



## **YIAGA AFRICA Statement on Kogi-West Supplementary Election Saturday, November 30, 2019 Abuja**

### **Introduction**

On November 30, 2019, YIAGA AFRICA observed the Kogi West supplementary election in 53 polling units in 7 Local Government Areas (LGAs) where elections were cancelled or not concluded due to violence and disruption (Ijumu, Kabba/Bunu, Lokoja, Koton Karfe, Mopa Moro, Yagba East and Yagba West). YIAGA AFRICA Watching the Vote (WTV) deployed a total of 63 trained and accredited citizen observers including 53 stationary observers and 10 roving and collation center observers for the supplementary elections in Kogi West.

This statement is based on YIAGA AFRICA WTV findings on the observation of accreditation and voting, counting of ballots, announcement and posting of results at the polling units, and collation of results at LGA collation centers. These findings are based on reports received from 52 out of 53 polling units in the 7 LGAs and 7 LGA collation centers.

### **Watching the Vote Preliminary Findings on the Supplementary Election**

#### **Findings from Polling Units**

##### **1. *Opening and Set-Up of Polling Unit***

1. As of 7:30 am, YIAGA AFRICA WTV observers reported that INEC officials had arrived at 52 of the 53 polling units in the 7 LGAs where the supplementary elections held. By 10:00 am, 52 polling units had commenced accreditation and voting.
2. All of the 53 polling units had 4 or more polling officials present with at least 1 female polling official.
3. APC party agents were present in all the polling units while PDP party agents were seen in 51 of the polling units.
4. One or more essential materials like the register of voters, indelible ink/marker pen, polling official stamp, voting cubicle, ink pad, gubernatorial ballot box, and

polling unit booklet were seen in all the polling units. Specifically, Smart Card Readers were present in all the 53 polling units.

## **2. Election Procedures at the Polling Units (Accreditation and Voting, Counting, Announcement and Posting of Official Governorship Results)**

1. The Smart Card Reader was not used for the accreditation of voters in 7 of the 53 polling units. Of these 7 polling units, 5 are in Lokoja LGA and 2 in Kabba/Bunu LGA. In addition, voters were allowed to vote in these polling units without using the Smart Card Reader to verify their Permanent Voters Cards (PVCs).
2. In 50 of the 53 polling units, only voters whose names were in the register of voters were allowed to vote.
3. In one of the polling units (St. Paul's Sch II Kabba, Kabba/Bunu LGA), counting was done in a venue (polling unit) different from where accreditation and voting was conducted.
4. In 49 polling units, INEC polling officials counted the number of unused ballot papers; in 43 polling units, INEC polling officials counted the number of spoilt governorship ballot papers; and in 44 polling units, INEC polling officials counted the number of counterfoils for the ballot papers. However, INEC polling officials did not show how every ballot paper was marked to all party agents and observers in 2 polling units.
5. The polling unit level results were not posted for the public to see in 7 polling units. The polling units involved were located in Lokoja, Mopa Moro and Kabba/Bunu LGA.

## **3. Misconduct at the Polling Units**

1. Voters were intimidated, harassed or assaulted in 3 polling units during accreditation and voting. INEC polling officials were identified as victims of the 3 incidences. Women were specifically intimidated, harassed or assaulted in 4 polling units during the same accreditation and voting process.
2. Party agents attempted to influence voters or INEC polling officials in 10 polling units.

## Findings on the Results Collation Process at the LGA Result Collation Centres

1. **Access to Result Collation Centers:** WTV observers were initially denied access to the LGA results collation center in Mopa Moro LGA. This was later resolved.
2. **Presence of Security Personnel and Political Party Representatives:** Security agents and party agents were present in all LGA collation centers.
3. **Results Collation Process:**
  1. In all LGA collation centers, senatorial results Form EC 8Bs for all polling units from the wards were submitted to the collation officer and all the LGA collation center officers entered the votes in the original form EC 8C in words and in figures.
  2. APC party agents countersigned the results summary forms in all the LGA collation centers while the PDP in only 6 LGA collation centers. No PDP party agent was seen at the time of the countersigning of the results summary forms in Mopa Moro LGA.
  3. INEC officials distributed copies of the form EC 8C to the party agents and security agents present in all the LGA collation centres, and publicly posted the summary of the results in only 5 of the 7 LGA collation centers. No political party agent disagreed with the results declared in all the LGA collation centers.

## Reported Critical Incidents

YIAGA AFRICA received and confirmed a total of **25 critical incidents**, which were majorly around vote-buying, vote suppression and community collusion to undermine the process. Below are some of the critical incidents and the locations where they occurred.

1. **Multiple voting:** In PU 004, ward 8, Mopa Moro, voters who already had indelible ink on their fingers were allowed to vote.
2. **Voter suppression:** In Open Space, Okedayo, Ijumu LGA, PU 004, ward 8 and PU 003, ward 5, Mopa Moro LGA, sorting and counting of votes were done before 2pm, denying some voters the opportunity to cast their ballot.
3. **Over voting:** In PU 001, ward B, Lokoja LGA, voters staged a protest against the INEC officials because the number of total votes did not tally with the number of accredited voters captured by the card reader.
4. **Vote buying:** In Oludun Furniture 002, Auta ward, Kabba/Bunu LGA, voters were trading their votes for money (N1,000). In PU001, ward 02 and PU 003, ward 1, Kogi Koton Karfe LGA, party agents were openly distributing money.

5. **Bribery:** Party agents attempted to bribe observers in PU 002, Asuta ward, Kabba/Bunu.
6. **Lack of secrecy of the ballot:** In PU 007, Asuta Ward, Kabba/Bunu LGA; PU 003, Open space by Aiyewa Quarters beside Comm. Bank Ijumu LGA; and Open space Oba Tedo polling unit, Yagba West LGA, voters showed how their ballot papers were marked before putting them in the ballot box. In Open Space by Okebukun Quarters, Aiyetoro polling unit and Open Space, Iluafon Quarters, Ayietoro polling unit in Ijum LGA, and Yaragi area Open Space polling unit, Ward D, Lokoja LGA, the voting cubicle was positioned in a way that people could see how voters marked their ballot paper. In Open Space, Okedayo, Ijumu LGA, party agents accompanied voters to the voting cubicle thereby compromising the secrecy of the ballot.
7. **Lack of results posting:** In PU 004, Open Space, Inuwa, ward D, Lokoja LGA, INEC polling officials did not post the polling unit official result.
8. **Restricted observation:** Four YIAGA AFRICA WTV observers were not allowed to observe in Ijumu LGA, at the commencement of the polls.

## **Recommendations**

### **Independent National Electoral Commission (INEC)**

1. YIAGA AFRICA calls on INEC to investigate polling units where the Smart Card Readers were not deployed and where there were incidences of over-voting. This investigation should be properly structured to ensure that officials found to have willfully acted in breach of the electoral guidelines are prosecuted.
2. Conduct a special audit on the result collation process, especially for polling units where zero votes were recorded by the collation officer in the November 16 elections.
3. In line with the principles of open election data, INEC should publish the polling unit results of the Kogi West Senatorial rerun and the November 16 elections.
4. INEC should release complete details of the cancelled polling units, reasons for cancellation and the results for cancelled polling units where results were collated.
5. Secrecy of the ballot was a challenge during the election, violating a fundamental dimension of democratic elections. INEC should continue to review the voting processes to allow voters to cast ballots with their choice free from scrutiny.

### **Security Agencies**

6. YIAGA AFRICA calls on security agencies to commence the prosecution of all electoral offenders arrested during the conduct of the first round and supplementary election.
  
7. Security agencies must as a matter of urgency investigate the reports of security officials who interfered in the process, undermined the election process by their action or inaction, or engaged in any form of misconduct. Such officers must be duly prosecuted.

### **National Assembly (NASS)**

8. NASS should hold a public hearing on the conduct of the Bayelsa and Kogi governorship and rerun elections to document and aggregate instances of electoral impunity, violence and malpractice. This will foster accountability and inform reforms to the electoral legal framework.
  
9. Accelerate the consideration of electoral amendment bills and ensure their quick passage.

### **Conclusion**

YIAGA AFRICA notes the improvement in INEC election logistics deployment and management of the rerun election; however, there were reports of complicity of presiding officers who colluded with party agents and community leaders to manipulate election results.

In the YIAGA AFRICA post-election process statement for the November 16 elections in Kogi, we noted that the Kogi governorship and senatorial elections were severely compromised due to violence, brigandage, voter suppression and results manipulation. Political parties, candidates and security agencies deliberately worked to undermine the election. Consequently, we called upon INEC to conduct a thorough investigation of the conduct of the Kogi governorship and senatorial elections and to conduct a new election that gives voters a genuine opportunity to exercise their right to vote. INEC failed to conduct new governorship and senatorial elections in the state, and therefore YIAGA AFRICA believes that the rerun election represents an attempt to legitimize a flawed election.

We are deeply worried and concerned about this emerging trend in electoral manipulation and the deepening culture of impunity. Failure to institutionally and decisively act could undermine our democracy. Our politicians, political parties and security agencies have become important threats to our democracy and we must work to hold them to account. The Nigerian political class should be recognized as such and place in the right plinth for

interrogations, increased engagement and be exposed for local and international sanction.

**Signed**

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