



Bureaucracy, Independent National Electoral Commission (INEC) and the electoral process in Nigeria

Moses Danjuma Bot

Department of Political Science, University of Jos, Nigeria.

Corresponding Email: mcguduma@yahoo.com

Abstract

In a fledgling democracy like Nigeria, the organization and conduct of elections demands proper planning, training and execution by the election management body, giving that elections are an important aspect of any democracy. This study examines the organizational structure of the Independent National Electoral Commission (INEC). Specifically, it looks at the bureaucratic structure of the commission as it relates to the electoral process in Nigeria. The study attempts to correlate such arrangements with key variables like the organizational decision-making process, its autonomy and the quality of election outcome in Nigeria. It further highlights the challenges confronting the electoral process in line with the organizational bureaucratic theory of Max Weber, which equally served as the theoretical underpinning for the study. This study adopted a descriptive survey research methodology. To achieve this, the study relied on secondary technique of data collection and content analyses technique for analyses, while equally subjecting collected data to logical reasoning with diagrammatic representations. The study recommends inter alia, that electoral process should not be managed entirely by a single electoral umpire, rather elections should be conducted on a more decentralized level, given that there is a new electoral law that harnesses the use of technology, thus states can conduct election suiting to their peculiarities and would to solidify commitment and extricate logistics challenges during an electoral process. Also, Transparency, public accountability and ethical reorientation should be giving first priority in every fold of public bureaucracy. In INEC ethical reorientation and public accountability (not to politicians) is a precondition for consolidating democracy and improving on Nigerians trust in the commission, so training and retraining should be done yearly and not just during an election period.

Keywords: Autonomy, bureaucracy, democracy, electoral process, INEC.

1. Introduction

Elections are an integral part of any democracy and as such its absence may mean a decline in freedom, justice and the rule of law or an absolute authoritarian reign where citizens are alienated from truly deciding the conditions for their governance by those claiming to be their representatives. (Campbell & Quinn, 2021; Heywood, 2002; Sule et al, 2018). The acceptance of elections as common practice in post-colonial Africa is perhaps one of the greatest colonial legacies that supports the legitimate aspirations for consolidating democratic practice in the continent. More

so, elections in Africa is often complex and this can be alluded to weak institutional and organizational arrangement in tandem with the peculiarity of each African state. Pivotal to changing such an impediment are the establishment of institutions like the Electoral Management Bodies (EMBs), who are in ideal terms enabled to independently operate outside the control of the executive and legislative arm of government, and further structured in such a manner that its finance is sourced independent of executive bewailing rheostat. Getting it right in the electoral process may mean getting it right in other

intrinsic aspect of our unexperienced democracy. In common areas such as the Fundamental Human Rights, Rule of law, accountability, tolerance, check and balance and justice (Day, 2022). The administration of election in Nigeria is a serious engagement given that it is the most populous country in Africa, with an estimated population of over 200 million people, including an unrepentant multi ethnic and religious diversity which accounts for the interminable outcries and agitations for a stable and inclusive democratic practice. This tasks on the Election Management Bodies of Nigeria to ensure that the electoral process is stationed in fairness and transparency, so as to avoid yet another devastating civil war like in 1967.

The bureaucratic organization of the Independent National Electoral Commission (INEC) calls for an incessant study as it relates to the effective conduct and management of elections in Nigeria. The process of decision making, implementation and finance of the commission are major indices for measuring performance and productivity. The trio bureaucracy, INEC and electoral process are as important as democracy itself, especially in this critical time of multidimensional agitations plaguing Nigeria over the need to restructure both the political and economic space (Fasan, 2022). This begs the question for the past 22 years Nigeria has enjoyed an uninterrupted democracy but can this be interpreted as stability, progress and development? The idea here is that it is pertinent to note that the bureaucratic organization of INEC is pivotal in determining the contentious existence of democracy and by extension the continuity of Nigeria. In hindsight, Nigeria's democracy was as of the period of the first, second and third republic considered lifeless (Agbese, 1999) political and comparative scholars have alluded to the sensitivity of INEC in consolidating democracy in Nigeria especially in the fourth republic (Abe, 2008; Ademowo,

2016; Enyenihi, 2012; Odusote, 2014; Aderemi, 2015; Abdullahi and Sani, 2016). Bureaucracy is described by Marquis et al (2014) as a double-edged sword, on one hand it aids in ensuring government control over the economy, politics and some social aspects of an individual's life, in other words, government bodies are considered strong for maintaining law and order. On the other hand, especially in Nigeria, where there is almost an absolute deficit of the rule of law, bureaucracy is questionable because of the underdeveloped institutional and organizational infrastructures, thus, the gains of bureaucracy in Nigeria exerts on the developmental goals and objectives of the nation especially in the area of feedback, innovation and swift decision making. The Independent National Electoral Commission (INEC) have since its inception been caught in the web of bureaucratic bottlenecks. For instance, prior to the 2019 general election the electoral umpire has been relentlessly accused for partisan politics and connivance with some political elites (Aderemi, 2015). The deficit of trust between the commission and the general public has been regarded as a downgrade in the Nigerian electoral system by the both local and international observers (Samuel, 2013).

Several scholars have expounded on the correlation between INEC as an electoral umpire and the credibility of the Nigeria's electoral process (Abe, 2008; Ademowo, 2016; Enyenihi, 2012; Odusote, 2014; Aderemi, 2015; Abdullahi and Sani, 2016). Their major point of convergence is on the pivotal and sensitive role that INEC plays in consolidating a fledgling democracy. The action and inaction of INEC affects the outcome of an election. studies reveal that since from inception; the different Election management bodies- FEDECO, NEC, NECON, and INEC have been subservient to the government of the day, pandering to their whims and caprices (Odozibodo, 2015; Ajayi, 2007; Hassan and Musa; 2014) another study by Kerr (2011)

expressly argued that INEC does not operate independently and a change in nomenclature does not fill the vacuum of operating autonomously– the handmaid of the regimes. A critical look into the constitutional responsibility of the commission and unrepentant task of ensuring free and fair election, Sampson (2020) asked a pertinent question, how can INEC provide a credible election under the environment it has to operate in? This study aims to critically evaluate the bureaucratic arrangement of INEC and how it affects the electoral process in Nigeria. It is worthy to note that, there is not so much detailed studies on INEC's bureaucracy and how this affects the outcome of elections in Nigeria.

In this line of thought, scholars argued that Despite several attempt to reform the nations EMB, it remains entangled in the bureaucratic bottlenecks which continues to stall the process of electioneering in the Nigerian political space (Saliu, 2004; Agbaje and Adejumobi, 2006; Ajayi, 2007; Hassan and Musa; 2014). It is against this background that this paper aims to assess the correlation between bureaucracy and electoral process in Nigeria, while focusing on the INEC. The paper is divided into five parts, the first is congealed in this section, the introduction; the second part entails the review of related literatures; followed by a theoretical framework that discusses a selected theory for the study; the subsequent sections capture the heart of the paper which is subdivided into two subsections a historical and a correlational analysis of the trio variable; the last section concludes and proffers recommendation in tandem with the research findings.

2. Methodology

This study adopted a content analysis technique to analyze retrieved data, and equally subjecting them to logical reasoning with diagrammatic representation. There are two cardinal justifications for adopting this design; to efficiently establish a correlational base of

the variables under study and, secondly, to efficiently focus on the vital facts about the individuals, groups occupying different portfolios within the EMB's bureaucratic structure.

3. Review of Literature

Electoral Process

A free, credible and fair election is not restricted to activities that happens on an election day alone, but as a matter of facts lengthens to a range of other activities before and after the main day (Agah, 2017). In other words, Elections go through a stage-by-stage process of planning and execution, the election management body does this in line with a nation's stipulated legal procedure. Since election cannot be ousted from democracy, it is described as the engine room of a democracy. Uchechukwu et al (2014) brilliantly writes that democracy is the foundation for development. Thus, the process of selecting/electing leaders into position of power is the first and most important step to actualizing national development. Elekwe (2008) describes its density when he posited that an electoral process can be as simple as providing a voter with the requisite knowledge about voting (voters education) and difficult as in the dissolution of the National Assembly. At this juncture, it is only pertinent to offer clarity on what a process is. The Microsoft Encarta Dictionary defined a process as a series of events and occurrences that produces change or development. this definition fits in perfectly to law-insider (2022) definition of an electoral process as being "those sets of legal process which are election related, inter alia are the formulation of legislations, conflict prevention and management, creation and Implementation of codes of conducts, nomination of candidates, voting, announcement of elections and election adjudication".

The history of conducting elections in Nigeria has no doubt uncovered the strong relationship that exists between the actual conduct of elections and the Election

Management Body. INEC (2006) cited in Uchechukwu et al (2014) outlines that an electoral process is the sum total of all the activities that happens within an electoral cycle which includes inter alia: Delineation of Electoral boundaries, Voter Education and sensitization, Registration of Voters, Screening and Registration of Political Parties, Campaigns, Elections, Collation and Announcement of Election results, Other organizations in the Electoral process like the Media and CSOs and Pre and Post-Election conflicts in the Polls and the in the Judiciary.

Nigeria has a multiparty electoral system, which was embraced to manage diversity and foster unity in the Nigerian political space (Aiyade,2006) however, since its inception, the nation's electoral process has been characterized by polygonal violence, biasness and non-partisan, Agah (2017) argued that violence in Nigeria election is as a result of the failures of the organs responsible for the regulations of elections in Nigeria, which sparks a philosophical question on correlating bureaucracy and election. Notwithstanding, Ademowo (2016) cited in Ekemma (2020) posited that the Nigerian electoral process can be looked at from three different levels, in the order of their significance in the planning and execution process of election within the country: the first stage is the Pre-election process, which according to him encompasses the pre-election activities such as voter education, sensitization and registration, the registration/screening of political parties, campaigns and debates inter alia the second phase is the election phase which incorporates the events that take place on the election day. For instance, casting of votes, the activities of the EMB such as setting up the polling booths or units, counting of ballots to determine winners and finally the post-election phase which involves activities after the closing polls such as the collation and announcement of election results to determine winner.

In another scholarly piece, pre-election period in Nigeria is characterized by an occasional close working relation between candidates and the voters. Candidates gallivant to nooks and crannies of society to gather citizen's support and votes. Candidates present their manifestos with hopes of convincing the people to vote for their party and candidates (Nigerian Scholars, 2022). Before and on the actual Election Day, citizens/voters are the most important persons in the electoral process. They are given an occasional preferential treatment in return for their votes (Otti, 2021). On a flip, Agbor (2007) argued that the partiality question of INEC diverts the focus of election from citizens/voters to the electoral umpire. His claims are premised on the unethical behaviors and unlawful involvement of election officials during an electoral process. In other words, the easiest bet in winning an election is not through fervent campaigns and rallies but is tied to the appointment of loyalist in the election umpire. seemingly, Agbor (2007) view correlates with the notion that winning election is easier when a political party stays in power for the longest time possible, and control major appointments into sensitive offices like INEC – in this case a servile of the government

The 2022 Electoral Act as amended expressly captures the different phases in an electoral process, in part III, IV, V, VI, VII, &VIII and this can be summed up as: National register of voters and voters' registration, registration of political parties, conduct and postponement of election in emergencies and announcement and declaration of election results.

In view of above review it can be deduced that an electoral process is a chain of events that happens before and after an election. the activities extend to the Judiciary, especially when political parties and individual wishes to challenge the validity of election outcome or a certain phase of the electoral process, as is sustained and seen in part I section 1 (1) (b) of the 2022 Electoral Act as amended. Nachana (2014) posited

that in a democracy, elections remain the only principal and accepted institutionalized process through which all members of the society choose and, in some respect, hold their leaders accountable. The electoral process is the institutionalized framework for bringing the core tenets of democracy to fruition.

Bureaucracy

Bureaucracy cannot be separated from the concepts of administration and management, this gives weight to Bakare (2021) postulation that bureaucracy is synonymous to civil service administration and management, specifically when looked at in the lens of its practicality; hierarchy, appointment, division of labour and specialization, professionalism, a defined code of conduct and duty bound. Bakare's perception of bureaucracy is important because it reveals the pertinence of bureaucracy in the developmental process of nation especially in the public sector. Furthermore, bureaucracy is useful in withstanding organizational pressure. Eme and Onwuka (2020) hold that governmental bureaucracy is synonymous with administration, civil service or public service. They defined the concept as "an institution that is charged with the responsibility of formulating and implementing policies and programs of government" in other words bureaucracy is the agency through which a government's goal and objectives are actualized. Before now, bureaucracy is not all that rubicund, as its imperfections retards growth, innovation, swift decision making and time management inter alia. The father of modern-day bureaucracy, Marx Weber (1964) sees the concept as that rationally driven system of organization created independently of authoritarianism, primordial sentiments and conservative traditionalism. The central idea of bureaucracy to Marx Weber was to establish a system that propels efficiency and efficacy in the public and private sector of an economy, and more importantly to

cope with the fast evolving and dynamic eco-political environment especially in science, technology, manufacturing industries and capitalism (Wahab et al, 2008)

Bakare (2021) views bureaucracy as an organizational structure that comprises a class of people entrusted with the power of organizing and maintaining a coordinative system. He holds that these goals of management are achieved through: Permanent appointments, hierarchy, duty-bound to remain apolitical, professionalism and skill-based recruitment, operates under rules and regulations, clearly spelt out wages and compensations, distinctive division of labour. By implication, bureaucrats are policy formulators, implementers and core drivers of an organization. Notwithstanding, Bakare's assertion captures the bureaucratic exposition for the adoption of bureaucracy in many African states, which is of a foundational advantage, especially in the achievement of goals in an organized manner. However, contrasting this with the realities of bureaucracy in Nigeria's public sector, it is expected that since bureaucrats are technocrat's development should be imminent but evidently, corruption, red tape, lack of motivation and lopsided recruitment, among others erodes and retards the achievement of goals.

Haralambos (1995), Odenigwe (1983), Mouzelis (1973) viewed bureaucracy as a special formal and hierarchical organization in which superiors share a strict approach in the management and control over the activities of their subordinates. Given the purposive inspiration for bureaucracy, the intellectuals share that the achievement of set goals and objectives form the heart of modern bureaucracy. Mohammed et al (2021) views bureaucracy from the lens of decision making and organization. In contrast to this claim, Karl Marx opposed that, bureaucracy is of no benefit to the common man, who have already been subjected to exploitation but it remains a

tool in the hands of the bourgeoisies (ruling class of elites) for the continuous oppression, damnation, alienation and exploitation of the common men and women in a society (Eme and Onwuka, 2020). Karl Marx holds that bureaucracy in both private and public organization is a tag team arrangement between the dominant class and the top bureaucrats who have by all indication concealed the true intention of bureaucracy to the general public or as Nnadozie (2007) cited in Eme and Onwuka (2020) describes it as a smokescreen to hide its (bureaucracy) motive and responsibility. According to Okafor (2007) cited in Eme and Onwuka (2020) bureaucracy in Nigeria's public and private space is apposite. He further argued that putting in place the necessary preconditions and principles proposed by Marx Weber in administration, guarantees meeting developmental goals, perhaps this accounts for Bakare (2021) supposition that the concept of bureaucracy cannot be separated from concept of leadership and as such the desired developmental goals and objective of a nation is again tied to the quality of policy ideas and the efficiency of its implementation and feedback. Ali et al (2013) expressly argued that bureaucracy is ultimately a matter of leadership; it is that concept that describes the hierarchical authority of an organization and the delegation of roles and function. from the above review of literature, it is worth noting that bureaucracy as an administrative or civil service or management concept, is tied to human resource management and the shared idea of scholars above can be summed up as follows; leadership, organization, hierarchy, decorum, efficiency and effectiveness.

4. Theoretical Framework

The role of theory in academic research is decidedly apropos just as Agah (2017) had accurately posited that, "no meaningful research can be undertaken in the absence of a sound theoretical base". Among other

things they are sacrosanct in providing explanation to complex socio-political events. In light of this premise, this paper adopts the Max Weber's Bureaucratic theory of management or the management theory of Bureaucracy. The German sociologist, Max Weber in the late 19th century propounded the bureaucratic theory, he is credited to be the father of modern-day Bureaucracy, as he was equally the first man to use the term "bureaucracy" in his book *The Protestant Ethic and the Spirit of Capitalism* (Toolshero, 2022) Weber puts up an argument against the traditional structure of administration which was characterized by uniformity, unclear jurisdiction, diffused authority and inefficiency. His central argument is that Bureaucracy is a highly organized, formalized and objective organization which guarantees efficiency and optimality.

Weber argued that an organization functions better with the presence of these six basic principles namely; hierarchy system, career orientation, division of labour, formal rules, impersonality, and formal selection process; A clearly defined hierarchical system according to weber reduces friction among administrators and managers. This is because employees are obliged to comprehend and follow the chain of command within an organization.

Weber's theory is especially useful in public administration and handy to this study because of two prime reasons; the first is that in this modern dispensation, seldom would one find an establishment that is not structured within an organizational hierarchical framework, as can be seen in the different institutions found within the diverse arms of government. The hierarchy distinguishes functions and decision-making responsibilities; secondly, the theory makes clear about the existence of rules and regulation, which are straight forward, precise and exhaustible. In other words, bureaucrats are governed by a clearly defined rules that are considered binding to

all members in other of their duties and functions (Study, 2022). The theory has been criticized by Parson, Gouldner, Udy (cited in Babson, 2022) that weber haphazardly claimed that bureaucratic organization were based on rational-legal authority, technically, this finds expression on the condition of skills and competence. In other words, the superiors must have more knowledge and skills but this is not always the case. This on the negative, further amps the staff-line distinction already segregating individuals as well as their innovative tendencies within an organization.

Again, Weber has been criticized for placing too much emphasis on bureaucracy, where he himself did not give a far-reaching definition of the concept (Arthur, 2016). Meanwhile, associating bureaucratic principles to modern organization, it is flagrant to note that it cannot function independent of social and political dynamics. Though Weber had somewhat allied bureaucracy to power, authority and legitimacy. Author (2016) pointed out that the dangers as thus, “That in a democratic state, Bureaucracy comes under the direct control of the Executive. Weber, equally underestimates the role of the legislation, elected representatives, in exercising control over bureaucracy”. This brings us to the heart of this paper, INEC may have been fully bureaucratized in such a manner that its hierarchical system reigns supreme and its relatively independent status extinguishes any thought of partisanship, it

is however, not free from the reach, control and influence of the executive, legislature and other stakeholders. Lastly, the bureaucratic theory may have been expedient and convenient in the late 19th century, it is even more expressive today but on a more different level because of how globalized and liberalized the world is fast becoming (Arthur, 2016).

4. Results and Discussion

Historical Overview of INEC

The Independent National Electoral Commission (INEC) has had a long-standing history in Nigeria, which can be traced directly from the post-independent period, alas the evolution story of the commission tolerated some bitter multiple military interruptions which short-lived the nations democratic process of consolidation. As at the time of this study, Nigeria has had five Election Management Bodies namely; The Electoral Commission of the federation (ECF) later changed to the Federal Election commission (FEC) under the administration of Alh. Tafawa Balewa active from 1964-1965, The Federal Electoral Commission (FEDECO) which had conducted elections from 1979-1983, The National Electoral Commission (NEC) established in 1987, followed by the creation of The National Electoral Commission of Nigeria (NECON) which was replaced by the Independent National Electoral Commission (INEC) from 1999 to present, as at the time of this study (Akinduro, 2022; Awodipe, 2019).

Table 1: showing the Five EMB's in Nigeria's History

S/n	Electoral Management Body (EMB)	Years Active	Administration
1.	Electoral Commission of the Federation (ECF)	1959-1965	Crown/Alh. A. Tafawa Balewa
2.	Federal Electoral Commission (FEDECO)	1979-1983	Gen. O. Obasanjo
3.	National Electoral Commission (NEC)	1987-1993	Gen. I. Babangida
4.	National Electoral Commission of Nigeria (NECON)	1993-1989	Gen. S Abacha
5.	Independent National Electoral Commission (INEC)	1999-present	Gen. A. Abubakar

Source: www.inecnigeria.org ; Awodipe (2019) and compiled by the Researcher.

The duo documents, the 1999 constitution of the federal republic of Nigeria and the 2022 Electoral Act forms the commissions' legal framework and base. Section 153 (f) of the 1999 constitution of the Federal Republic (as amended) establishes the commission as the electoral umpire of Nigeria, Akin to this is section 2 (a) (b) (c), section 24 inter alia other section of the 2022 Electoral Act as (amended) which expressly empowers the commission to conduct federal and state level elections in Nigeria, connected to this locus includes the matters regarding voter's registration and political parties. In part I of the third schedule of the 1999 constitution as amended, INEC performs the organizing as well as supervision task in all elections to the office of the President, Vice president, the Governor and Deputy Governor, and the elections into the national and state level House of Assemblies; the registration and monitoring the organization and operation of political parties; voters registrations, and ensuring that all Electoral Commissioners Electoral and Returning officers take and adhere to the oath of office as prescribed in Electoral Act (INEC,2022) The Independent National Electoral Commission has since its takeoff in 1999 conducted 5 general elections (1999-2003; 2003-2007; 2007-2011; 2015-2019) laudably making it the longest reigning EMB in Nigeria's history. Notwithstanding, there have been diverse amendment to the electoral laws with the sole intent of ameliorating the nations electoral process. For instance, the latest amendment, the 2022 Electoral Act, legalizes the use of technology such as Bimodal Voters Accreditation System (BVAS), INEC Voters Enrollment Device (IVED), INEC Reviewing Portal (IRev) among others which is a development in the right direction, it is expected that with such development a seamless election is very likely (Amodu, 2022). Again, Eme (2022) posited that INEC's capacity has been fortified in conducting a more transparent election as a result of the amendment of the

Electoral Act, resolute on issues as extension of timeframe for publication of election notice, encouraging early primaries and campaigns, provision of a central electronic database, exclusion of political appointees from acting as voting delegates, gray areas concerning the death of an electoral candidate, and lastly the incorporation of technology to the electoral process.

Bureaucratic Decision-making and the Question of autonomy

The autonomy of the Independent National Electoral Commission (INEC) as an EMB is highly contended especially in its practice. The mission of the commission is to serve as Nigeria's independent election body committed to conducting free, fair and credible elections (Idonor, 2010). Regrettably, the Zero-sum Game nature of politics in Nigeria from 1999 to present saw the inclusion of clauses in the constitution that condensed the possibility of a truly autonomous commission. The commission has been described as a glorified cover-up nomenclature (Agah, 2017). To expound on the sensitivity of INEC, Joseph Stalin of the Soviet Union brilliantly stated the importance of an electoral body in this regard; "those who cast the votes decide nothing, those who count the votes decide everything". Oke (2021), posited that in view of INECs independent question, it neither seen in letter as an independent boy and neither function independently in practice. The Chief Executives of the commission, the Chairman and other executive members in the national and state levels respectively, are directly appointed by some partisan politicians, the president alongside the National Assembly. This stance repudiates the appropriateness credited to a perceived autonomous electoral body. To better explicate on this line of thought López-Pintor (2000) expressly described an independent electoral commission as "A commission independent of the executive" similarly IDEA (cited in Abdullahi and Sani, 2016)



defined an autonomous Electoral commission as the electoral institution that is placed to operate independent of the executive branch of government. Oke (2021) latently writes that “the necessity to attach the label ‘independent’ to INEC is more for psychological comfort and reassurance that it is a legal imperative it is otherwise meaningless for all practical purposes”.

The absence of a well-developed independent decision-making structure undermines the EMB’s already contended autonomous status. Giving that the new electoral law provides the body with a regulatory power. In reality, the absence of due decision making process carries a huge challenge. For instance, in the event of the 2022 primary elections, the commission had unanimously decided to extend the slated date for primaries by a week to grace the ruling party enough time to conduct its convention. This single act which may or may not be true further roots or enhances on the deficit of trust in the commission (Olokor, 2022). The impartiality and neutrality organizational goal of the commission is viewed differently by many stakeholders in Nigeria. With the integration of technology into the electoral process, followed by the relentless assurance given by the commission on the advantages of using the bimodal voter accreditation system (BVAS) alongside INEC result viewing portal (IREV) technologies, over voting as well as undemocratic primaries would be curtailed and truncated. Seemingly, the commission has again raised the deficit of trust especially as a loyalist to the executive to a whole new high. In Plateau State, the Plateau State National and State House of Assemblies, Election Petition Tribunal removed Hon. Aviah Agah (PDP) from the House of Representatives for Bassa/Jos-North Federal constituency on the grounds of over voting and unlawful primary election in the PDP (Blueprint, 2022).

The Bassa/Jos-North Federal Constituency bye-election inter Alia off-season elections

in Anambara, Ekiti and Osun states are firstly to Nigerians, a platform to measure the credibility, reliability and transparency of the EMB in conducting the 2023 general election, and secondly it is to INEC a yardstick and a platform to stress test proposed technologies like the BVAS, IREV and Ived in sight of the forthcoming 2023 general elections. However, with the development regarding the removal of Hon. Aviah Agah of the PDP by the Election Tribunal, reveals that it is either the “all mighty BVAS” is only a shadow of itself or the bureaucracy of INEC works fittingly for the interest of some powers that be aside the legitimate will of the people. Again, the retuning officer of the bye-election, Dr. oyeyrinda is cited as thus: “Musa Avia Agah of the PDP having fulfilled all requirements of the law, is hereby declared the winner and hereby returned elected” (Nanlong, 2022) a critical look at the Tribunal’s position on this matter can be adjudged or considered sustainable on the basis of an undemocratic party primary and not on the grounds of over voting. The reason for this contention is captured by a statement credited to the INEC chairman, Mahmood Yakubu where he strongly affirmed in his words that “the benefit of this new innovation (BVAS) to the electoral process and the credibility of our election have been enormous. The outcome of election conducted since the introduction of the BVAS in the Isoko South I constituency bye election, followed by the Anambra state Governorship election and most recently in the FCT Area Council election has been adjudged by observers as credible” (Oyekanmi, 2022) The BVAS in ideal term cannot condone over voting as incessantly maintained by the commission. The special adviser of the INEC’s Chairman, Prof. Mohammed Kuna is equally maintained that “editing, of uploaded results by electoral officials is not possible. Once the results are uploaded, they cannot be edited” (Ukaibe, 2022). This pardons the rhetorical question about INEC’s Integrity, since it is an already

established fact that, election officials cannot manipulate the results, in this case who then can? This case has left Nigerians suspicious of some foul play within the hierarchy of the commission.

One of the major criticisms of the Marx Weber's Bureaucratic theory as argued by Lloyd and Susanne Rudolph (cited in Dane, 2022) finds expression in this section; where they argued that the Weberian model is not necessarily the most rational and effective organizational structure in terms of efficiency. In the case of INEC, citizen right to choose their representatives are in jeopardy because the commission saddled with protecting their choices is overwhelmed. INEC as a modern EMB is structured in such a way that bureaucracy is disadvantageous given that its level of dependence undermines any attempt of innovation. Omeiza (2012) brilliantly captures the bureaucratic exposition of INEC when he submits that its performance in the electoral process is hinged on two structural factors which comprises its independence; the first is the method of constituting the electoral management team; made up of the commissioners and the second is funding of the commission. Section 3 of the 2022 Electoral Act expressly addresses the challenge of early funding for elections, stipulating that funds are to be released to the commission not later than one year before an election. This innovation is aimed at improving the quality of the nation's election as it would give the EMB enough time to plan and strategize properly. However, the centralized and undemocratic nature of bureaucracy still remains an impediment to the electoral process. Despite the amendment, the quality of elections in Nigeria in comparative terms is far from perfect and efficient. For instance, the American electoral system is decentralized in such a way that its funding is not dependent on the federal government. In fact, the only time that the federal government had expended monies for national election was in 2002 through the

Help America Vote Act (HOVA) of 2002, it expended over 3 billion USD (Hubler and Underhill, 2018). States in the US play a vital role in funding, training and conduct of election. The Nigerian EMB have been subservient to the Executive in terms of funding, the notion of he who pays the piper dictates the tune finds manifestation unrepentantly in the Nigerian electoral process. More importantly, The Acts mandate on early funding cannot be translated to financial independence just because an election fund account was created.

The process of constituting the electoral management team as enshrined in section 153 (1) (f) of the 1999 Federal Constitution of Nigeria emanates controversies in the sense that section 6 (2) (a) (b), and section 3 of the 2022 Electoral Act, gives ample power to the president to appoint and remove a commissioner or commissioners as captured below:

The Resident Electoral Commissioner appointed under the Constitution may only be removed by the President, acting on an address supported by two-thirds majority of the Senate praying that the Resident Electoral Commissioner be so removed for inability to perform the functions of the office, whether arising from infirmity of mind or body or any other cause, or for misconduct.

There have been calls by civil society organization (CSO) over the alleged appointment of some politicians and others who indicted for corruption. The CSOs have gravitated the euphoria that came with signing the 2022 Electoral Act (Okorochoa & Gabriel, 2022). The base of their arguments is commonsensical when looked at from section 156 (1) (a) of the 1999 federal constitution which outlines conditions for appointment in certain federal executive bodies, including INEC. The president's appointment of the commissioners and his loyal acquaintances

in the national assembly contravenes Third schedule, Part 1, Item F, Paragraph 14 (1) of the of the 1999 federal constitution which consequently impedes on the transparency, credibility and integrity of INEC and presents grave implication for subsequent electoral practice, especially the 2023 general elections (Okocha and Gabriel, 2022). The National Assembly who are responsible for screening and accepting nominated candidates as enshrined in section 153 of the 1999 Federal constitution have since time memorial pitch tents of division on grounds of party affiliation and loyalty. For instance, the 9th Assembly enjoys a clear majority of APC elected senators in the house, which advantageously to the executive, makes for a bland scrutiny of nominees presented by the president, who is equally a member of the same political party. Deleteriously, it undermines the code of checks and balancing between the three arms of government, especially that between the executive and legislative branch (Aborisade, 2021). Be that as it may, the 9th Assembly has been widely criticized for being a rubber stamp controlled by the president and this cuts across other sensitive national issues such as budget, security, investigation/probes, inter alia a wide-ranging issue that do not necessarily falls under our discussed theme.

The Bureaucratic Paradox: Putting INEC in Perspective

A key feature of bureaucracy is that a clearly defined hierarchical system of authority is put in place to extricate any form of unorganized authority. This has worked so well for many developed and developing nations. For instance, China through inflexible bureaucratic structure has been able to supervise and ensure a sustainable economic growth, address social issues and keep its citizens safe (Gaille, 2017) Nigeria's population is not as big as china, however, it is the largest population in Africa thus, Bureaucracy in modern developmental studies is the best

bet for getting things done, as well as to ensure that promulgated laws and policies are in line with democracy for the continuity of society.

Comparatively, Nigeria's public's bureaucratic arrangement undercuts the ideal-typical characteristic of bureaucracy as promulgated by Weber. Paradoxically, as much as bureaucracy creates predictability, the potential for inefficiency is as high as the potential for efficiency; the low-level ethical standard found among INEC staffs (bureaucrats) before and after election deprives the nation of a transparent electoral process (Elekwa, 2008). Many scholars have pointed the direction of stronger institution as germane in ensuring better elections in Nigeria especially around the decision-making center of government, apparatus like INEC, the courts and the police. Seemingly, it appears that a piece is left out, which is civic consciousness; "the recognition that each citizen is for the society and the genuine interests of the society are the interest of the citizen" (Adetula, 2019). In retrospect, the bureaucratic institution of INEC is not strong because it lacks the constitutional practicality to conduct and maintain a viable election, but simply because its staffs and management do not conduct themselves in a civic-conscious manner which has led to compromises, further jeopardizing the quality of election in Nigeria.

In a bureaucracy expenditure dictates actions. Ironically organizational wastage of funds is tolerable. Gaille (2017) laments that bureaucracy creates an environment where organizational policies will be titled towards spending money so they can have it in the next budget cycle. Prior to the Amendment of the 2022 Electoral bill, the election umpire, INEC, have had to strife for funds and support to conduct an election of which these funds are disbursed for that year's election only without necessarily saving miscellanies for the next election cycle. However, the 2022 Electoral Act {section 3 (1) – (3)} established the

Independent National Electoral Fund (INEC Fund), where payments from the federal government, and other forms of investment in forms of grants and aids are made to enable the EMB perform its constitutional functions without times wastage and delays (Eme, 2022). In retrospect, the 2019 general elections, for instance, was postponed just few hours before the elections, but postponement of election in Nigeria is not without precedence, for instance the 2011 and 2015 general elections respectively were postponed on the bases of poor logistics and operation planning as a result of late funding. It is sacrosanct that prior to an election an EMB enjoys confidence and trust from the electorates, giving that the body must be seen as neutral and transparent in its dealings and not just on the election day. The paradox here is that, bureaucracy is the medium through which funds are allocated and expended, but it is equally the means through which wastage is invigorated. All things being equal, the problems confronting elections in the Nation's history, can also be linked to the behavioral and attitudinal disposition of the political elites in Nigeria (Odoziobodo, 2015) The Independent National Electoral Commission (INEC) enmeshed in a bureaucratic bottleneck that may not necessarily emanate within the legal framework of the commission but the bureaucratic consciousness of its staffs. That being said, conducting elections in Nigeria is a herculean task, subsequently pushing for an improved bureaucracy.

Max Weber strongly holds that in understanding bureaucracy, it is sacrosanct that a clear-cut analysis of its ideal-typical characteristics is made, consequently, the analyses would reveal its intricacies especially within public organizations (Toye, 2006) there is less freedom to act or make independent decisions within a bureaucracy (Gaille, 2017). In the previous section, it has already been established that by the principle of bureaucracy, INEC does not operate independently or outside the

influence of the government being its employers (Iroanusi, 2022). For instance, there have been calls by the EMB itself directed to the government to amend the electoral bill, to include technology and address the issues of funding, alongside increasing the timeframe for various activities for elections cycle and to expand the powers of the EMB in the conduct of elections since 2018. (Policy and Legal Advocacy Center, 2018)

Organizational Hierarchy in INEC and the Conduct of Election

The office of the executive chairman of the commission is as important as the elections process itself. This is because the caliber of personalities appointed into this office either make or mar the democratic process. For instance, in 1999 and 2007, under the chairmanship of Ephraim Akpata and Maurice Iwu respectively, the electoral process was met with unremitting criticism by both local and international observers for diverse form of irregularities and connivances (Carter Center, 1999). on a flip, the current chairman of the commission, Mahmood Yakubu, have been described as a major milestone to elections, democracy and perhaps one of the best appointments under the Muhammadu Buhari administration (Ijaseun, 2022). INEC has had 5 appointed executive chairmen's; Ephraim Akpata (1999-2000), Abel Guobadia (2000-2005), Maurice Iwu (2005-2010), Attahiru Muhammadu Jega (2010-2015) and Mahmood Yakubu (2015-). The commission had encountered numerous controversial cases of connivances and malpractice and akin to these allegations is the question of the EMB's autonomy especially in its commitment to conduct a free, trustworthy and fair election (Polgreen, 2007) At the head quarter level, the Chairman is supported by 12 other National commissioners who are jointly appointed by the president and the National House of Assembly as is represented below.

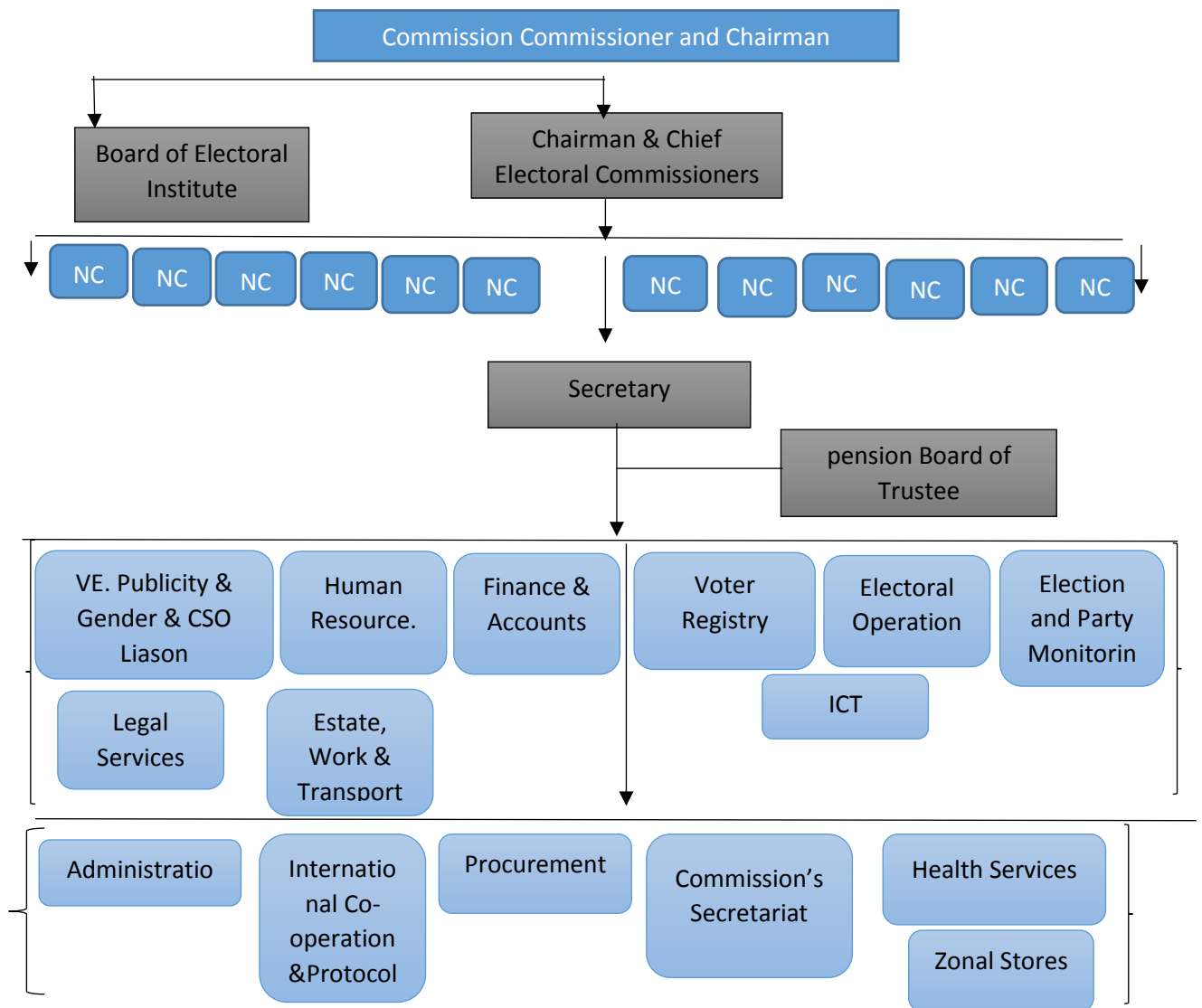


Figure 1: A Graphical Representation of the Organizational Structure, State Headquarters INEC

Source: Independent National Electoral Commissions, Organizational structure Handbook.

There are 776 INEC offices in the 36 states of Nigeria, with one state headquarters in every state. The state headquarters, are superintended by the Resident Electoral Commissioners who handles the electoral affairs of the state but independent of the National Headquarters (INEC, 2022). Thompson (1961) in an attempt to criticize Weber's Bureaucratic organizational theory, aptly argued that in modern organization, in this case INEC, authority is centralized but ability (implementation) is decentralized. In other words, the state offices do not innovate new or better way

of managing pre-election, election and post-election activities in their states, based on their peculiarities but maintain a strict adherence to the bureaucratic staff-line distinction. Comparatively, this is a major distinction between the American style electoral process and that of Nigeria the Americans enjoy a decentralized decision-making process and decentralized implementation process, which enables each among the 50 states to pattern electoral process based on their peculiarities and not some authoritative bureaucratic arrangement and

determination. In the 36 state offices, administrative functions are divided and

shared among departments and units as is represented graphically below.

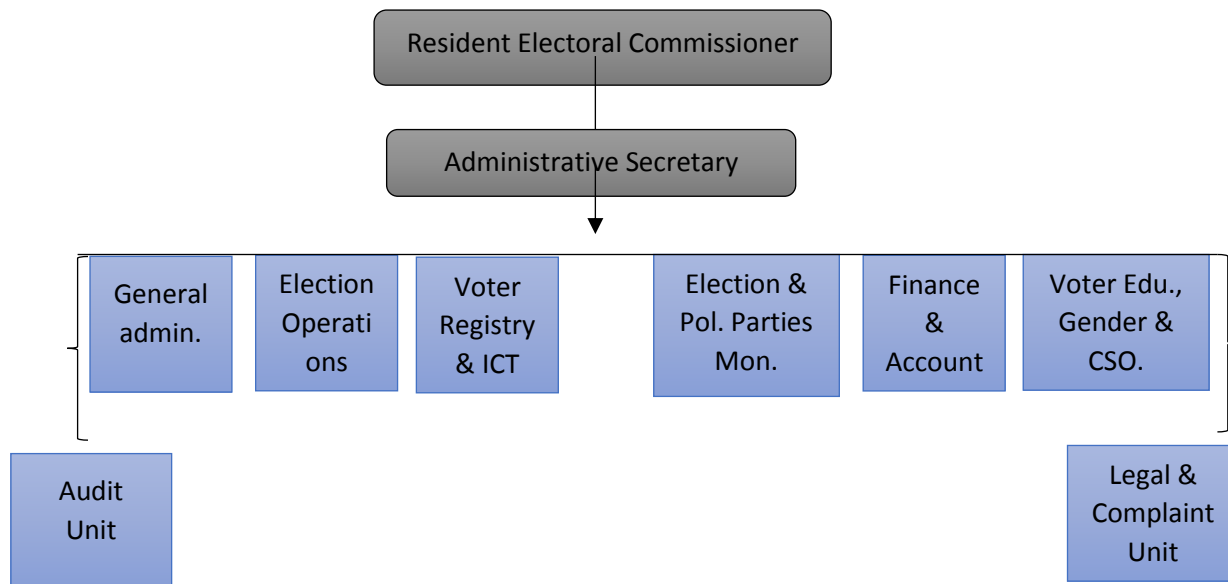


Figure 2: A Graphical Representation of the Organizational Structure, State Headquarters INEC

Source: Independent National Electoral Commissions, Organizational structure Handbook.

The Commission's local government offices are perhaps the most important administrative level in the electoral process. It is the level where the sole purpose of creating INEC finds absolute expression. Specifically, Nigerian citizens choose the individuals who would represent them in all the decision-making offices of government at the grassroots. It is equally an avenue for the commission to bring to fruition plans and programs towards a transparent election in Nigeria if at all there is any. There are a total of 774 local government INEC offices in the 36 states making Nigeria. Every office in the local government is headed by an Electoral Officer (EO) who is assisted by three other Assistant Electoral Officers (AEO); AEO. Admin, AEO. Operations and AEO RAs (INEC, 2022). The Electoral officer (EO)

plays a supervisory role in the conduct of an election in line with the bureaucratic functional exposition within the commission. EO's do not hold real decision-making power as is relatively seen at the national level. However, they are saddled with the responsibility of ensuring that decisions and programs of the commission are implemented in the grassroots to the latter. During an election cycle, The Electoral Officers, receives election materials from the Resident Electoral commissioner (REC) from the state office and ensures their distribution to the Supervisory Presiding Officers (SPOs) who in turn distribute them to the polling team headed by the Presiding Officers (INEC, 2022). The diagram below represents the hierarchical organizational structure of INEC in the 774 local government offices in Nigeria.

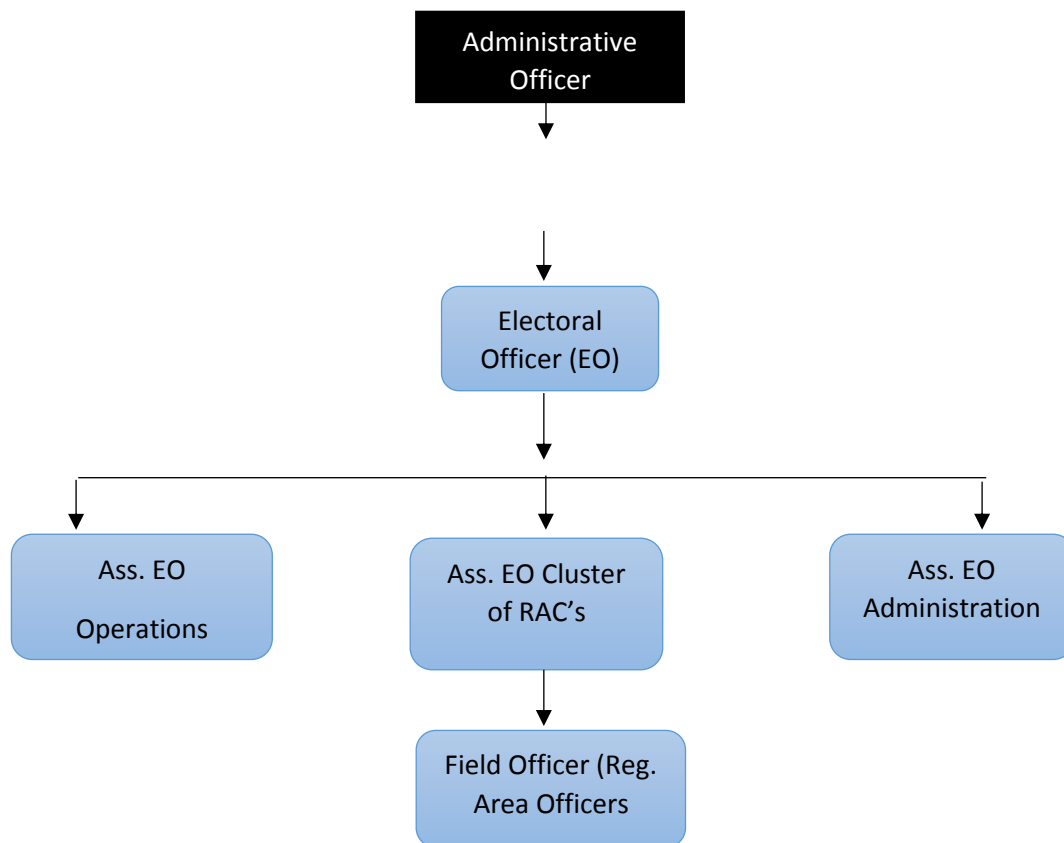


Figure 3: A Graphical Representation of the Organizational Structure, LG office of INEC.

Source: *Independent National Electoral Commissions, Organizational structure Handbook.*

At this juncture it is important to stress on the legal services department which are is an apropos part of the commission's bureaucratic arrangement. Babalola (2022) expressly argued that pre-election activities go beyond the planning, the funding and public awareness, but the subtlest is the legal matters that may arise before, during and after an election. hence, the need for a robust legal unit because it is an avenue to manage all election litigations, giving that election litigations are avoidable but very likely to cloud party primaries, and change the general outcome of an election. The Nigerian courts have classified pre-election matters into three; nomination of candidates, double nomination of candidates, disqualification of a candidate, wrongful submission of a successful candidate's name by the electoral body, complains about the conduct of party

primaries, false declaration on an oath about the particulars of a candidate. according to the Constitution of the Federal Republic of Nigeria, 1999 as amended, section, 285 (14) outlines three major cases that can be considered election matters; 1) complaint by an aspirant, directed towards his political party, over the parties' failure to operate within the provisions of the Electoral Act and party constitution. 2) Complaint by an aspirant directed at INEC, over the EMB's failure to comply with the provisions of the Constitution, Electoral Act, or Act of the National Assembly. 3) deals with cases of political parties, directed towards INEC, stirred by the commission's decision against the activity of a political parties (Babalola, 2022; Federal Constitution, 1999; INEC; 2022). The legal service department is headed by a head of department, who oversees three

other units; litigation, legal and clearance & public prosecution as is represented below (INEC, 2022)

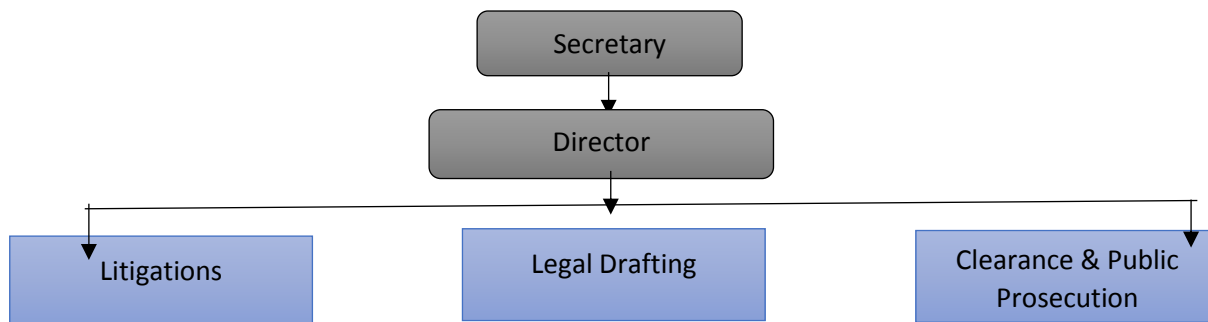


Figure 4: A Graphical Representation of Major Department, Legal services INEC.

Source: *Independent National Electoral Commissions, Organizational structure Handbook.*

The Commission and Other stakeholder on the day of Election (Ranking)

The commission in every election involves different stakeholders who play diverse and pertinent roles. On this account, the commission’s hierarchy of organization involves stakeholders such as the Voters, Election Officials (Staffs and Ad-hoc Staffs), Political Party Agents and accredited Journalists, foreign and domestic observers. In the collation and RAC centers, the organizational hierarchy of the commission extends to include both the commission staffs and the temporary ad-hoc staffs, who are employed solely for the conduct of that particular elections; the Presiding officer, the Assistant Presiding officers I-III work under the supervision of an SPO who is often times a permanent staff of the commission (INEC, 2022). Other stakeholders giving the opportunity

to observe and participate at the polling unit level include; security agents, candidates or their accredited domestic and foreign observers, accredited Journalists, and the Voters. It is pertinent to note that the manner in which each stakeholder discharges his/her duty affects the quality of elections outcome and the electoral process in its totality (INEC, 2022) a major challenge facing the commission is her inability to deliver election materials on time, giving the exhausting process of distributing sensitive and insensitive materials before an election. Expressively, both state and local government INEC offices are without any real power to innovate and execute ways of distributing materials in line with their, geographic or climatic peculiarities. This accounts for most postponement of elections hour before the voting exercise begins (Eme, 2022).

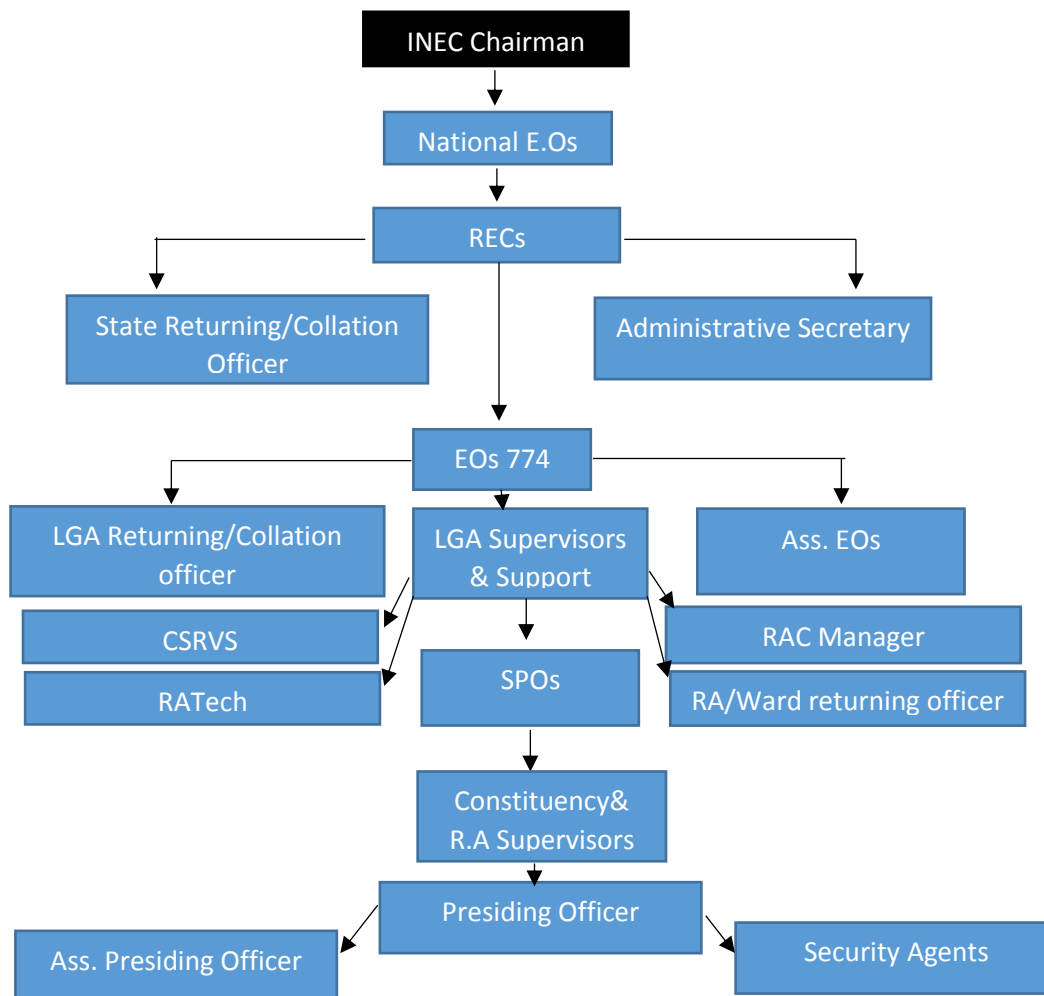


Figure 5: Diagrammatic Representation of the Hierarchical Distribution Power during an Election in Nigeria

Source: Independent National Electoral Commissions Manual, 2019 General Election

INEC officials conducting election play the most sensitive and vital role in the electoral process, this is because their professional and ethical conduct affects the degree of confidence bestowed on the commission viz the acceptability of election outcome. Uchechukwu (2014) argued that Electoral officials should be impartial in the manner in which they discharge their duties to reduce electoral violence. In other words, electoral violence in Nigeria is to an extent the cause of electoral violence in Nigeria, the deficit of trust in the commission nests on how election officials discharge their duties. This accounts for the numerous agitations by political analyst over the

recruitment and training process of Ad-hoc staff before an election. When election officials ethically conduct themselves during and after an election, the chances of electoral fraud and shenanigans as well as voter apathy becomes slimmer. The Electoral Act, 2022 clearly outlines the conditions for the recruitment of election officials for instance, section 27 (1) (2) (3); subsection 1 reads as thus:

The Commission shall for the purpose of an election or under this Act, appoint and designate such officers as may be required provided that no person who is a member of a political party or

who has openly expressed support for any candidate shall be so appointed.

The above subsection outlines a cardinal conditionality for the recruitment of election officials. However, the fear is not the letters of the section, but on the actualization of how these persons are properly screened and shortlisted. It is highly unlikely that this feat is achieved giving that Nigeria does not have a central database that contains key information about its citizens, especially on social matters such as membership to a political party or any other association. This is problematical because the commission blindly recruits individuals into the commission in good faith that they would adhere to the already laid down rules guiding the conduct of elections.

5. Conclusion and Recommendations

The study finds that with the assent of the new Electoral Act (2022) is presented a high tendency for a far more credible election in Nigeria. However, the commission, its bureaucracy is likely to be a major constrain giving that the controversial independent position of the commission places it in susceptible situation. On the same note the study equally finds that the performance of bureaucrats in the commission is hinged on their civic consciousness which translates to their dedication and adherence to ethical codes of conduct guiding the commission. The study finds that the creation of INEC fund would go a long way in avoiding the wanton logistics and administrative inefficiency in the electoral process. To this end, this paper recommends the following:

1. Electoral process should not be managed entirely by a single electoral umpire. Giving that Nigeria is a heterogeneous nation, decentralization of election management to state levels should be allowed for a quality election outcome.
2. The national chairman and state commissioners of the commission

should emerge from within the ranks of the commission and not through statesmen appointment, who are often desperate politicians. Within the commission there are experienced and competent hands who are denied reaching the position of Chairman. Thus, for the commission to act independently, it must be rid of statesmen appointments and involvement in its affairs.

3. Transparency, public accountability and ethical reorientation should be giving first priority in public bureaucracies. In INEC ethical reorientation and public accountability (not to politicians) is a precondition for consolidating democracy and improving on Nigerians trust in the commission so training and retraining should be done yearly and not just during an election period.
4. There should be a holistic review and sensitization towards the involvement of the Nigerian police force and the military in the electoral process. These bodies act on executive orders and not necessarily on the command of the commission.
5. There should be a never-ending voter education in the grassroots to ensure that there is maximum and decisive participation in the electoral process as it would not only consolidate democracy, but would ensure that voters act accordingly and cooperatively ease unnecessary stress on INEC during elections.
6. A legislation on information sharing should be enacted, synergizing the National Population Commission and the Independent National Electoral Commission, in other to address the issues of underage registration and voting in Nigeria.
7. The power for registration, distribution and printing of the Permanent Voters Card (PVC) should be shared among the national, states and local government wings of the commission,

in a manner where individuals can easily print and collect their PVC's at state and local government INEC offices to reduce avoidable stress on bureaucrats.

8. The Continuous Voters Registration (CVR) should be implemented in its truest sense and not the present haphazard registration process that begins and ends shortly before an election. This would aid in encouraging and reducing the overwhelming population trooping to INEC for registration.
9. For efficiency and effectiveness, the commission should be truly financially independent. The current financial structure of the commission with much interference from the presidency subject to approvals from the national assembly at time hinders plans and programs of the commission, hence the commission should be holistically financially independent.
10. Contract of printing electoral materials shouldn't be given to partisan politicians as this may mar the electoral process.
11. The commission should device a means of securing electoral materials independent of any government institution as head of such institutions are sometimes partisan, thus affecting the credibility of elections.

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