

## Analysis of the Re-run Election and Electoral Integrity in the 2018 Osun State Governorship Election

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**Abstract:** *This paper examined the rerun election and electoral integrity in the 2018 Governorship election in Osun State. The paper utilized both primary and secondary sources of data collection. The primary data was collected through semi-structured interviews with twenty (20) purposively selected respondents including legal practitioners, electoral officers, political parties' stalwarts, and academia. The respondents were selected based on their expertise on the subject matter and their involvement in the rerun election. The secondary data were sourced from relevant literature, textbooks, journals, election manuals and guidelines, magazines and library archives. The data collected were analyzed using content analysis. This paper concluded that the conduct of the 2018 rerun governorship election in Osun State lacks all the elements of a credible election and thus questions the integrity of the election. This is not unconnected with several factors, including political parties' quest to control government at all costs, the nature of the zero-sum game of political parties, and voters' mentality among others made the rerun election more controversial and thus affect its credibility. It is recommended among others that internal democracy rather than the imposition of candidates should be embraced among political parties in the selection of a party flagbearer.*

**Keywords:** *Election, democracy, politics*

### Introduction

The administration of elections occupies an important and strategic place in the enthronement of representative democracy across all democratic societies. The increasing demands for transparency and accountability as well as the need to adhere to electoral principles in election administration are fundamental elements for installing democratic governance and democratic consolidation (Jega, 2012). Despite the inextricable link between the credible election and democratic consolidation, research has however shown that the conduct of elections in many African countries including Nigeria has been characterized by controversies, improper conduct and other forms of electoral malpractices which in turn affect the credibility of the electoral process and electoral integrity (Enikanselu, 2016; Omotola, 2009). It is instructive to note that the prevalent electoral process in Nigeria since independence has been characterized by a history of vices, and electoral malfeasances such as flawed elections, violence, and widespread rigging, among others (Mbah,

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2011). Egobueze (2017) observes that registered political parties that contested in the Fourth republic had variously rejected the results announced by the INEC declaring the result as fraudulent, while domestic and international election observers documented massive irregularities and refused to endorse the elections as free and fair (Punch News, 2019). According to the Compendium of General Elections (2015), about five hundred and sixty (560) post-election petitions have so far arisen from the governorship and legislative assembly elections at the Federal and State level. These petitions arose as a result of dissatisfaction and rejection of election results by political parties and candidates. This brings to the fore the seeming challenges confronting Nigeria's electoral management body despite the amendment to the Electoral Act aimed at advancing electoral integrity.

Furthermore, the election is an essentially a law-driven activity which includes the legal framework guiding the conduct of elections in Nigeria are Constitution of the Federal Republic of Nigeria, 1999 as (amended), the Electoral Act, 2010 (as amended) as well as Regulations and Guidelines and manuals issued by the Independent National Electoral Commission (INEC). The regulations and guidelines are designed for all elections conducted by the Independent National Electoral Commission from general elections, by-elections, re-run elections, and supplementary elections in consonance with Section 7 of the 2010 Electoral Act:

the commission is vested with the power of issuing regulations, guidelines or manuals to give effects to the provision of the Act. It is also responsible for producing a gazette containing guidelines for the elections, particularly on the step by step recording of the polls in the electoral forms beginning from the polling units to the last collation centre where election results are announced (Electoral Act, 2010).

Instead of the above, the Independent National Electoral Commission draws guidelines and manuals for elections. In the spirit of the commission's determination to be more open, transparent, and responsive election regulations and guidelines were shared, discussed and agreed on by the stakeholders and were now brought into a single, comprehensive document. According to No 33 (e) of the guideline and manual for elections states:

Where the margin of lead between the two leading candidates in an election is not more than the total number of voters registered in polling units where elections are not held or voided in line with sections 26 and 53 of the Electoral Act, the returning officer shall decline to make a return until polls have taken place in the affected polling units and the results collated into the relevant forms for declaration and returned. This is the margin of lead principle and shall apply wherever necessary in making returns of all elections to which these regulations and guidelines apply (Electoral Act, 2010).

Due to the various degrees of irregularities recorded during the 2015 Governorship Elections in Kogi State, Ekiti State, Akwa-Ibom State, Imo State, Rivers State, Kano State and Osun state, the Independent Electoral Commission (INEC) ordered re-run elections to determine the true winners. The INEC guidelines and manual were first introduced in the 2015 Kogi Governorship election.

Though the re-run election was relatively peaceful, it was marred by voter inducement and intimidation of party agents, observers and journalists (Punch News, 2019).

In Osun state, a total of forty-eight (48) candidates contested the governorship position conducted by the Independent National Electoral Commission (INEC) on the 22<sup>nd</sup> of September, 2018. Though keenly contested, the election results showed that the All Progressive Congress (APC) candidate, Gboyega Oyetola polled a total of 254,345 votes, while his counterpart, Ademola Adeleke from the People's Democratic Party (PDP) had a total of 254,698 (Punch News, 2018:1). The irregularities that marred the elections at some polling units in Ife North, Ife South, Osogbo, and Orolu Local Government Area; including the cases of card reader malfunctioning, ballot boxes snatching, a total of 3,498 votes recorded in those areas were cancelled (Punch News, 18:2). The elections were declared inconclusive and a re-run election was conducted on 27<sup>th</sup> September 2018 by the returning officer Prof Afuwape (Vice-Chancellor Federal University of Technology, Akure). After the computation of the main election result and the rerun election result, the Independent National Electoral Commission (INEC) declared the candidate of the All Progressive Congress (APC) Alhaji Isiaka Gboyega Oyetola as the winner. This generated a lot of controversies from the general public, the People's Democratic Party (PDP), as well as political actors within the polity citing different sections and subsections of the Nigeria Constitution and Electoral Act over the legality of the re-run election. Arising from the foregoing background, this paper investigates the re-run election and electoral integrity in the Osun State 2018 governorship election. Specifically, the paper examined the controversies that trail the conduct of the rerun election, determined the influence of the coalition between parties on the outcome of the rerun election, and identified the nature of voters' inducement in the rerun election and as the 2018 Osun gubernatorial election. All these were with a view to the enlightening understanding of the credibility of elections in Nigeria's democratic process.

## **Literature Review**

Literature is replete with several definitions of election among scholars in political science and election stakeholders. Elections are characteristic of popular sovereignty as well as the expression of a contractual agreement between the state, on the one hand, and the people on the other hand. This forms the crux of political authority, legitimacy and citizens' obligations. This paper is consistent with the definition provided by Nigeria's electoral management body, INEC, which sees an election as a process where people vote for preferred candidates or political parties as representatives in government. Among the various types of elections are general elections, by-elections, run-off elections, rerun elections and inconclusive elections. Concerning inconclusive election, it is an election where the total number of registered voters in units where the results are cancelled or where the elections are postponed, is sufficient to cause a change in the outcome of the election in the affected constituency. This declaration of the election as inconclusive usually leads to a re-run election. A re-run election in this regard is an election conducted when the first one was marred by malpractices or when correct procedures were not followed. The conduct of a free, fair and credible election is directly linked to the electoral process. To this end, Akamere (2001) defined the electoral process as all the activities and procedures involved in the election of representatives by the electorates. These procedures include registration of political parties, review of voters' register, delineation of constituencies, resolution of electoral disputes, return of elected representatives, and swearing of elected representatives. In any democratic society, election

performs various functions including the opportunity to hold political leaders accountable and compel them to perform their statutory functions effectively (Adekunle and Florence, 2018).

Evidence in the literature attested to studies on elections and what makes elections credible in Nigeria's democratic governance. Enikanselu (2016) argued in respect of political party as one of the critical stakeholders in advancing the electoral process and integrity. The integrity of the electoral process begins with the political parties attempt to allow internal democracy in the selection of the party flagbearer. The disagreements and conflict among political parties cast fear on the electorates especially as it pertains to the choice of selecting their preferred representatives, it also negatively impacts the forward move towards electoral integrity (Enikanselu, 2016). Lauren (2012) examined the credibility of the 2011 general elections in Nigeria to determine the credibility of the electoral process and its implication for democracy in Nigeria. The study notes that the political life in Nigeria has been scarred by conflict along ethnic, religious, and geographic lines, and misrule has undermined the authority and legitimacy of the state. Also, inter-communal conflicts in parts of the country are common. Resentment between the northern and southern regions and communities in central Nigeria has led periodically to considerable unrest. Thousands have been killed in periodic ethnoreligious clashes in the past decade. Adopting the historical method of data collection, the study notes that election observer groups characterized the 2011 elections as a significant improvement over previous polls, although not without problems. The study concludes that there is a need for electoral reforms in Nigeria. This according to the study will advance the credibility of elections in the country. Adejumobi (2000) investigated the effects of ethnicity on the outcome of the 2015 presidential election in Nigeria. Ojo (2018) in his study which examined elections in Nigeria notes that there is no doubt that a free and fair election is a sine qua non for electoral democracy, however not every election fulfils these criteria. The study explored theoretical postulations as well as the historical method of analysis. The study while emphasizing the importance of elections to democratic sustenance and consolidation concludes that democratic sustenance via elections may not be easily attainable until African politicians become democrats themselves. This according to the study is unconnected with the fact that no polity can nurture democracy until democrats evolve. Therefore, the study recommends that African politicians eschew an inordinate quest for power and put the interest of the people over and above their ambitions.

While studies from the foregoing, have focused on elections across Nigeria, studies on the re-run election are scarcely addressed in the literature, especially about the sub-national level of government in Nigeria; hence the study of the Osun State 2018 re-run governorship election deserves attention. Findings from this study will add to the existing literature on the election and electioneering process in Nigeria while also serving as useful reference materials for researchers and academics conducting studies on the subject matter.

## **Methodology**

The paper adopted a descriptive research design. It utilised both primary and secondary sources of data collection. The primary data was collected through semi-structured interviews. Several twenty respondents were interviewed and they are distributed as follows: four legal practitioners, four personnel of the Independent National Electoral Commission, three lecturers, three card-carrying members of All Progressive Congress (APC), three members of the Social Democratic Party

(SDP), three members of People's Democratic Party (PDP). The respondents were selected based on their expertise on the subject matter and their involvement in the 2018 re-rerun governorship election in Osun State. The secondary data were sourced from relevant literature; textbooks, journals, election manuals and guidelines, magazines and Library achieves. The data collected were analyzed using content analysis.

## **Findings and Discussions**

Several sections of the legal documents and electoral guidelines such as the 1999 Constitution of the Federal Republic of Nigeria, the 2010 Electoral Act (as amended), and INEC guidelines and regulations have attested to the provisions and conditions that necessitate the conduct of rerun elections such as irregularities, over-voting, cancellation, lead principles among others. However, the conduct of the 2018 rerun governorship election in Osun State has created controversies among political actors, opinion leaders and academics concerning its legality and conformity to the guiding principles. In a practical sense, this study contends that by all standards, the conduct of the 2018 rerun governorship election in Osun State was done in strict compliance with all the established electoral rules that prescribed the declaration of rerun election by the electoral umpire. This study found that the 2018 governorship election had all the attendant attributes such as lead principle, over-voting and irregularities capable of announcing a rerun election to fill the vacuum and give opportunities for all the affected polling units and people therein to exercise their franchise. Although few respondents challenged the rerun election that it was just a filling of form and declaration of result, that cannot be substantiated with fact.

Furthermore, nearly all the respondents noted that the coalition between the APC and SDP is a game-changer that contributed to the outcome of the 2018 rerun governorship election in Osun State. Scholars affirm that merger, alignment and realignment are one of the permanent features of political parties in Nigeria (Mohammed, 2016). The ultimate of political parties is to win the election and hence control the government. Parties are therefore confronted with problems of using several strategies including mergers and coalitions aimed at winning political offices. The study further established that the coalition of political parties is as old as the history of elections in Nigeria which was traced to the first, second, abortive third and the ongoing fourth republic. But one fact that cannot be denied is the fact that the political leaders or party stalwarts of the various parties enter into various agreements before coming together to merge. Concerning the 2018 rerun governorship election in Osun State, the coalition of APC and SDP significantly contributed to the victory of APC in the end. Although both parties lobbied for a coalition with SDP, APC was lucky to have SDP to their side after several promises behind the scenes. After from merger, this study also finds rigging in several forms and dimension rigging strategies including the use of hand bands, T-Shirt, and other Logos as means of identification before being allowed to vote at the polling units. The members of the major opposition party (PDP) were prevented from getting to the polling unit to cast their vote, unlike the way they voted in the first round of the election. Coalition and rigging factor finds evident in the work of Agbaje (1999) who reveals that the conduct of elections in Nigeria since the return of civil rule has been characterized by irregularities leading to various post-election crises which in turn underline the credibility of elections in the country.

Similar to the above factors that have become a permanent feature of political parties and also a powerful strategy for winning elections in Nigeria is the phenomenon of vote-buying or voter inducement. Concerning the 2018 rerun governorship election in Osun State, voters' inducement played a significant role in the outcome of the election. The study revealed that all parties that participated in the election offered some form of inducement to the electorates, but the electorates go for the highest bidder. In this wise, APC was able to buy the conscience of voters to their side with the exchange of money and materials items. Evidence in the literature support this finding as Uchenna-Emezue, (2015) and Effiom, (2014) reveal that voter inducement has become part of our political system in Nigeria because of poverty and lack of basic needs of survival by Nigerians. This study reveals that voters were induced with money and other items during the rerun election and respondents who are political actors supported the use of inducement to convince the electorates because that was the only language they understand, and this is peculiar to all political parties that participated in the rerun election. The finding of this study reveals that vote-buying is an inevitable part of our political system because of poverty and voters' mentality that "the time is now" to have their share of the national cake not mindful of the consequences. Scholars have also attributed several causative factors to voters' inducement including poverty and the low socio-economic status of the electorates (Nwosu, 2005; Nath, 2015). The findings of this study support the claims of Nwosu and Nath and respondents recommends among others that electorates must be properly sensitized and re-orientated as to the danger inherent in selling their conscience to choose a wrong leader. This study also campaigned for the eradication of poverty among voters through the implementation of various poverty alleviation programmes among Nigerians.

On the final note, this study assessed the credibility of the 2018 rerun governorship election in Osun State and the findings reveal mixed feelings. Some respondents insist that election credibility can only be ascertained by the electoral umpire and other international observers. However, some respondents who had practical experience in the election attested to its credibility because voters were allowed to cast their vote freely without any intimidation and there was no single report of violence throughout the election. On the contrary, some respondents pointed to people who have killed at some polling units especially the Ile Ife axis and the use of thugs and hoodlums to intimidate and harass voters and thus preventing them from voting at the polling unit. Some respondents also note that the rerun election was rigged in favour of APC because people were prevented from voting at the polling unit. Based on respondents' practical experience during the election, it is safe to conclude that the 2018 rerun governorship election in Osun State lack credibility because all elements of the incredible election (intimidation, harassment, inducement, killing) were manifested during the rerun election. The findings of this study support the claims that the conduct of elections in Nigeria has always been marred with irregularities, violence, intimidation, and inducement among others. Ojo, (2018) notes that one of the major challenges that characterized Nigeria's First and the Second Republic was issues of over contested elections, election crisis, electoral violence, widespread rigging and general political disturbance in the Western region which later advanced military intervention into Nigeria's politics. The credibility of elections in Nigeria has a lot to do with the electoral umpire. However, a study reveals that Nigeria's multi-party democracy has manifested its inability to conduct credible elections in 2003, 2007 and 2011 (Apam, 2011).

## **Conclusion**

The conduct of a free, fair and credible election is an indispensable element of democratic government because it confers legitimacy on the elected officials and in turn, deepens democratic credentials in the country. Achieving a credible, free and fair election is a function of the enabling laws, political maturity on the part of political actors as well as the extent of the implementation of the enabling laws without any biases. However, the conduct of elections in Nigeria has always been characterized by controversies, irregularities and various forms of electoral malpractices among the competing political parties. Based on the findings of this study, this study resolves that the conduct of the 2018 rerun governorship election in Osun State lacks all the elements of a credible election and thus questions the integrity of the election. This is not unconnected with several factors including the quest by political parties to control government at all cost, the nature of the zero-sum game of political parties, and voters' mentality among others made the rerun election more controversial and thus affect its credibility. All indices of malpractices such as rigging, vote-buying and inducement were present during the rerun election and these significantly influence the outcome of the rerun election.

For the attainment of future credible elections, the electoral umpire apart from upholding the electoral laws and guiding principles must intensify efforts in sensitizing the masses about the danger associated with the incredible election in Nigeria. This can be achieved by developing a synergistic approach with political parties, political actors and the electorates to see elections not as do or die affairs. This will reduce the level of controversies that usually trailed the outcome of various elections in Nigeria. These submissions are likely to be instructive for the electoral umpire in Nigeria and Osun State to be specific and ready to implement the electoral laws to the latter without any fear or intimidation.

## Notes

1. Interview granted by Dr Agunyai, Lecturer, Department of Political Science, Obafemi Awolowo University, Ile Ife, Osun State 20th November 2020.
2. Interview granted by Dr Aliyu Kolawole, Lecturer, Department of Political Science, Obafemi Awolowo University, Ile Ife, Osun State. 27th November 2020.
3. Interview granted by Mr Esuti Adeniyi Toafeek, SDP Chieftain, 17th March 2020.
4. Interview granted by Mr Isreal Ajibola Famurewa, Director General, Gboyega Oyetola Campaign Organization and APC Chieftain in Osun State on 5th September 2020.
5. Interview granted by Mr Ojelade Olaoluwa, Chieftain of the Social Democratic Party, Osun State, 10th March 2020.
6. Bar Rauf Ogunsola legal adviser APC, Osun State. on 16th March 2020.
7. Bar Dosu Babatunde PDP legal adviser South West. 27th March 2020
8. Mr Sola Makinde Administrative Officer II, Independent National Electoral Commission, Osun State. 12th March 2020.
9. Interview granted by Mr Sola Olubunmi APC Chieftain, Osun State.
10. Interview granted by Mr Abegunde Ojelabi, Member of People Democratic Party, Osun State, 12th March 2020.
11. Interview granted by Dr Usman, Lecturer, Department of Political Science, Obafemi Awolowo University, Ile Ife, Osun State, 28th November 2020
12. Mr Hassan Salam, Administrative officer, Independent National Electoral Commission, Osun State.

- 13 Interview granted by Mr Akin Ojewande, the Health Education Officer in Charge of INEC, Osun State, 17th March 2020.
14. Hon Oyerinde, Chieftain, SDP, Osun State
15. Hon Akinleye Chieftain of PDP.
16. Interview granted by Mr Muritala Adegboyega, APC Chieftain and former Special Adviser to the Governor on Health in Osun State, 19th March 2020.
- 17 Mr Musa Dayo Olurode, Assistant Electoral Officer, Osogbo, Local Government, Independent National Electoral Commission, Osun State.
- 18 Bar Sookoya, a legal practitioner based in Ilesa.
- 19 Hon Soji Adagunodo PDP State Chairman, Osun State. 7th November 2020.
- 20 Bar. Mrs Opeyemi Oladunjoye is a legal practitioner based in Osogbo.

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