

## **SMART CARD READER AND ELECTION CREDIBILITY IN NIGERIA'S FOURTH REPUBLIC**

Semshak Danladi Kassem and Shakira Hannah Osasona  
Department of Political Science  
Federal University Lokoja.  
Semshak.danladi@Fulokoja.edu.ng  
08066051738, 08069086397

### **ABSTRACT**

This article examines the efficacy of the smart card reader with a view to underscoring its strategic implications for free, fair and credible election in Nigeria's Fourth Republic. Elections in Nigeria were conducted manually and it was marred by rigging, fraud and violence but the introduction of the smart card reader by the Independent National Electoral Commission (INEC) has helped in reducing electoral malpractice which further reinforced public confidence in the electoral process. The paper uses qualitative data from secondary sources to clarify key issues such as the smart card reader, election both as a concept and as a model. The study also discovered that though they were challenges that confronted the operation of some of the smart card readers such as incomplete or non-verification of voters fingerprints even after their permanent voters cards were adjudged valid, slow accreditation procedure because of poor internet services in some areas among others, the study recommends adequate training of the ad hoc staff by experts, provision of electoral logistics and the need to reform electoral laws in line with the trending technology of the smart card reader thereby guaranteeing our democracy.

**Keywords:** smart card reader, election, fraud, credibility.

### **INTRODUCTION**

Elections are an essential part of democracy; it is the means of choosing a candidate for public office. Yet conducting a credible, free, fair and transparent election remains a challenge to democratization in Nigeria. Thus, the introduction of the use of technology such as the smart card reader is meant to resolve the challenges. In other words, the smart card reader is a means to an end but not an end itself. The conduct of election at any level of governance needs to be fair to all parties because the legitimacy of constituted authority is rooted in the process of the constituting the authority. This is because election constitutes an immutable feature of liberal democracy as it is the constitutional means through which political power is attained, regimes changed and citizens express their satisfaction or dissatisfaction through the instrumentality of the ballot. As pointed out by Manish (2005), the freedom of choice is cardinal to the principle and practice of liberal democracy; voters have to be presented with the opportunity of choosing between contending alternatives, party programmes, visions and personalities in an election. To this end, election provides the platform for people to select their own government and it must be based on principles of consent and not coercion.

To Nnoli (2003), elections are so clearly tied to the growth and development of representative democratic government that they are now generally held to be the single most important indicator of the presence or absence of such government. They are meaningfully democratic if they are free, fair, participatory, credible, competitive and legitimate. In other words, election provides citizens with the freedom to choose their rulers, make inputs and to decide on the direction of public policy that expresses their preferences. It is an instrument through which the voting public compels accountability from elected officials; it facilitates political recruitment; it enables citizens to make enlightened choices; and it confers moral authority on political leaders, election is viewed as a legitimizing institution, functioning to give elected leaders the wherewithal to govern. No wonder Schlozman and Verba, (1987),

asserts that Free, fair and credible elections are essential pathways to achieving sustainable development and consolidating democracy in any country. According to Diamond (2008, p. 25), election is set to be free and fair when they are administered by a neutral authority; when the electoral administration is sufficiently competent and resourceful to take specific precautions against fraud; when the police, military and courts treat competing candidates and parties impartially; when contenders all have access to the public media; when electoral districts and rules do not grossly handicap the opposition, when the secret of the ballot is protected; when virtually all adults can vote; when procedures for organizing and counting the votes are widely known; and when there are transparent and impartial procedures for resolving election complaints and disputes. This ranges from voter's registration, ballot papers and voting procedures. Thus, the credibility of free and fair elections through these processes has been criticized as a result of series of anomalies perfected therein (Ishaq, Osman, and Jaleelkehinde, 2012).

As pointed out by International Crisis Group (2014). General elections in Nigeria have always been accompanied by violence in the fourth republic. The major factors that influences the introduction of electronic voting in Nigeria is the desire to regain the lost integrity of INEC, enhance the veracity of the election result and the quest for exoneration from the public accuse of colluding with the ruling party to manipulate election results. Another factor is the urge by the citizens to elect credible and committed leaders to infrastructural development and the need to curtail post-election violence that have claimed many innocent lives in the past elections (Adebayo, Ugiomoh, & AbdulMalik, 2013). Thus, is in line with this that technologically based reforms by INEC were further taken to another height in general elections with the introduction of Smart Card Reader technology in 2015, a device used to scan the Permanent Voters Card (PVC) in order to verify the identity of a voter in a polling booth. The smart card reader was one of the greatest innovations of biometric verification technology. To Idowu (2015), the decision to deploy Smart Card Reader (SCRs) for general elections have four main objectives: To verify PVCs presented by voters at polling units and ensure that they are genuine, INEC-issued (not cloned) cards; to biometrically authenticate the person who presents PVC at the polling unit and ensure that he/she is the legitimate holder of the card. In this regard; Thus, the Smart Card Reader (SCR) which is one of the components of electronic voting is also one of the alternatives to the lack of transparency, loss of confidence and trust in the electoral process that has enveloped the manual voting system in Nigeria as acknowledged by electoral management body but has not attracted much attention in the literature.

For instance, Oladotun (2015) argues that a key component of electronic government in the future will be electronic voting, as a means of facilitating the participation of citizens in elections and public debates. He also pointed out that the Nigerian 2015 general elections witnessed the use of electronic voters' register, permanent voters' card (PVC) and smart card readers for authentication of voters but actual ballot casting was still by manual means under a scheme called Re-Modified Open-Secret Ballot System (REMOBS). He went further to proposed a framework for an electronic voting system that can be adopted for voting in Nigeria. That the framework is capable of handling electronic ballots with multiple scopes at the same time, for example presidential, gubernatorial, legislative and so on. The framework caters for integrity of an election process through essential requirements of privacy, authenticity, accuracy, security, democracy and verifiability. That the functional requirement in the design of the proposed framework requires well-secured identification and authentication processes for voters through the use of biometrics. Actual ballot casting is through direct recording electronics (DRE) voting machines connected together and with a central server over a private network. He then concluded by pointing out the fact that e-voting initiatives are gaining more and more interest. It is emerging as significant alternative to these conventional systems in the delivery of reliable and trusted elections.

Thus, the emphasis was just on the various models of e-voting in order to enable voting using diverse electronic channels without really paying detailed attention on the efficacy of any of the components of the electronic voting like the smart card reader. In a similar way, Obinne (2018) study focus on the legality of the smart card reader with no attention to the efficacy of the smart card reader to deepening democracy in Nigeria. This is gap in literature that this paper seeks to fill. To this end, the following questions come to mind: How can the Smart Card Reader ensure electoral credibility in Nigeria? And the challenges associated with it usage?

## **CONCEPTUAL REVIEW & THEORETICAL UNDERPINNINGS**

### **I. Smart Card Reader**

There are various views and perspectives on the smart card reader. To this end, there is no any unified agreement among scholars as to what the concept. However, attempts shall be made to clarify the concept. Engineering Network Team (2015), argues that the smart card reader is designed to read information contained in the embedded chip of a permanent voter's card issued by INEC to verify the authenticity of the Permanent Voter's Card (PVC) and also carry out a verification of the intending voter by matching the biometrics obtained from the voter on the spot with the ones stored on the PVC. The Smart Card Reader (SCR) is a technological device designed to validate and attest to the authenticity of a permanent voter card (PVC) which holds the bio-data of potential voters on election days. The SCR utilizes a cryptographic (secret writing) technology used mostly in devices that are required to carry out protected operations. Its unique components are ultra-low power consumption, Android 4.2.2 operating system and a sole core frequency of 1.2GHz (Ibrahim and Makama, 2015). In the case of INEC the smart card reader actually displays the photograph of the card bearer within seconds of inserting the card into the machine to accredit the electorate before casting his/her votes. The aim of this device is to ensure the principle of one man one vote and to eliminate double voting. As captured by Chigozie and Ibrahim (2015), the smart card reader works by the inserting the Permanent Voters Card (PVC) into the SCR and within seconds, the machine will detect the authenticity of the card and also display the picture of the bearer. The next step is to cross-reference the finger print of the bearer to confirm if the card truly belongs to the person in possession of the card.

Although the above definitions are germane to the subject matter, they are essentially inadequate to give a clearer picture of the concept. For example, the definitions failed to point out the fact that even after the authentication, the smart card reader keeps a record both failed and successful verification for reference and record purpose. As such, For the purpose of this research paper, the smart card reader is one of the components of electronic voting device that enables credibility in election. Also, the smart card reader is a reliable means to eliminate rigging, electoral violence, and also enables quick voting among the electorate. It also increase the authenticity of votes cast among electorate by keeping the record of both failed and successful verifications in order to enhance the integrity of the voting process, dissuade multiple voting, as only duly accredited and verified permanent voters card holders could vote.

### **II. Election**

Election is a concept and model in political science literature. As a concept it generally explains the literal meaning of what election implies. As Harrop and Miller (1987) explain, elections are a mechanism through which the politicians can be called to account and forced to introduce policies that is somehow reflects public opinion. This emphasizes the bottom-up functions of elections: political recruitment, representation, making government, influencing policies and so on. According to Heywood (2013), elections are defined as mechanisms through which individuals and groups of great political desire can be put in public office to account and to be forced in introducing policies that reflect the general will of the people. On the other

hand, Wojtasik (2013) states that elections are means by which political individuals and parties can communicate to the public to gain support and legitimacy to rule. Ginsberg (1982) states that elections are means through which the political elites can exercise control over a population. As captured by Emmanuel (2017), elections raised fundamental concerns such as (1). The public offices subjected for the elections (2). The qualification of voters and the political candidates. (3). the casting of votes and (4). The competence of election process as governed by fair and free principles. Andrew (1997) sees election as nothing more than the manifestation of public interest; and also, it is a means of peaceful and legitimate transfer of power in a democratic system. To Alapiki (2004, 130), election is the barometer to measure political maturity, health, legitimacy and stability of a democratic government. It is generally held to be the single most important indicator of the presence or absence of democratic government.

Paki (2006) sees election as a political phenomenon which signifies institutionalized procedures for choosing political office holders by the electorates of a country. In other words, it is a means through which the electorates choose their representatives through different organs of the government. Conceiving it from the stand point of social contract, Adejumbi (2000) notes that election symbolizes popular sovereignty and the expression of social contract pact between the state and the people, defining the basis of political authority, legitimacy and citizen obligation. It is the kernel of political accountability and a means of ensuring reciprocity and exchange between governors and the governed. The foregoing underscores the fact that election plays a fundamental role in lubricating the social contract between the people and the government, given that it compels governors to be accountable to the governed, especially through social service provision of delivering on their campaign promises that was the basis for their election. In view of this, it serves as a catalyst for the periodic test of a party's and/or candidate acceptance and popularity. Okoli (2005,p.436) observes that "election confers legitimacy on public office holders and subjects public office holders and political parties to periodic assessment; by doing so, it enhances accountability and good governance". It is in this regard that election is seen as an important starting point for the existence of democracy, making it possible for democratic government to be by persons freely chosen by and responsible to the governed.

On the other hand, election as a model revolves around the basic tenets of election. It will be difficult to determine and measure the will of the people in the absence of periodic, free and fair election. It is in line with this that Article 21 of the Universal Declaration of Human Rights (UDHR) highlight some of the core principles of election when it noted that: the will of the people should be the basis of government authority, and everyone has the right to take part in the government directly or through freely chosen representatives. This will be express in the periodic and genuine elections with universal suffrage and secret ballot. Therefore, it can be deduced from the above submission, the basic tenets of elections which will be discuss below: Periodic elections: Elections will be held at regular intervals. Government should not be allowed to delay elections as they should be periodic to be seen as legitimate. The nature of democracy is that elected officials are accountable to the people, and they must return to the voters to at prescribed intervals to seek their mandate and continue in office. For that reason, most democratic constitutions provide that elections are held at fixed a regular interval like in the case of Nigeria which is after every four years. Any postponement of the election must be necessary because of the unique exigencies of the situation.

Free and fair elections: Holding periodic election is not enough, it must be free and fair. A free election is one in which the citizens are able to vote for the candidates of their choice without any intimidation and a fair election is one in which all votes have equal power and are counted accurately without any manipulations. It is based on the principle of "one person, one vote", which means that every person has the ability to vote, and each vote has equal power regardless

of class or any other affiliation. Elections are said to be credible when each step is open to scrutiny, and stakeholders can independently verify whether the process is conducted honestly and accurately.

**Participation/Competitiveness:** It is also open for competition by political parties and participation by the citizenry. The powers of taking decisions relating to government are vested in all members of the community either directly or indirectly, and not any particular class of persons. The people alone possess the supreme powers in elections. Rousseau rightly said “the voice of the people is the voice of God”. This allows for citizens to have reasonable and equitable opportunities to compete to be elected into government offices and ensures that political competition truly reflects the will of the people.

**The presence of an electoral management body:** The complexity and special skills necessary for electoral management requires that an institution or institutions be responsible for electoral activities. Electoral management bodies therefore refer to the body or bodies responsible for electoral management regardless of the wider institutional framework on place. The electoral body has the sole purpose of, and is legally responsible for managing some or all of the elements that are essential for the conduct of elections and direct democracy instruments such as referendums and recall votes. The electoral body has some essential elements such as determining who is eligible to vote; receiving and validating the nominations of electoral participants for elections, political parties and/or candidates; conducting polling; counting and tabulating the votes. In addition to these elements, an electoral management body may undertake other tasks that assist in the conduct of elections such as voter registration, boundary delimitation, and voter education and information. Such bodies have wide range of titles such as election commission, department of election, electoral council, electoral board etc. in the case of Nigeria; it is call Independent National Electoral Commission (INEC).

From the above basic principles therefore, through periodic, free and fair election, participation and openness for political competition by political parties and also, the presence of an electoral body that brings out the originality of election. These conceptual underpinnings suggest that election is an avenue for concrete expression of citizen’s right to choose, participate and engender political accountability. It is in line with this that (Onah, 2010), argues that when and wherever election is rigged, choices of the citizens are invariably annulled and the government that emerges cannot represent, protect, and affect the interest and aspiration of the people. To this end, the interrogation of these variables will aid the paper to establish the nexus of the use of the smart card reader as one of the modalities for curtailing election challenges in Nigeria.

## **Methodology**

The study adopts the content analysis using survey literature to generate relevant information on the smart card reader and election credibility in Nigeria’s fourth republic. The sources include journals, articles, bulletins newspapers among others.

## **The smart card reader and election credibility.**

Electoral Fraud continues to be a very serious problem in Nigeria’s election environment. The historical path of elections in Nigeria is not divorced of electoral misconduct. Elections in Nigeria have not been free and fair and this called for technological solution (Eguavon, 2009). Technological approaches towards alleviating electoral fraud such as the use of electronic voting machines, mounting of webcams at polling units and the use biometric tools, go a long way to reduce malpractices during electoral processes. The first Nigerian move in search of a technological solution was the introduction of the Automated Fingerprint Identification System (AFIS) by Independent National Electoral Commission (INEC) in the 2011 general elections (Golden, Kramon&Ofosu, 2014).

The above development was premised on the hypothesis that trustworthy voter register and reliable tools for identification of genuine voters are some of the preconditions for malpractices free elections. The card reader then became a vital element in the general elections. Been used for the first time in the electoral process, its usage generated a heated debate concerning the legality of its deployment in the 2015 general elections. Based on the controversy of legality and the fact that the SCR was one of the technological innovations that were designed as a solution to electoral misconduct in the 2015 general elections, there is a need to assess the efficacy of SCR in elections in Nigeria. The smart card reader was a critical component in the 2015 general elections. It was used for the first time in Nigeria's electoral process and it remains one of the greatest innovative technologies in the electoral process of Nigeria.

Ekuwem, 2015, asserts that, "the use of card readers for elections is highly commendable because it has helped reduce election fraud like multiple registrations and multiple voting. With the card readers, the true identities of card holders were matched with the details contained in their permanent voter's cards (PVCs), during accreditation and the process helped in reducing fraudulent accreditation that marred electoral processes in the past. Though the challenges that confronted the operation of some of the smart card readers during the general election, a significant impact of the device usage was observed after the elections. The use of the card reader led to the increase and reinforcement of public confidence and trust in the electoral process. Majority of Nigerians casting their votes in the elections believed that their votes could count and as such their will could be respected in future elections; and this reinforced the legitimacy of Nigerians in the democratic process. Electoral fraud was reduced. Inflation of the number of voters present and multiple voting at polling stations were reduced. The device checked the undemocratic attitude of politicians in polling booth electoral malpractices (Amenaghawon, 2015). Election litigations were minimized. There was a departure from the past where every election outcome is being contested at the election tribunal. Most of the candidates that lost in the 2015 general election did not challenge the outcome. In fact, some of the major contenders that did not win in the election embraced and congratulated the winners. For instance, the PDP presidential candidate immediately congratulated the APC presidential candidate, the winner of the presidential election. This attitude also happened across many states of the federation in the governorship and house of assembly elections and national assembly elections.

In addition, electoral conflicts and violence were very minimal as the election was seen to be transparent and credible due to the use of the card reader. The usually excessive and pointless attacking and degrading between the election winners and losers in past electoral contests was significantly reduced. In view of the minimal level of electoral fraud due to the use of the card reader, tensions were reduced among the political gladiators, and as such, electoral conflict and violence were grossly diminished in the 2015 general elections outcome compared to past elections in Nigeria (Ekuwem, 2015).

The proponent of the device according to Peters (2015) believed that the card reader procedure has the capacity to prevent or minimize rigging in the sense that there would not be multiple voting while the opponents believed that in the peculiar circumstances of the Nigerian situation, the card reader is designed to assist a certain political party to win elections. Peters (2015) maintained that the major plank of their argument is that the card reader must have been programmed to assist a pre-determined winner of the election by ensuring that so many persons would discriminately be disenfranchised to deny other parties of favorable votes thereby ensuring the winning of an INEC preferred or pre-determined party. With the use of the SCR, the electoral process has been strengthened and the electorates feel their votes could count in any election. The significant impact of the device despite its challenges during the 2015, 2019 general elections cannot be quantified nor overemphasized. Though, INEC deployment of the

card reader was to improve the electoral process and deepen the democratic process. However, lack of trust, suspicion and altercations among the stakeholders with vested interest in the election created tension within the body polity. With the use of the card reader in the 2015 and 2019 elections and the gradual deployment of technology in subsequent in Nigeria, the prospect of Nigeria belonging to one of the countries of the world where elections are driven largely by technology is nearby.

### **The missing link**

The Smart Card Reader (SCR) as a technological device designed to validate and attest to the authenticity of a permanent voter card (PVC) which holds the bio-data of potential voters on election days has faced some series of challenges that was not envisaged at the stage of development. The challenges are as follows:

#### **I. Legal Challenge:**

Despite the impressive aims of the card reader, it was not without criticisms as there was a legal controversy over the use of the smart card reader in the 2015 general elections between the proponents of the card reader and the antagonists who feels that INEC neither has the legal authority nor capacity to use the smart card reader. As captured by Emmanuel (2015), Sections 49 and 52 of the Electoral Act 2010 (as amended) has been subjected to legal discuss concerning the use of the smart card reader for general elections in Nigeria. To some, the employment of card readers for the accreditation of potential voters at the elections was tantamount to the adoption of electronic voting, which the 2010 Electoral Act prohibits as pointed out in section 49, which states among other things that, intending voter should make him / herself available to a presiding INEC official at the polling unit in the community where his/her name is registered with an authentic voter's card. Similarly, section 52 stipulates that, voting at an election under this Act shall be by open secret ballot, the use of electronic voting machine for the time being is outlawed but after a careful examination of Nigeria's electoral jurisprudence will assist in understanding of this debate, it was established that INEC has a legal backing of the law and draws its powers from Section 153 of the 1999 Nigerian Constitution (as amended) as part of federal executive organ. For instance, section 60 of the said constitution authorized INEC to make rules governing the conduct of elections as the situation demands. By this provision, Omoleke (2017) argues that it means that INEC has the right to conduct the registration of persons qualified to vote and be voted for and employ any means that will lead to credible election. He further argue that constitutional predetermined functions of INEC are not limited to the aforementioned. Others include registration of political parties in line with the requirements of this constitution and an act of the national assembly; checking the association and operations of political parties in Nigeria, including their finances; assessment and auditing of the funds and accounts of political parties, and to make public a report on such investigation and audit for public information. Based on the above, it then implies that INEC has authority to propose means, measures and processes that will assist it in the achievement of the task given to it by the constitution including, the use of the smart card reader

#### **II. Technical difficulties:**

These setbacks varies from incomplete or non-verification of voters fingerprints even after their PVCs were adjudged valid, slow accreditation procedure because of poor internet services in some areas to poor knowledge of the use of card readers by both INEC officials and voters. These problems and setbacks were more observable in the March 28 National Assembly and Presidential Elections. The aforesaid shortfalls compelled INEC to issue additional guidelines which permits none electronic accreditation, where the SCR failed. In places where the above mentioned setbacks occurred there was no uniform understanding of the auxiliary guidelines among the INEC officers, particularly on when and how to use incident form (Omoleke, 2017).

None appearances of voters' pictures on card reader was also reported. Some of the card readers functioned slowly and were not very responsive to thumbprints; etc (Uche, 2015).

### **III. Logistical challenge:**

Some of the logistical challenges that hinder the effective use of the smart card readers includes: inadequate power supply and extra batteries to power the smart card readers; and by implication, it will deprive the eligible voters the right to exercise their franchise once the battery that will be used to power the card readers are down. Also, inadequate medium of transportation to transport the ad hoc staff and electoral materials to various polling units in time slowdown accreditation process. The processes take longer time hence; some voters will be discouraged from participating in the election.

## **CONCLUSION**

The paper has examined the smart card reader and the prospect of electoral credibility in Nigeria and as a point of departure from previous related study which talks about the various models of electronic voting using diverse electronic channels such as electronic voters register and the legality of electronic voting. Through qualitative study, the paper discovered that though there were challenges that confronted the operation of some of the smart card readers such as incomplete or non-verification of voters fingerprints even after their PVCs were adjudged valid, slow accreditation procedure because of poor internet services in some areas among others, the smart card reader has helped in reducing electoral malpractice. The following recommendation will also help in ensuring free, fair and credible elections if implemented thereby guaranteeing our democracy.

1. Adequate training by experts should be given to ad-hoc staff employed by the Independent National Electoral Commission (INEC) on effective use of smart card readers. The ad-hoc staff should undergo series of tests, assessments and evaluation before they are cleared to participate in the exercise. This will help to eliminate the challenges experienced during elections.
2. Logistics should be taken care of such as adequate power supply to charge the battery of the smart card readers, and extra batteries should be made available in case of power failure. And also, the issue of mobility and accommodation of both the INEC and ad hoc staff should be well taken care of.
3. There is need to strengthen the electoral laws in conformity with the trending technology. In this case, the Electoral Act, 2010 (as amended) should be amended to include the use of the card reader for biometric verification of voters for the purpose of accreditation in future elections. Therefore, the National Assembly should quickly be approached by INEC to amend the electoral legal frameworks on the use of card reader in order to address the issue of legality which the card reader had generated in court over the years.

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