules and practice of procedure for the conduct of the election petitions should be periodically be reviewed in order to accommodate and address the observed short comments in the procedure rules used. this in essence will be redeeming many lapses in the conduct of electoral matters.