

# **Independent National Electoral Commission (INEC) Inconclusive Elections and Democratic Consolidation: A Study of 2019 General Elections in Nigeria**

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**Abstract:** The 2019 general election witnessed the frightening routinization of inconclusive elections on a scale that has evidently become a threat to the electoral process and efforts at consolidation of Fourth Republic democratic experience. Across the divide the citizens are skeptical as to whose interest the new INEC guidelines necessitating inconclusive elections is intended to serve. This therefore raises serious concerns as to the integrity of the electoral process and the real independence of INEC in conducting and delivering free and fair elections to Nigerians. Compelled by challenges presented by inconclusiveness of elections; this paper sought to appraise the phenomenon of inconclusive elections in relation to its impact on democratic consolidation in Nigeria. The study adopted a qualitative approach, relying on content analysis of documented evidence. The paper observed that inconclusive election is unconstitutional and to that extent undermines the democratic process. Thus if nothing is done to halt the dangerous trend, especially in view of the arbitrary and whimsical decision by the electoral body, democracy could be scuttled. In this paper, attention is drawn to the unconstitutionality of inconclusive elections as interpreted and applied by INEC.

**Keywords:** Independent National Electoral Commission (INEC), Inconclusive Elections, Democratic Consolidation, 2019 General Elections, Nigeria.

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## **I. INTRODUCTION**

Of recent, a new phenomenon has emerged in the Nigerian electioneering lexicography and praxis, which is the phenomenon of inconclusive elections. According to Collier and Lisa (2008) Elections in Nigeria have been associated with irregularities and violence since the attainment of independence in Nigeria and more so present fourth Republic. With inconclusive election becoming a trend setter, a new vintage point has been unearthed in the Nigerian electoral landscape. The term "Inconclusive election" has attained the status of a new lexicography of electoral trite and clichés in Nigeria. Idike, (2016) surmises that the imbroglio surrounding "Inconclusive election" as a pervasive buzz word is that it lacks any scholastic cum academic definitions due to the fact that it has not been subjected to such rigors. But in an attempt to display remarkable scholarship and irrepressible ingenuity, the intent here is to employ a legalistic approach at exploring the seemingly ambiguous compound-concept.

Oni, Chidozie, and Agbude (2013) opine that where the polemics lie, is on the impact of inconclusive elections with regards to democratic consolidation in Nigeria. To some scholars and commentators inconclusive elections have strengthened the Nigerian electoral praxis as put forward by the apologist of INEC whereas to others inconclusive elections portends serious negative danger to our electoral sanctity as argued by its traducers and polemicist. In the light of this debate the following question emerges; can we attribute the high frequency of inconclusive elections to the lack of grit and doggedness by the present leadership of INEC or could it be linked to ineffective electoral laws that govern our electoral matrix? What is the role of the political elite contributory to frequency of inconclusive elections as witnessed in the 2019 general elections?

It is in lieu of the above questions that this study sought to conduct an esoteric prognosis of the factors that lead to inconclusive election. The study would also carry out a critical appraisal of the consequences of inconclusive elections to Nigeria's democratic process. To this end this study seeks to demystifying and unraveling fads, facts and fallacies about inconclusive elections in Nigeria by empirically diagnosing the cause and effect on democratic consolidation in Nigeria with recourse to the 2019 general elections, and also proffering workable solutions that will nip the phenomenon in the bud.

### **Objectives of the Study**

The study is guided by the following objectives:

1. To study the salient and undercurrent factors that lead to inconclusive election in Nigeria
2. To ascertain the impact of inconclusive election on Nigeria's democratic experience
3. To explore ways by which the phenomenon of inconclusive election can be assuaged

### **Research Hypotheses**

The following statement of hypotheses shall guide the study;

1. Inconclusive election is caused by the ineptitude of the leadership of INEC
2. Inconclusive election is caused by the ineffective electoral laws that govern our electoral matrix
3. Inconclusive election is triggered by the unscrupulous comportment Nigerian politicians

### **Research Methodology**

In the course of this research, secondary sources of data were used for the analysis of data, such as written books, journals, magazines, internet etc. Furthermore, this study adopted the qualitative research design which is descriptive and analytic in its approach. In using this method of inquiry, we analyze the causes and effects of inconclusive elections on Nigerian democratic experience and the way out.

## **II. REVIEW OF ISSUES IN LITERATURE**

In a quest to deepen intellectual sagacity it is tangential to explore relevant conceptual issues at this juncture. Thus in this study, effort is made in evolving a conceptual and theoretical review of different scholarly works on inconclusive elections. Here we also explore the potential impacts of inconclusive election on the democratic quality of elections in Nigeria. It concentrates on the debates over the causes and effects of inconclusive election. Simply put, intellectual energy shall be inputted into investigating how the emergence of inconclusive election has influenced the conduct of elections in Nigeria.

According to Throup (1993) elections are the central institution of democratic representative governments. Why? Because, in a democracy, the authority of the government derives solely from the consent of the governed; the principal mechanism for translating that consent into governmental authority is the holding of free and fair elections. Also Torrence (2004:159) asserts that all modern democracies hold elections, but not all elections are democratic. Right-wing dictatorships, Marxist regimes, and single-party governments also stage elections to give their rule the aura of legitimacy. In such elections, there may be only one candidate or a list of candidates, with no alternative choices. Such elections may offer several candidates for each office, but ensure through intimidation or rigging that only the government-approved candidate is chosen. Other elections may offer genuine choices--but only within the incumbent party. These are not democratic elections.

In a scholarly submission, Jeanne Kirkpatrick (2000) former U.S. ambassador to the United Nations, has offered this definition: "Democratic elections are not merely symbolic....They are competitive, periodic, inclusive, definitive elections in which the chief decision-makers in a government are selected by citizens who enjoy broad freedom to criticize government, to publish their criticism and to present alternatives." The party in power may enjoy the advantages of incumbency, but the rules and conduct of the election contest must be fair.

Democratic elections are periodic. To this, Weatherford, (2012) opines that democracies do not elect dictators or presidents-for-life. Elected officials are accountable to the people, and they must return to the voters at prescribed intervals to seek their mandate to continue in office. This means that officials in a democracy must accept the risk of being voted out of office. The one exception is judges who, to insulate them against popular pressure and help ensure their impartiality, may be appointed for life and removed only for serious improprieties.

Democratic elections are also inclusive. This implies that citizen and voter must be large enough to include a large proportion of the adult population. A government chosen by a small, exclusive group is not a democracy--no matter how democratic its internal workings may appear. One of the great dramas of democracy throughout history has been the struggle of excluded groups--whether racial, ethnic, or religious minorities, or women--to win full citizenship, and with it the right to vote and hold office.

Whitfield (2009) surmises that democratic elections are definitive; in another parlance, they determine the leadership of the government. Subject to the laws and constitution of the country, popularly elected representatives hold the reins of power. They are not simply figureheads or symbolic leaders. Finally, in the words of Zakaria (1997) democratic elections are not limited to selecting candidates. Voters can also be asked to decide policy issues directly through referendums and initiatives that are placed on the ballot.

### **The Concept of Inconclusive Election**

According to the Constitution of the Federal Republic of Nigeria (1999) as amended, an "Inconclusive election" would occur when no candidate meet the condition for the declaration of a winner of the election after

polls. Simply put, “He or she must satisfy all legal requirements, score the majority of lawful votes cast at the election in which all eligible voters have been given the opportunity to exercise their franchise. Where no candidate satisfies this requirement, the election is said to be inconclusive.” It is apt to make reference to Section 26 of the Electoral Act which provides that where an election is scheduled, but there is likely to be a serious breach of the peace or it is impossible to continue with the election, INEC should postpone the election. Quoting Sub-Section 26 (2) of the Electoral Act, “there shall be no return for the election until polling has taken place in the area or areas affected.” Sub-Section 4 of Section 26 stipulated a proviso that a declaration might be made if the result in the affected areas would not affect the overall outcome of the election.

“In Section 53 (2) citing other reasons why an election can be declared “Inconclusive”- is Over voting, when the votes cast at an election in any polling unit exceeds the number of registered voters in that polling unit, the result of the election for that polling unit shall be declared void by the Commission. To this end another election may be conducted at a date to be fixed by the commission where the result at that polling unit may affect the overall result in the constituency.

It is therefore pertinent to posit that from the statutory provisions, inconclusive elections could also arise out of natural disaster or other emergency such as violence, threats or breakdown of law and order and over voting, among others. In other words the 1999 Constitution (as amended) recognized that elections could be inconclusive and made provision for what should happen in such cases.

### **History of Inconclusive Election in Nigeria**

Since the conclusion of the 2015 General elections, there have been a number of elections conducted in Nigeria at various levels. The major elections held so far are as follows:

2015 Kogi State governorship election

2015 Bayelsa State Governorship Election

2016 FCT Area Council elections

The same scenario was application in over eighty re-run elections across various senatorial districts, federal constituencies and state constituencies.

In the submission of Uzzi (2016) it is quite unfortunate and alarming that the major elections held since April 2015 has been determined inconclusive. It is more disheartening the various reasons being attributed for these inconclusive elections. Some quarters are blaming the inconclusive elections on the competence of the INEC administration while others are pointing fingers at ‘internal saboteurs’ within INEC. Some are even saying that an incompletely constituted INEC cannot deliver conclusive elections. However is there any empirical basis for these assertions? This section hopes to take a look at the genealogy of inconclusive elections in Nigeria.

According to Ezenwa (2016) the idea that inconclusive elections have existed only recently is a myth. The fact remains that inconclusive elections have existed throughout the lifecycle of Nigeria’s democratic experiment. Pointer cases include: 1979 Presidential election, Rivers gubernatorial election (1999) Imo state gubernatorial elections (2007 and 2011), Anambra gubernatorial election (2014), Bayelsa, Imo, Kogi and Taraba gubernatorial elections (2015), to mention but a few. According to Oyeweso (2015) the history of inconclusive election dates back to the June 12, 1993 presidential poll. This was the forerunner to what has lately occurred in Kogi, Bayelsa and Imo North Senatorial zone. Perhaps, the only difference between the June 12 election and the current situation in Kogi, Bayelsa and Imo North is that the voting process on June 12 was concluded throughout the length and breadth of the nation, but while the then National Electoral Commission of Nigeria, under Professor Humphrey Nwosu, commenced state by state announcement of the results of the presidential election, it was suddenly stopped midway by the then military administration under General Ibrahim Babangida.

### **Assessment of INEC and Inconclusive Elections in 2019 General Elections**

This section aims at assessing the case scenario of the Fourth Republic elections with reference to 2019 inconclusive elections. It is on record that on March 9, 2019, the Independent National Electoral Commission (INEC) conducted governorship elections in 29 states. At the end of the exercise, elections into six of the states were declared inconclusive, while that of Rivers State was suspended at the point of collation of results. The basis for INEC’s declaration of the elections as inconclusive was that the number of cancelled votes exceeded the margin of win between the two leading candidates in each of the states. The affected states are: Adamawa, Bauchi, Benue, Kano, Plateau and Sokoto. According to reports, in Adamawa State, Umaru Fintiri (PDP) scored 367,471 votes as against Jubrila Bindow (APC) 334,995 votes, with a margin of 32,476 votes and cancelled votes of 40,988. In Bauchi State, Bala Mohammed (PDP) scored 469,512 votes while Mohammed Abubakar (APC) scored 465,453 votes. Some 45,312 votes were cancelled, leaving a margin of 4,059 votes. In Benue State, Samuel Ortom (PDP) scored 410,576 votes while Emmanuel Jime (APC) scored 329,022. The margin of win was stated as 81,554 votes while 121,019 votes were cancelled. In Kano State, Abba Yusuf (PDP) polled 1,014,474 votes while Abdullahi Ganduje (APC) scored 987,819 votes. The margin between the two candidates

was 26,655 while the cancelled votes were 128,572. In Plateau State, Simon Lalong of APC took 583,255 votes, while Jeremiah Useni (PDP) scored 538,326 votes. The margin between them was 44,929 votes while cancelled votes numbered 49,377. In Sokoto State, Aminu Tambuwa (PDP) scored 489,558 votes while his runner-up, Aliyu Ahmed (APC), won 486,145. There was a margin of 3,413 votes while 75,403 votes were cancelled.

Basically, elections are meant to be conducted and concluded with a winner declared. Having just one inconclusive election is disturbing enough, let alone six inconclusive elections. There must be something fundamentally wrong, outrageously awkward and indefensible in a system that would return six inconclusive elections in one fell swoop! It simply defines a mischief or gross incompetence on the part of the electoral body charged with the responsibility of conducting such elections. This must not be allowed to continue.

The concepts of “inconclusive election” and “the margin of win between two leading candidates” are two lexicons that the current INEC, which is headed by Prof. Mahmood Yakubu, a professor of political history and international studies, has foisted on our electoral system. Regrettably, it is steadily becoming the culture and pattern of our elections. Indeed, there has never been any major election conducted by this current electoral body that has not been stymied by inconclusiveness. Never in the electoral history of this country have we had it so bad.

The history of inconclusive elections can be traced to the controversial event that occurred in Kogi State on 21st November, 2015, when the election, clearly won by the late Prince Abubakar Audu, but who died before the official announcement of his victory, was declared inconclusive. The late Prince Audu of APC had won 240,867 votes while Idris Wada of the PDP scored 199,514 votes. There was a margin of win of 41,353 votes between them. Analysts knew that the whole idea of inconclusiveness of the election in Kogi State was a political contrivance of the ruling party and probably the presidency, dutifully executed by INEC to pave way for an anointed stranger to the ticket, Yahaya Bello. Mr Bello has gone on to become a political tragedy to the state. Little did Nigerians know then that inconclusiveness of elections was going to be institutionalized as INEC’s directive principle and policy?

Two weeks after the Kogi election, Bayelsa’s governorship election was held and was equally declared inconclusive. A return could not be made because, according to INEC, there was a margin of win of 33,154 votes between Seriake Dickson who contested on the platform of PDP and Timipre Sylva of APC. It is also on record that the Osun State governorship election was declared inconclusive. The PDP candidate, Ademola Adeleke, had polled 254,698 votes to defeat the APC’s Gboyega Oyetola who polled 254,345 votes. Some 3498 votes were cancelled. The fundamental question that arises here is whether INEC is telling the whole world that an election cannot be won by just one vote in a democratic setting. How then did we come about this idea of ‘margin of votes between two leading candidates’, that we can no longer conclude our elections?

In the application of this self-imposed and strange principle of “margin of votes”, INEC has been found to be as insincere as it is inconsistent. INEC applies the principle, usually, to tilt the pendulum of victory in an election in favour of APC or favoured candidate. Whenever APC is to be at the receiving end, INEC usually fails to apply the principle. For instance, in the bye-election to fill the vacant seat of Lokoja/Kogi Federal Constituency last year, triggered by the death of Hon. Buba Jibrin, Haruna Isah was declared winner having polled 26,860 votes as against Engr. Bashir Abubakar of PDP, who scored 14,845 votes. The margin of win was 6,900 votes. The election was marred with violence such that 19,960 votes were cancelled. INEC did not declare the election inconclusive, but proceeded to declare APC’s candidate winner. That is the level of arbitrariness and selectiveness of INEC in the application of the unknown principle.

Consider also the election for the Abia North senatorial district which, by INEC standard, should have been declared inconclusive. But on Thursday, Orji Uzor Kalu, a former governor of Abia State, was among the about 100 senators-elect who received their certificates of return from INEC in Abuja. He had been returned as elected after polling 31,201 votes for the APC to beat incumbent PDP senator, Mao Oluabunwa who polled 20,801. Some 38,526 votes were cancelled, which is much larger than the margin of win of 10,400 votes. INEC refused to declare the Abia North senatorial election as inconclusive.

It is expedient to mention here that Hon. James Abiodun Faleke, running mate to Prince Audu in the Kogi State governorship election, vigorously contested INEC’s declaration of inconclusiveness of the election to the Supreme Court. Sadly, the Supreme Court of Nigeria, now psychologically battered and humbled, wrongly, in my humble view, embraced such an unconstitutional and undemocratic concept of inconclusiveness. In that case, the Supreme Court (Per Kekere-Ekun, JSC), curiously, held that “...the 1st respondent (i.e. INEC) was correct when it declared the election of 21/11/15 inconclusive on the ground that the margin of win between the two fore-runners at the election was less than the total number of registered voters in 91 affected polling units where elections were cancelled”. Faleke’s case has now become an albatross on the neck of our electoral jurisprudence unless the Supreme Court reverses itself. I sincerely hope the apex court will summon the courage to do so when the opportunity avails it.

Both INEC and the Supreme Court must be wrong on this contrived and crooked principle of “margin of win” in a democratic system that is unknown to our law. Whether or not a contestant has won an election is a constitutional matter. And, the Constitution of the Federal Republic of Nigeria, the supreme law of the land, is clear and unambiguous about this. The Constitution specifies only two conditions to be fulfilled under section 179(2). It states:

“A candidate for an election to the office of a governor of a state shall be deemed to have been duly elected to such office where, there been two or more candidates-

He has the highest number of votes cast at the election;

He has not less than one-quarter of all the votes cast in each of at least two-thirds of all the local government areas in the state.”

It is incompetent for INEC to impose additional burden on a winner beyond what the constitution has stipulated. Indeed, there is something monstrous, oppressive, incongruous, fraudulent, whimsical and undemocratic in allowing INEC to deviate from constitutional provisions and proceed to “legislate” by imposing additional conditions on winners at elections. INEC, surely, has no such legislative powers and must not be allowed to have its ways in the interest of our nascent democracy.

The additional burden imposed by INEC is traceable to Regulations and Guidelines for the Conduct of Elections. Regulation 34 (e) provides:

“Where the margin of lead between the two leading candidates is not in excess of total number of registered voters of the Polling Units where election were not held or were cancelled in line with Section 26 & 53 of the Electoral Act, the returning officer shall decline to make a return until polls have taken place in the affected units and the results collated into form EC 8E for Declaration and Return.”

There is a reference to Sections 26 and 53 of the Electoral Act in the Guideline quoted above. Section 26(1) is about postponement of election. It states, inter alia that where a date has been approved for the holding of an election and there is reason to believe that a serious breach of the peace is likely to occur, if the election is proceeded with on that day, or it is impossible to conduct the election as a result of natural disasters or other emergencies, the Commission may postpone the election and appoint another date for the holding of the postponed election. The Act adds that such reason for the postponement must be found to be cogent and verifiable. With due respect, if INEC had been sincere, honest and even-handed in the March 2019 election in Rivers State, for instance, it would have proceeded to apply the provision of this section. Few days to the election in Rivers State, it was clear to any objective observer that the tension in the state was palpable so much so that a breach of the peace was likely to occur. INEC ignored all the warning signs and proceeded with the election only for it to suspend same mid-way.

Section 53(2) of the Electoral Act is all about over-voting. It provides:

“Where the vote cast at an election in any polling unit exceeded the number of voters in that polling unit, the result of the election in the polling unit shall be declared void by the Commission and another election may be conducted at a date to be fixed by the Commission where the result at the polling unit may affect the overall result in the Constituency.”

It is clear from the above provision of the law that a call for a re-run election can only happen when the result of voided votes in a polling unit affect the overall result of the constituency which, in this case is the whole of the state. In addressing the issue, INEC has mischievously changed the word “Polling unit” to “Polling units” in Regulation 34(e). By this, it imposes on itself, the duty of collating cancelled votes in a constituency to determine margins of win. No law permits INEC to collate cancelled votes after an election.

Margin of win has never constituted any impediment to electoral victory of a winner in Nigeria until the current dispensation of Prof. Mahmood Yakubu’s INEC. In *Agagu v. Mimiko*, INEC declared the appellant winner of the governorship election in Ondo State with 349,288 votes whilst the respondent garnered 226,021 votes. At the trial, the actual votes were found to be 313,355 and 195,030 respectively. Thus, 248,724 were cancelled. In view of the fact that Section 179(2) of the Constitution had been satisfied, the Court of Appeal of old, not the current one that has become deeply and thoroughly controversial and unpredictable, affirmed the respondent’s return as governor.

In *INEC v. Oshiomhole*, INEC had earlier declared 329,740 for PDP and 197, 472 for Action Congress (AC) i.e. for Mr Oshiomhole. In setting aside INEC’s decision and declaring Oshiomhole as winner, the Court of Appeal of old cancelled 200,723 of votes scored by PDP and 30, 895 of votes scored by AC (cancelling a total of 231,618 votes). The court did not find any reason to call for a rerun because the petitioner satisfied the requirements of Section 179 (2) (a) & (b).

In *Aregbesola v. Oyinlola*, INEC had earlier declared 426,669 votes for Oyinlola, and 240, 722 for Aregbesola. The margin of win was 185,947 votes. The Court however nullified votes in 10 disputed local government areas when 41, 923 votes were cast for Aregbesola and 253,789 votes were cast for Oyinlola. Total cancelled votes were 298,712. In declaring the petitioner as winner of the election, the Court of Appeal of old

referred to Section 179 (2) of the Constitution and held that the appellant satisfied the requirements of the law. Governor Fayemi of Ekiti State was also a beneficiary of cancelled votes without a re-run.

From the foregoing, it is clear that in the entire circumstances of the current events, Section 179 of the Constitution is the applicable provision and not INEC Guidelines or Manual. Again, unfortunately, in Faleke's case, and for some inexplicable reasons, the Supreme Court elevated INEC Guidelines and Manual above the Constitution. That is the grave damage the Supreme Court has done to our jurisprudence by its politically motivated decision in Faleke's case. Surreptitiously, Yakubu's INEC has re-written our Constitution, and for want of integrity and foresight, our courts, from the lowest tribunal to the highest court, have not been vigilant enough to appreciate it.

At the risk of restating the obvious, this paper is impelled to re-affirm the sacrosanct legal principle and truism that where the Constitution sets the conditions for doing a thing, no legislation or regulation or guideline or manual can alter them in any way, directly or indirectly. Regulation 34 (e) of the INEC Guidelines for elections is unconstitutional, self serving and apparently intended to serve the interest of the party in power in connivance with INEC and therefore should be so declared as unconstitutional. The constitution of the Federal Republic of Nigeria must remain inviolate. In the light of the above, the Constitution must remain the penultimate tool for democratic consolidation.

### **Democratic Consolidation**

This implies a democracy that can last for the test of time. This can be assured if those values that made democracy worthwhile are fully institutionalized. Kaur (2007) states that democracy become sustainable when there is credible opposition capable of replacing an incumbent government by offering an alternative outline of politics and strategies that is likely to appeal to the electorate. By the concept of democratic consolidation, it connotes a deliberate political process in a polity by which democracy is "so broadly and profoundly legitimized among its citizens that it is very unlikely to break down" (Ouyang, <http://www.oycf.org/perspective/6-063000>). This is democracy that will come and stay and which cannot come to an end suddenly or abruptly through unconstitutional acts such as military coups or dictatorships. To consolidate democracy, it needs behavioural and institutional changes that normalize democratic politics and narrow its uncertainty. Democratic consolidation is an off-shoot of good governance which encompasses accountability, security of human rights and civil liberties, devolution of powers and respect for local autonomy, which all constitute a challenge to democratic regimes (Eyinla, 2000: 22). In fact, democratic consolidation can be measured by the percentage of voters in a country who consider democracy as an indispensable way of life and are ready to go every length to protect it.

### **Inconclusive Election and Democratic Consolidation in Nigeria**

The inclination to democracy as a means of fostering national cohesion and development in the post-colonial state is yet to yield its maximum dividend in Nigeria as the democratic nucleus of free and fair elections is always breached. Within the struggle to get democracy right in Nigeria, lays the inter-play of dominant political forces whose actions persistently threaten democratic regress.

The recurrence of inconclusive elections in Nigeria has brought in its wake ramifying misinterpretations to account for its materialization. Whatever the causes, the nagging situation portends negative implications for the progress of Nigeria's electoral system and democratic consolidation. Not only does it exacerbate voter apathy and hamper the judgmental competence of voting citizenry ultimately undermining people's franchise, it challenges the credibility of Nigeria's electoral umpire, INEC to manage the effective conduct of elections in the country. Noted below are some of the negative impacts of inconclusive election on Nigeria's democracy according to Nkolika (2015):

- a) Inconclusive election exacerbates voter apathy.
- b) Inconclusive elections hamper the judgmental competence of voting citizenry ultimately undermining people's franchise.
- c) It challenges the credibility of Nigeria's electoral umpire, INEC to manage the effective conduct of elections in the country.

According to Habu Mohammed (2016) inconclusive elections undermines the institutional capacity of the electoral management body, inconclusive elections send bad signal to stakeholders locally and internationally.

Inconclusive election portends waste of national resources, energy and time, as monies which are to be channeled into meaningful national use are depleted on inconclusive elections. Reuben Abati (2016) sarcastically chides INEC saying "If they take weeks to conduct elections in eight local governments, with less than one million voters, if they have to run a nationwide election, then the entire country will be declared inconclusive, and as such INEC should just be renamed Inconclusive National Electoral Commission (INEC).

It is also noteworthy to point out that inconclusive elections is a political ploy to take away the power of vote of electorate and handover it to the courts by those who have access to resources and connection to influence the justice system. In tandem with the above point of reference, inconclusive elections fosters, court packing, compromised judiciary, unending legal battles and a monotonous electoral system.

### **III. FINDINGS**

The study generated a lot of findings as regards INEC inconclusive elections and democratic consolidation in Nigeria.

1. Politicians want to dominate the electoral process in order to deliver electoral victory in their wards to their political parties hence; elections have become a more competitive struggle sometimes creating conditions that renders elections inconclusive.
2. The law and INEC guidelines for all its lapses adequately make provision for 'inconclusive' elections, which is detrimental to democratic consolidation..
3. The idea that inconclusive elections have existed only recently is a myth. The fact remains that inconclusive elections have existed throughout the lifecycle of Nigeria's democratic experiment.
4. The growing recent spate of inconclusive elections in Nigeria indicates that elections have become more keenly contested by politicians and hence, re-run elections are inevitable for now.
5. Inconclusive elections increase because neither erring politicians nor their parties are sanctioned for perpetuating electoral ills that breach the successful conclusion of the electoral process.
6. Nothing challenges INEC's capacity to deal with inconclusive elections more than INEC itself. Inconclusive elections have become arbitrary tool in the hands of INEC to favour more often the ruling party.

### **IV. CONCLUSION**

The bane of inconclusive elections in Nigeria is due largely to the intensified antagonistic measures deployed by politicians to consolidate political power as well as an electoral management body lacking in genuine autonomy. Unrestrained by permissive society with compromising citizens and public sector agents, as well as weak institutional and legal framework to checkmate the decadence, the political class undermines the electoral process by sustaining artificial conditions that according to law, renders inconclusive outcomes of elections inevitable. Arresting this negative trend demands immediate and strategic efforts to educate the voting public, and impose viable reforms that would empower institutions particularly INEC and security agencies, to act decisively against electoral offenders.

Acknowledging that the feasibility of institutional reforms is challenged by the preponderance of politicians and government in power, there is therefore the need to commit to increasing advocacy pressure to assist INEC achieve purpose by publicizing the needed reforms, evolving a generation of informed and active voters in Nigeria and shaming notorious electoral offenders in the court of public opinion. Also INEC due to inherent administrative lacunas also fan the ambers of inconclusive election in Nigeria and as such needs to be fortified against vices that undermine its independence, organizational efficiency and productivity.

### **V. RECOMMENDATIONS**

Based on the findings of this research work, the following recommendations are given on tactical and strategic steps needed to correct the problematic narrative of inconclusive elections in Nigeria:

1. There is need to eliminate the phenomenon of winner takes all so that the outcomes of politics benefit Nigerians collectively rather than selectively, elections in Nigeria will continue to have inconclusive outcomes.
2. Conditions for free and fair elections must be put in place to forestall cases of inconclusive elections due to violence and other related crimes.
3. All possible adjustments within the existing legal framework should be explored to address the avoidable causes of inconclusive elections in Nigeria.
4. To overcome the frequent political impasse posed by inconclusive elections, our institutions must be strengthened to reflect the supremacy of the law.
5. INEC should revisit its complicity in the past, to declare elections conclusive where significant breach of law was committed.
6. INEC must overtly commit itself to sanitize the electoral system beginning from its own staff. INEC needs a pre-emptive strategy to address the complicity of its officers and security agents with politicians to breach electoral laws.
7. Politicians and security agents should be engaged directly to discuss their standpoints on the issue of inconclusive elections in Nigeria.

8. The Electoral Act and the 1999 Constitution as it relates to elections should be reviewed to address present challenges faced by INEC in the conduct of elections.

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