

# LEGAL ISSUE BRIEF

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## Compulsory Voting as a Strategy to Increase Voter Turn-Out in Nigeria

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### Introduction

Nigeria operates a Voluntary Voting System (VVS), with corresponding guarantees of constitutional right to eligible voters to vote at elections.<sup>1</sup> Since 1999, when the country returned to democratic rule, there have been five rounds of general elections. Voter turnout in presidential elections has hovered from 52.26% in 1999, 69.8% in 2003, 57.49% in 2007, 53.68% in 2011, to 43.65% in 2015. For legislative elections, the statistics have been grimmer with voter turnout hovering from 40.69% in 1999, 49.32% in 2003, 28.66% in 2011 to 43.65% in 2015.<sup>2</sup> Alongside Egypt, Gambia, Libya and Zambia, with equally low statistical outlook, voter turnout in Nigeria is arguably

one of the lowest in Africa. These raise issues of voter apathy and low political participation by the voting public, both of which have negative implications for democratic consolidation. In this brief, we examine the idea of Compulsory Voting System (CVS) in the context of the foregoing and conclude that it holds good promise to stem the tide of voter apathy in Nigeria.

### Background

Nigeria has been experiencing low voter turnout in every election circle since 1999, the most recent being the 2019 general elections.<sup>3</sup> Reasons adduced for low turnout

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<sup>1</sup> See Sections 77(2); 117(2) of Constitution of the Federal Republic of Nigeria 1999; Section 12 of Electoral Act 2010.

<sup>2</sup>International Institute for Democracy and Electoral Assistance (IDEA), “NIGERIA: Voter turnout by election type” IDEA Voter turnout database. Available online at: <https://www.idea.int/data->

[tools/country-view/231/40](https://www.idea.int/data-tools/country-view/231/40) (accessed 8th February 2019)

<sup>3</sup> Socio-Political Unit, Research Division, National Institute for Legislative Studies, National Assembly, Abuja, “Glass much less than half full: Voter Turnout in Nigeria’s 2015 General Elections” National Institute for Legislative Studies, National Assembly, Abuja,

include institutional bottlenecks, rational choice, attitudinal factors and political apathy.<sup>4</sup> Irrespective of the reasons, what is clear is that low voter turnout portends danger for any democracy, especially a fledgling type like Nigeria's; one that has suffered a number of democratic attrition and reversals, the impact of which are still being felt. Perhaps the most potent implication of consistent low voter turnout is that it compromises or raises questions about the popular legitimacy of those elected and indicates unhealthy detachment of citizens from the political process. These have the consequences of exposing the democratic experiment to fragility and possible atrophy when confronted by anti-democratic elements or other forms of adversities including economic downturn. It is in this contest that questions have been asked about the appropriate response to the phenomenon of low voter turnout. Of the several approaches to understanding the challenge, the mechanism of voting adopted by each country constitute an important consideration. Two mechanisms are relevant in this regard, namely Voluntary Voting

System (VVS) and the Compulsory (or Mandatory) Voting System (CVS). Nigeria currently operates the VVS which, as the term suggests, makes voting a free choice for the electorate, even as there is a constitutionally guaranteed voting right for every eligible voter. Over 20 countries are currently known to operate the CVS, which is not just a right but a duty imposed on eligible voters, compelling them not only to register to vote but to vote or turn up at the polls failing which they may be penalized.<sup>5</sup> A 2019 data provided by IDEA puts the number countries operating CVS at 27. Out of these countries, 17 practice CVS for both presidential and parliamentary elections, while 4 (Belgium, Cyprus, Greece, and Luxemburg) practice it for parliamentary elections.<sup>6</sup> Belgium actually has the oldest compulsory voting system, which was introduced in 1892.<sup>7</sup> The best known model operates in Australia, which introduced compulsory voting in 1924 in the aftermath of World War 1 to immortalize the sacrifices made by many Australians who died in that war.<sup>8</sup> The net effect of the CVS for voter turnout in Australia is that the country has

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2016, unpublished policy analysis paper.

<sup>4</sup>ibid

<sup>5</sup> Jaqueline Bargmann (2016)

“Compulsory Voting in Foreign Countries: Only in Authoritarian States?” Available at

<https://www.polyas.de/blog/en/increasing-voter-turnout/compulsory-voting-foreign-countries>

<sup>6</sup> International Institute for Democracy and Electoral Assistance (2019) “Voter Turnout Database: Compulsory Voting” Available at: <https://www.idea.int/data-tools/vt-advanced-search?region=&question=> (accessed 18<sup>th</sup> Feb., 2019)

<sup>7</sup> Elliot Frankal (2005) “Compulsory

Voting Around the World”, *The Guardian International Edition*, available at

<https://www.theguardian.com/politics/2005/jul/04/voterapathy.uk>

<sup>8</sup> See note 6. See also Nina A. Kamath (2016) ““I Voted”: Examining the Impact of Compulsory Voting on Voter Turnout, *CMC Senior Theses paper 1286*, available at

[https://scholarship.claremont.edu/cgi/viewcontent.cgi?referer=https://www.google.com.ng/&httpsredir=1&article=2273&context=cmc\\_theses](https://scholarship.claremont.edu/cgi/viewcontent.cgi?referer=https://www.google.com.ng/&httpsredir=1&article=2273&context=cmc_theses)

recorded not less than 92% voter turnout in every election for over 50 years!<sup>9</sup>

**Table 1: Countries with CVS as at 2019.**

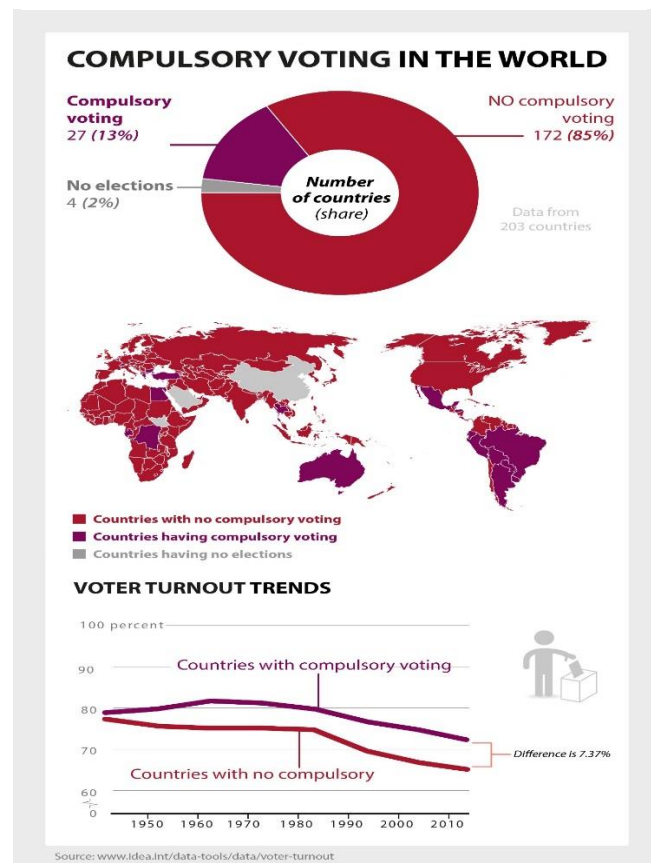
S/N	Country	Parliamentary	Presidential /Executive	EU Elections	Year Introduced	Enforced/Sanctions
1	Argentina	Yes	Yes		1912	Yes
2	Australia	Yes	No		1924	Yes
3	Belgium	Yes	No	Yes	1892 (for men)	Yes
4	Bolivia	Yes	Yes		1952	No
5	Brazil	Yes	Yes		N/A	Yes
6	Bulgaria	Yes	Yes		2016	No
7	Congo, Democratic Republic of	Yes	Yes		N/A	N/A
8	Costa Rica	Yes	Yes		N/A	No
9	Cyprus	Yes	No	Yes	1960	Yes
10	Dominican Republic	Yes	Yes		N/A	No
11	Ecuador	Yes	Yes		1936	Yes
12	Egypt	Yes	No		1956	No
13	Gabon	Yes	Yes		N/A	No
14	Greece	Yes	No	Yes	1926	No
15	Honduras	Yes	Yes		N/A	No
16	Lebanon	Yes	No		N/A	N/A
17	Liechtenstein	Yes	No		N/A	Yes
18	Luxemburg	Yes	No	Yes	N/A	Yes
19	Mexico	Yes	No		N/A	No
20	Nauru	Yes	No		1965	Yes
21	Panama	Yes	Yes		1965	N/A
22	Paraguay	Yes	Yes		1965	N/A
23	Peru	Yes	Yes		1933	Yes
24	Singapore	Yes	Yes		N/A	Yes
25	Thailand	Yes	No		N/A	No
26	Turkey	Yes	Yes		N/A	Yes
27	Uruguay	Yes	Yes		1934	Yes
TOTAL		27	16	4		13

**Source:** International Institute for Democracy and Electoral Assistance (2019) “Voter Turnout Database: Compulsory

<sup>9</sup> See note 5

Voting” Available at: <https://www.idea.int/data-tools/vt-advanced-search?region=&question=> (accessed 18<sup>th</sup> Feb., 2019); International Institute for Democracy and Electoral Assistance (2019) “Compulsory Voting: What is compulsory voting” Available at: <https://www.idea.int/data-tools/data/voter-turnout/compulsory-voting>

**Figure 1: Graphic Representation of CVS in the world.**



**Source:** International Institute for Democracy and Electoral Assistance (2019) “Compulsory Voting: What is compulsory voting” Available at:

<https://www.idea.int/data-tools/data/voter-turnout/compulsory-voting>

### Legal Framework on Right to Vote

Using the VVS, Nigeria has enshrined a system whereby voting is a right and not a duty. Every eligible Nigerian has a right to vote and be voted for as provided in the Constitution of the Federal Republic of Nigeria, 1999, the Electoral Act 2010<sup>10</sup> and relevant international instruments subscribed to by the country. Some of the international law provisions adopted by Nigeria include Article 21 (3) of the Universal Declaration of Human Rights, 1948 which provides that “The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures”. A similar international law provision, to which Nigeria subscribes, is contained in Article 25 of the International Covenant on Civil and Political Rights (ICCPR), 1966:

*Every citizen shall have the right and opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:*

*(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;*

*(b) To vote and to be elected at genuine periodic election which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electorates;*

Both the 1999 Constitution and the Electoral Act 2010<sup>11</sup> enshrine similar provisions. Of particular relevance are sections 7(4), 117(2), 118, 135(5) and 178(5) of the Constitution which recognize the right to vote and the requirement to register qualified voters for specific executive and legislative elective offices in the Federal, State and Local Governments. Also, under section 12 of the Electoral Act 2010, all qualified Nigerians have the right to register as voters. The summary of these provisions is that though qualified Nigerians have a right to vote and be voted for, in none of the provisions is voting imposed as a duty. In other words, every eligible voter in Nigeria has the prerogative of deciding whether or not to contest for political office or to vote for others who wish to contest for offices; or not to register or vote; or even to register and yet not vote.

### Compulsory Voting as a Remedy for Low Voter Turnout in Nigeria

Several studies on mechanisms to increase voter turnout seem to suggest that the best assurance to guarantee this is by compelling eligible voters not only to register to vote but

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<sup>10</sup> See Sections 77(2); 117(2) of Constitution of the Federal Republic of Nigeria 1999; Section 12 of Electoral Act 2010.

<sup>11</sup> See section 9 and 10 on National Electoral Register and the right to register.

also to cast their ballot; or turn up at the polls and cast even a blank ballot.<sup>12</sup> In this case, it is not just a right possessed by the voter. It is a duty imposed on him by law. In some countries which operate the CVS like Belgium, failure to register to vote could attract penalty of various forms in much the same manner as failure to pay tax or violating traffic regulations.<sup>13</sup> In what follows, we examine the challenges and possible merits of CVS in the quest to increase voter turnout in Nigeria.

*(a) Legitimization of political and governance institutions*

The first merit of compulsory voting is that it guarantees citizens' legitimation of political institutions.<sup>14</sup> Voting is the hallmark of democracy and the most popular avenue for voicing opinion on issues in a democracy. Through voting, the electorate endorses democracy and sanctions the authority and policies of all political and governance institutions like the police, the judiciary, the legislature, the tax system, foreign relations etc. When the electorate is compelled to vote without being told who to vote for, the

endorsement needed to strengthen the authority thus conferred is further enhanced.

*(b) Enhances participatory democracy and appropriate policy response by government*

Compulsory voting enhances democracy, which is participatory in nature. Participatory democracy allows all eligible individuals to stake a claim in governance either by vying for elective posts or deciding who gets elected. Compulsory voting ensures that the needs of all citizens, including the less privileged, are taken into account in government decisions. This happens where citizens, as a result of the duty imposed on them to vote, become more sensitized about government and become well informed enough to demand appropriate policy response to their needs.<sup>15</sup>

*(c) Protection of the majority against unpopular policies*

One of the recurrent problems of democracy, especially in countries where participation and political awareness is low is the susceptibility of the electoral system to political capture by the vocal few.<sup>16</sup> This

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<sup>12</sup> See note 7.

<sup>13</sup> Jean-Benoit PILET, Choosing compulsory voting in Belgium: strategy and ideas combined, Université Libre de Bruxelles (ULB). Available online at:

<<https://ecpr.eu/Filestore/PaperProposal/53cb7c8c-38e0-4a02-8cdc-47d70494182f.pdf>> accessed 7<sup>th</sup> February 2019.

<sup>14</sup>Krasa, Stefan and Polborn, Mattias, Is Mandatory Voting Better than Voluntary Voting? (October 5, 2007), 1-16, 1. Available at SSRN: <<https://ssrn.com/abstract=757490> or

<http://dx.doi.org/10.2139/ssrn.757490>> accessed 7<sup>th</sup> February 2019

<sup>15</sup> Anthony Fowler "Electoral and Policy Consequences of Voter Turnout: Evidence from Compulsory Voting in Australia" Quarterly Journal of Political Science, 2013, 8: 159–182, 160.

<sup>16</sup> Bart Engelen, Why Compulsory Voting Can Enhance Democracy, Acta Politica, 2007, 42, (23–39), 24. Available at: [www.palgrave-journals.com/ap](http://www.palgrave-journals.com/ap) (Accessed 8<sup>th</sup> February 2019), Jean-Benoit PILET Choosing compulsory voting in

trend is reversible and can be greatly eliminated in a Compulsory Voting System. In this regard, all votes are counted, ensuring that popular policies are introduced and welcomed unlike when voter turnout is low under the Voluntary Voting System, and votes are skewed in favour of particular vested group.

(d) *Improves accountability and responsibility*

Negative aspects of politicking such as clientelism (or what is commonly referred to as “god-fatherism”), vote-buying and other forms of rigging are constantly reported as tools used to compromise the democratic process through capturing electoral mandate from majority of the electorate. Vote-buying probably represents the most troubling revelation in the electoral process of Nigeria in recent times. The net effect is that elected officers do not feel any need to be accountable or responsible to the electorate and the general public as they consider their mandate conferred through commercial transaction between them and the electorate which ended with the purchase of votes at elections. If voting is made compulsory, the likelihood of vote-buying will be greatly minimized as compulsory voting will spawn increased voter turnout and increase the stakes (cost) for those perpetrating the act who would have to deploy more than enough

financial capacity to buy up votes and guarantee victory in virtually every polling station. Given this uphill situation, politicians elected to office are likely to be more responsible and accountable to the electorate to be sure of securing further mandate, rather than waiting for the day of election to buy up votes.<sup>17</sup> This will have impact even on first-time contestants who will be motivated to make themselves popular to secure victory rather than relying on purchase of votes.

### Challenges of Compulsory Voting

Despite the acclaimed merits of CVS especially its reported positive impact on voter turnout, there are also some challenges of the system which cannot be ignored. However, most of them can be overcome using appropriate policy and legislative interventions. The challenges include:

(a) *Creation of ineffective protest votes*

Despite several positive aspects of the CVS, it has been argued that “compelling citizens to participate, even when they have no opinion or do not want to express it, only results in a higher number of protest votes”.<sup>18</sup> Therefore, it is further argued that such votes add no value to governance but are wasted and may have no impact in legitimating the democratic system. They may actually weaken it further due to the stark statistics

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Belgium: strategy and ideas combined, at p. 4.

<sup>17</sup> Bart Engelen, Why Compulsory Voting Can Enhance Democracy, *Acta Politica*, 2007, 42, (23–39), 25. Available at: [www.palgrave-journals.com/ap](http://www.palgrave-journals.com/ap) (Accessed 8th February 2019).

<sup>18</sup> See Keane and Rogers, 2006, 30, see Bart Engelen, Why Compulsory Voting Can Enhance Democracy, *Acta Politica*, 2007, 42, (23–39), 28. Available at: [www.palgrave-journals.com/ap](http://www.palgrave-journals.com/ap) (Accessed 8th February 2019).

showing a rejection of the elections.<sup>19</sup> This view is strong, but is weakened by the contrary view that if ever such an outcome happens following a compulsory voting process, it gives the people the opportunity to insist on political reforms, if they are able to mobilize support around the “protest” popular outcome.

*(b) The right to vote can also be expressed negatively*

It is also argued that compulsory voting undermines the right to freedom of expression and may reduce democracy to an autocratic government.<sup>20</sup> This argument is weakened by the attempt to consider compulsory vote as a *right-based* system. The motivation for enshrining compulsory voting is to impose a *duty* on those eligible to vote, not to deny or compel the exercise of a right. In any event, although every citizen enjoys certain inalienable rights, citizens could also be subject to certain duties of collective actions duly imposed by law.<sup>21</sup> Some rights could be merely voluntarily exercised, while some are not merely voluntary. A good example is the right to life. This right is inalienable and nobody, not even the person whose life is involved, is permitted to take it! The ground for which life

may be terminated are legally codified, but they do not include a right in the individual to terminate his own life or compromise it by inaction.

Besides, as part of the powers conferred on it, parliament has authority to impose duties on citizens at the pain of penalty for refusal to comply. This can be justified by the idea that parliament has power to make laws for the “peace, order and good governance” of the country, the so-called POGG doctrine. It is pursuant to this general doctrine and others specified that government across the world continue to impose different and newer taxes, sometimes not expressly provided by constitutional provisions. Therefore, the duty to compulsorily vote may be justified on grounds of limits of exercise of inalienable rights including the right to vote and the apparently limitless ambit of parliament’s power to impose duties on citizens by law. After all, viewed carefully, there is an element of privilege in the “right” to vote as not every citizen is conferred such a right.<sup>22</sup> Those who are less than 18 years do not have nor can they exercise the right. Therefore, such a “right” ought to be taken as not just a personal entitlement, but as an obligation owed to the country because of the age of the voter, which ought to be exercised even at

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<sup>19</sup> IDEA (2004) ‘Voter Turnout in Western Europe Since 1945’, available online at: [http://www.idea.int/publications/voter\\_turnout\\_weurope/upload/Full\\_Reprot.pdf](http://www.idea.int/publications/voter_turnout_weurope/upload/Full_Reprot.pdf) (Accessed 8th February 2019).

<sup>20</sup> Sear, C. and Strickland, P. (2003) Compulsory Voting: Standard Note, July 3, 2003, available online at: <http://www.parliament.uk/commons/lib/research/notes/snpc-00954.pdf>. (Accessed 8th February 2019)

<sup>21</sup> See generally, M. See “The Case for Compulsory Voting in the United States” (2007) vol. 121, *Harvard Law Review*, 591; Satoshi Kanazawa “A New Solution to the Collective Action Problem: The Paradox of Voter Turnout” (2000) vol. 65 (3), *American Sociological Review*, 433.

<sup>22</sup> See Boyd A. Martin “Why Suffrage Discrimination?” (1945) vol. 14, no. 2, *The American Scholar*, 187, and Andre Blais *et al* “Deciding who has the Right to Vote: A Comparative Analysis of Elections Laws” (2001) 20, *Election Studies*, 41.

pain of compulsion. This compulsion does not hurt any municipal norm; and there is no international protocol or instrument which prohibits or frowns at it.

(c) *Creates room for the expression of extremist ideas*

Another argument against compulsory voting is that it may create room for extremism to flourish as those with anarchical propensity may easily find their voices by casting votes which overwhelm more moderate, though less popular category of citizens. This argument is defeated by the very attempt to undermine democracy through preference for a voting mechanism (VVS) which, by its voluntariness, encourages citizens to protest in the closet of their homes or other means that excludes open, though compulsory expression of dissent manifested by actual voting or casting of even a blank ballot which the CVS seems to project. By encouraging such fringe-mentality through the VVS rather than openness using the CVS, room is created for radical ideas to fester and thrive unnoticed with unpredictable consequences which could have been averted and blunted with superior ideas and arguments if given open expression through voting.<sup>23</sup>

## **Economic, Political and Social Consequences of Compulsory Voting System**

From the literature on cross-country practice of CVS, a number of economic, political and social consequences of the system have been isolated, with good positive outlooks. Some of them are set-out below to set the tune for the subsequent discussion on legislative agenda on compulsory voting in Nigeria:

### *(a) Economic Consequences*

Compulsory voting may reduce participation gap between the poor and wealthier voters thereby reducing wealth inequality.<sup>24</sup> There is consistent findings especially among established democracies showing that those in lower income bracket and the poor often find little incentives to vote and are more known to abstain from voting.<sup>25</sup> However, with CVS mandated, these categories of eligible voters have a chance to participate, with the salutary consequence of offsetting class bias in turnout and contributing to equality of influence in decision making by elected personnel, especially decisions which are of positive economic impact on the well-

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<sup>23</sup> Bart Engelen, Why Compulsory Voting Can Enhance Democracy, *Acta Politica*, 2007, 42, (23–39), 28. Available at: [www.palgrave-journals.com/ap](http://www.palgrave-journals.com/ap) (Accessed 8th February 2019).

<sup>24</sup> Lisa Hill (2011) “Compulsory Voting: What Choices Matter?” *Indo-Pacific Governance Research Centre Policy Brief* Issue 6, available at [https://www.adelaide.edu.au/indo-pacific-](https://www.adelaide.edu.au/indo-pacific-governance/research/policy/Lisa_Hill.pdf)

[governance/research/policy/Lisa\\_Hill.pdf](https://www.adelaide.edu.au/indo-pacific-governance/research/policy/Lisa_Hill.pdf) (Accessed 4<sup>th</sup> March, 2019)

<sup>25</sup> Michell Hoffman, Gianmarco Leon and Maria Lombardi (2017) “Compulsory Voting, Turnout and Government Spending: Evidence from Austria”, *Cato Institute Research Brief in Economic Policy*, No. 68, available at

<https://www.cato.org/publications/research-briefs-economic-policy/compulsory-voting-turnout-government-spending-evidence>



being of those classes of otherwise economically disadvantaged citizens.<sup>26</sup>

*(b) Political Consequences*

In the political realm, some consequences of CVS are immediately apparent. For instance, compulsory voting has been found to produce two other effects, apart from the well-known direct impact of increasing voter turnout and political participation. A primary effect is that it increases citizens' political understanding as voters become more informed of the voting process and the necessity to participate on pain of sanction for failure to do so. This has been described as a process of implantation of "incidental knowledge".<sup>27</sup> The secondary impact of the CVS is that it creates political knowledge which is distributed more evenly among the voting population without regard to class, sophistication or level of education, which would otherwise not be the case were the voting system voluntary.<sup>28</sup> In a similar vein, despite increasing voter turnout among all group of eligible voters including those less sophisticated, compulsory voting actually reduces stratification based on social

sophistication caused by levels of education. This occurs even without diminishing vote quality that may be thought to result from lack of knowledge or education.<sup>29</sup>

*(c) Social Consequences*

From the practice of CVS in Australia, it has been found that the system promotes the right to vote. This is because it removes "most of the ergonomic, practical and even psychological costs of voting that often deters voters in voluntary voting regimes."<sup>30</sup> It is also found that government elected on the basis of the CVS are more responsive to all classes of citizens thereby bridging the social gap which the VVS (unwittingly) creates.<sup>31</sup> The net effect of this is that inequality and discrimination seem to be less prevalent, while welfare "rights" are more and better promoted!<sup>32</sup>

### **Legislative Agenda Setting for Compulsory Voting System in Nigeria**

Introducing and enforcing compulsory voting in Nigeria is feasible but require hard work and a pain-staking process on the part of

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<sup>26</sup> John M. Carey and Yusaka Horiuchi (2013) "Compulsory Voting and Income Inequality", being a paper presented at Seminar on *Latin American Politics*, Weatherhead Center for International Affairs, Harvard University, Cambridge, USA, April 23, 2013 available at

<https://pdfs.semanticscholar.org/c6e7/075b38aaf6e417a784ca716a882a7f6af578.pdf> (assessed 4th March, 2019)

<sup>27</sup>Jill Shepard (2015) "Compulsory Voting and Political Knowledge: Testing a 'Compelled Engagement' Hypothesis", 40 *Electoral Studies*, pp. 300-3007 at 300, available at

[https://www.academia.edu/24571728/Compulsory\\_voting\\_and\\_political\\_knowledge\\_Testing\\_a\\_compelled\\_engagement\\_hypothesis](https://www.academia.edu/24571728/Compulsory_voting_and_political_knowledge_Testing_a_compelled_engagement_hypothesis)

<sup>28</sup> Ibid.

<sup>29</sup> Ruth Dassonnville, Marc Hooghe and Peter Miller (2017) "The Impact of Compulsory Voting on Inequality and Quality of the Vote" 40 *Journal of European Politics*, Issue 3, 621-644 available at <https://www.tandfonline.com/doi/abs/10.1080/01402382.2016.1266187?src=recsys&journalCode=fwep20>

<sup>30</sup> Lisa Hill (2017) "Compulsory Voting and the Promotion of Human Rights in Australia", *Australian Journal of Human Rights*, Vol. 23, Issue 2, 188-202, available at

<https://www.tandfonline.com/doi/abs/10.1080/1323238X.2017.1363373?journalCode=rjhu20>

<sup>31</sup> Ibid

<sup>32</sup> Ibid

stakeholders. Most of the measures required to be taken to realize the objective must be initiated by the National Assembly, as the direct representatives of the Nigerian electorate. The following legislative agenda may help in the process:

*a. Advocacy Campaign*

As a prelude to commencing legislative consideration of proposal for compulsory voting, the National Assembly is enjoined to initiate advocacy programmes including workshop, symposia, seminars, conferences etc. through its policy and legal think tank organ, the National Institute for Legislative and Democratic Studies (NILDS) in collaboration with the Independent National Electoral Commission (INEC), National Orientation Agency (NOA), Civil Society Organizations (CSOs) and other stakeholders. This way, citizens would be made to appreciate that voting is not only a right but should actually also be a duty.

*b. Establish automatic registration for all adults or persons of voting age*

The National Assembly would need to amend the electoral law to make voter registration compulsory for all adults of the age of 18 years and above. Every individual should be eligible for compulsory registration immediately upon attaining 18 years of age whether or not there is an election forthcoming. This could be done at a designated INEC voter registration centre or any such designated location which must be authenticated and verified by INEC with the latest technology to avoid multiple registration or any other form of voter-registration malpractice. The registration and

authentication exercise should be an on-going, year-long exercise.

*c. Impose sanctions against failure to vote in election and institute incentives for voting*

The law should impose fines and other sanctions against failure to register and to vote. Cross-country experience shows that this will encourage a lot more people to be engaged in the electoral process. For example, for failure to register, government may restrict access to certain services including access to bank services including credits/loans, application for International Passports, drivers' licenses, etc. In the same vein, government can create avenue to incentivize the decision to register and vote using several approaches including making it a prerequisite to apply for and gain employment in government and in the private sector similar to the current law compelling national service under the National Youth Service Corp scheme.

*d. Expand channels for voting and provision of logistical support, etc.*

To tackle all logistical bottlenecks which are bound to arise from compulsory voting, voting must be by electronic means; and early balloting may also be allowed, cast few days before actual date assigned for the election. The best available and affordable technology should be deployed to ensure that voting is smoothly undertaken, votes are speedily collated and that results are announced in due time. None of these is attainable without the right leadership appointed to man all important offices and agencies responsible for elections. With special regard to

preparation to meet the challenges, special considerations should be given to decentralization of authority; the right technology to store information and data; encryption of information/data base in order to avoid unauthorized access and theft of data; accountability of personnel involved in the process and adequate financial outlay to fund the entire process.

### Conclusion

Voluntary Voting System VVS, has been a feature of elections in Nigeria for decades. However, as revealed by the statistics, voter turnout has always demonstrated low participation in the voting process. While it is conceded that people have a right to express their disapproval with aspects of the democratic process, it's is doubtful if the most acceptable and effective way to express it is by abstaining from voting. There are those who for religious reasons do not cast votes, but these constitute a negligible percentage of those who actually do not vote and do not have any compelling reason for not voting than that they are dissatisfied with the political system or politicians, or that votes will not count; even as they continue to voice support for democracy rather than authoritarianism. Therefore, it appears that the most likely reason for refusing or failing

to vote seems to be the fact that under the VVS there is no obligation to vote and no consequence for not voting, being simply regarded as a right which may or may not be exercise; but not a duty.

Certainly, if there is a compulsion to vote with penalty for failing to do so or an expected institutionalized incentive for doing so, voter turnout will increase. This may happen despite disappointment by voters with the political system, politicians or the cynical impression that their votes don't count. For a fragile democracy like Nigeria, which faces risks of democratic reversals, it seems the VVS may be an impediment to strengthening the legitimacy of the country's democratic system through regular and genuine elections underscored by high voter turnout. This is in view of the consistently low voter turnout recorded in five rounds of general elections held between 1999 and 2015 using the VVS.<sup>33</sup> To reverse this trend, it is suggested that the CVS be given thoughtful consideration by the National Assembly as a viable alternative to the VVS, as the CVS appears to have the capability to increase voter turnout with likely positive impact on deepening the political legitimacy of Nigeria's fledgling democracy, and spawning positive economic and social consequences.

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<sup>33</sup> This trend has continued even into the 2019 general election circle. In the Presidential and National Assembly Elections held on 23<sup>rd</sup> February, 2019, only about 34.7% of registered voters voted in the elections. See, "2019 Election: Only 34.75% of Registered Voters Voted", *Pulse.ng* of Wednesday 25 February, 2019, available at

<https://www.pulse.ng/news/politics/2019-election-only-3475-of-registered-voters-voted/ydl49c6> . See also, "7 facts and figures about how Nigerians voted in 2019 presidential election", *Naij.com* of 1<sup>st</sup> March, 2019, available at <https://www.legit.ng/1224683-7-facts-figures-nigerians-voted-2019-presidential-election.html>

