

**LEGAL FRAMEWORK FOR CITIZENS' PARTICIPATION IN ELECTORAL PROCESS:
IMPERATIVE FOR COMPULSORY VOTING SYSTEM IN NIGERIA***

Abstract

Voting in an election is one of the most important civic responsibilities of every citizen of a country. This responsibility is however widely neglected notwithstanding the fact that an effective discharge of the responsibility to vote will eventually determine or influence the performance of elected leaders. The voters in Nigeria as well as other countries have at one time or the other decided not to vote since it is their right to decide whether to vote or not to vote. The constitutional right not to vote has aggravated the apathy among the Nigerian voters to the extent that they no longer see voting as a civic obligation. This is made worse by the absence of panel measure or impediment to be suffered by those who fail to exercise their right to vote. The objective of this work is to analyze the existing legal framework on the right to vote in an election and find a common ground between the right of a citizen in an election and the necessity to make voting during elections in Nigeria compulsory. The paper adopted doctrinal legal research methodology using analytical approach with the aid of statutes, case laws, journal articles, text books and internet materials. At the end, the paper concluded that though compulsory voting may seem difficult to adopt in Nigerian electoral system at the moment, the danger inherent in non-voting attitude of Nigerian voters far outweighs the dangers involved in making voting compulsory.

Keywords: Legal Framework, Citizens' Participation, Electoral Process, Compulsory Voting.

1. Introduction

The right to vote is in no doubt one of the most important civic right every qualified citizen of a country should exercise.¹ This right has been viewed by some as mere civil right while others see it as fundamental political right dependent on law. Another school of thought however sees it as only a privilege.² Indeed, the laws of many countries, including Nigeria, view the right to vote as a civil right that is only persuasive and should not be compulsorily exercised. Hence, the laws do not provide for compulsory voting by eligible voters in an election and consequently does not provide any sanction for failure to exercise this civic responsibility. Following the above position of law in Nigeria, citizens who are eligible to vote most often neglect or do not see the need to vote. The responsibility is widely neglected by eligible voters and this eventually determines or influences the performance of persons elected in the government as participation in election process through voting produces the most direct verdict by the citizens on the performance of those who govern them.³ The Constitution of the Federal Republic of Nigeria 1999 (as amended) and the Electoral Act provide the right to vote by eligible voters but do not provide for compulsory voting. This has created a high level of apathy among voters as they do not see voting as a civic obligation.

The statistics from the International Institute for Democracy and Electoral Assistance (I-IDEA)⁴ captures the dwindling trend in Nigerian presidential election participation through votes as 35.25% in 1979, 52.26% in 1999, 69.08% in 2003, 57.47% in 2007, 53.68% in 2011, 43.65% in 2015.⁵ In the presidential election of Nigeria conducted in 2019, only 34.75% of registered voters voted in the election.⁶ This simply means that the current

*By **Matthew Izuchukwu ANUSHIEM, LLB (Hons), BL, LL.M, PhD**, Lecturer, Department of Commercial and Property Law, Faculty of Law, Nnamdi Azikiwe University, Awka Anambra State, Nigeria. Tel: 08032641757. Email: mi.anushiem@unizik.edu.ng; and

***Somto David OJUKWU, LLB (Hons), BL, LL.M**, Lecturer, Department of International Law and Jurisprudence, Faculty of Law, Nnamdi Azikiwe University, Awka, Anambra State, Nigeria. Tel: 08063990212. Email: somtoojukwu@gmail.com; and

***Uchenna Maryjane ANUSHIEM, BA (Hons), LLB (Hons), BL, LL.M**, Doctoral Student, Faculty of Law, Chukwuemeka Odumegwu Ojukwu University, Igbariam Campus, Anambra State, Nigeria. Tel: 08062139786. Email: uchennamaryjaneanushiem@gmail.com

¹Domenico Tuccinardi, Ed., 'International Obligations for Elections, Guidelines for Legal Frameworks', *International Institute for Democracy and Electoral Assistance* (2014). Available at <https://www.idea.int/sites/default/files/publications/international-obligations-for-elections.pdf>.

²Epiphany Azinge. 'The Right to Vote in Nigeria: A Critical Commentary on the Open Ballot System.' *Journal of African Law*, Vol. 38, No. 2, [School of Oriental and African Studies, Cambridge University Press], 1994, pp. 173–80, <http://www.jstor.org/stable/745393>.

³Patrick Boya, 'Political Rights: Legal Framework of Elections in Canada, *Butterworths*, 1981

⁴An intergovernmental organisation that supports sustainable democracy worldwide

⁵Independent National Electoral Commission 2019 Presidential Election (Declaration of Result) 23rd February 2019 <https://www.inecnigeria.org/wp-content/uploads/2019/03/2019-GE-PRESIDENTIAL-ELECTION-RESULTS.pdf>. It is to be noted that not all eligible voters registered to vote in the election. This implies that the participation of eligible voters in the election is less than the mentioned 35.66%

⁶ *Ibid*

government was not chosen by the majority of the citizens. In fact, the International Centre for Investigative Reporting in commenting on the last presidential election reported that for the first time in history since the return to democracy in 1999, Nigeria recorded the lowest rate of voter turnout of 34.75 per cent at the last presidential.⁷ The rate of voter turnout in the 2019 election in Nigeria is also the lowest of all recent elections held in the African continent⁸ and the second lowest in the history of elections held in African countries.⁹ With the above statistics, it is obvious that there is a downward steep in eligible voters' participation in Nigeria election and conscious efforts have to be made in ensuring active participation in the electoral process. One of such efforts may be introduction of compulsory voting in the elections as already being practices in some countries of the world. Compulsory voting is not new in Africa as it is practiced by African countries like Congo, Egypt and Gabon. Beyond Africa, it is practiced by countries like Austria, Belgium, Greece, Argentina, Brazil and many others.

2. Legal Framework for Citizens' Participation in Electoral Process

The Nigerian laws recognise the right of qualified citizens to participate in the electoral process by voting the candidates of their choice. Particularly, it provides the conditions for eligibility to participate in an election by voting. However, these laws allow the qualified citizens the discretion to exercise this civic responsibility. In other words, the present law does not provide for compulsory voting by eligible citizens in any election. The following legal instruments, regulates the election process and citizens' participation through voting in Nigeria. They are:

Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Constitution of the Federal Republic of Nigeria 1999 (as amended) provides in different sections the right of eligible Nigerian to participate in an election by registering and voting in elections. For ease of reference, the provisions are reproduced: Sections 77(2) and 117(2) provide that 'Every citizen of Nigeria, who has attained the age of eighteen years residing in Nigeria at the time of registration of voters for purposes of election to a legislative house, shall be entitled to be registered as a voter for that election'. Section 132(5) provides that 'Every person who is registered to vote at an election of a member of a legislative house shall be entitled to vote at an election to the office of President'. Section 178(5) provides that 'Every person who is registered to vote at an election of a member of a legislative house shall be entitled to vote at an election to the office of Governor of a State'. An understanding of the above cited provisions shows that the Constitution does not create an obligation on the citizens to vote in elections. It leaves no doubt that citizens of Nigeria have a discretion on whether or not to vote. In fact, it can rightly be inferred that not only do the citizens have liberty not to vote in an election, they can also choose not to register as voters at all. In essence, it does not constitute a wrong or an offence not to register as a voter, let alone, failing to discharge the civic responsibility of voting in an election.

Electoral Act¹⁰

The Electoral Act is enacted by the National Assembly of the Republic of Nigeria. Part one of the Act provides for the establishment and functions of the Independent National Electoral Commission. The Commission is established by Constitution¹¹ and it is a body corporate capable of suing and being sued. The Electoral Act¹² provides for the function of the Commission as conferred on it by the Constitution as follows:

- a) That INEC has power to conduct voter and civic education;
- b) The Commission has the power to promote knowledge of sound democratic election processes;
- c) Conduct any referendum that is required to be conducted under the provision of the Constitution or any other law or Act of the National Assembly.

The Act¹³ also provides that each State of the Federation and Federal Capital Territory, must establish an INEC office which shall perform functions that will be assigned to it from time to time by the Commission, and any person appointed to the office shall be answerable to the Commission and will hold office for five years.

In relation to election, the Act also provides that the Commission shall compile, maintain and update continuously a National Register of Voters for each State and the Federal Capital Territory and Local Government, which include the names of all persons entitled to vote in any Federal, State, Local Government or Area Council elections

⁷D. Ojetunde, '2019 Election: Nigeria has the Lowest Rate of Voter Turnout in Africa', *International Centre for Investigative Reporting*, March 14, 2019. Available at <https://www.icirnigeria.org/2019-election-nigeria-has-the-lowest-voter-turnout-in-africa/> accessed 14th August 2021

⁸These statistics is according to the data from the International Institute for Democracy and Electoral Assistance (I-IDEA) available at <https://www.idea.int/data-tools/country-view/231/40>.

⁹ *Ibid*; the lowest is 32.3 percent in the 1996 Zimbabwean presidential election

¹⁰ Amended in 2015

¹¹ Constitution of the Federal Republic of Nigeria 199 (as amended), S. 153

¹² Electoral Act, (as amended) 2015, S. 2

¹³ *Ibid*, S.6

in Nigeria.¹⁴ The registration of voters, updating and revision of the register of the voters shall stop not later than 60 days before any election in Nigeria, and the registration shall take place at registration centres designated for that purpose and shall be communicated to the general public by the Commission.¹⁵

The Act further provides for the qualification of persons to be registered as a voter in the National Register of Voters. These qualifications are;

- a) The applicant must be a citizen of Nigeria;
- b) The applicant is 18 years and above;
- c) He is an ordinary resident, works in, originates from the Local Government/Area Council or Ward covered by the registration center;
- d) He presents himself to the registration officers of the Commission for registration as a voter and;
- e) He is not subject to any incapacity such as insanity, to vote under any law, rule, or regulation in force in Nigeria.¹⁶

A voter is prohibited from registering in more than one registration centre or even registering more than once in the same centre. The Act¹⁷ provides that anyone who contravenes this provision commits an offence and is liable to pay a fine not exceeding 100,000 (One Hundred Thousand Naira) or imprisonment not exceeding one year.

INEC Regulations and Guidelines for the Conduct of Elections 2019¹⁸

The regulatory body for elections in Nigeria is the Independent National Electoral Commission (INEC).¹⁹ In exercising the powers conferred on it by the Constitution²⁰ and the Electoral Act, INEC²¹ issues guidelines for the conduct of elections into any elective office in Nigeria. The 2019 regulations and guidelines supersedes all other regulations on the conduct of elections that have been issued by the Commission and it shall remain in force until replaced by a new regulation or its amendment. The Regulations and Guidelines apply to all conduct of elections in the various elective offices from the President to the Councilors of FCT Area Councils Legislature and went further to provide for election guidelines. It also provides for the date of general elections that elections to the office of the President, Vice-President, and National Assembly shall hold on the third (3rd) Saturday in February of any general election year while elections into the office of the Governor and States House of Assembly shall hold two (2) weeks after.²² The Regulations and Guidelines provides for eligibility of voters and provides that a person is eligible to vote when he meets the following criteria;

- a) He/she is a Nigerian;
- b) He/she is registered as a Voter;
- c) His/her name appears in the register of voters;
- d) He/she presents a valid permanent Voter's Card (PVC) at the polling unit.²³

It further provides as follows with respect to election process:

- i. Voting in an election shall take place at the polling units and Voting Points²⁴ and each polling unit will be manned by a Presiding Officer and three Assistant Presiding Officers. The Presiding Officer must delegate the responsibility of accreditation, preparing and issuing of ballot papers to the Assistants Presiding Officers.²⁵
- ii. Accreditation and voting procedure at elections and the method of voting in Nigeria must be in accordance with the Continuous Accreditation and Voting System (CAVS) procedure and the Election Manual. The accreditation involves reading the permanent voter's card (PVC) and authentication of the voter's fingerprint using the smart card reader; checking of the register of voters and inking of the cuticle of the specified finger of the voter.²⁶
- iii. Visually impaired/blind or incapacitated Voters, that the Presiding Officer at the Polling unit will allow a person who is blind, visually impaired, or unable to distinguish symbols or who suffers from any physical disability to be accompanied into the Polling unit/Voting point and will be assisted to vote by a person chosen by him/her, other than an election official, polling agent or security personnel.²⁷

¹⁴ *Ibid*, S. 9

¹⁵ *Ibid*, S. 9 (5)

¹⁶ *Ibid*, S. 12. See also INEC Regulations and Guidelines for the Conduct of Elections (2019), Regulation 2

¹⁷ *Ibid*, S. 12 (3)

¹⁸ This was signed by the Chairman of INEC and took effect on 12th January 2019

¹⁹ INEC is established in accordance with S. 153(1)(f) of the Constitution

²⁰ See Part 1(F), Third Schedule of the Constitution

²¹ Electoral Act, S. 2,

²² INEC Regulations 2019, Rule 1.

²³ *Ibid*, Rule 2.

²⁴ *Ibid*, Rule 3.

²⁵ *Ibid*, Rule 4.

²⁶ *Ibid*, Rule 8.

²⁷ *Ibid*, Rule 14.

- iv. After every voter on the queue has voted, the Presiding Officer will declare the voting closed and upon that, the Officer will cancel all unused ballot papers by crossing them out. The Presiding Officer will also sort out the ballot papers by each party and loudly count the votes scored by each political party in the presence of the Polling agents and observers. The result of the election will be transmitted in a tamper-evident envelope to the Registration Area/Ward Collation Officer in the company of security agents.²⁸

3. Compulsory Voting in Nigeria

Compulsory voting is a system in which voters are obligated to vote in elections, either by attending the polling place, electronic means or any other manner that a lawful vote is cast. In a compulsory voting system, an eligible voter that does not cast a vote may be subjected to penalty such as fines or community service.²⁹ Compulsory voting is essential in ensuring that leaders elected are the choice of majority in the society. The importance of mandatory voting is made clear especially after looking at the case of 2019 presidential election where only about one-third of registered voters cast their vote and His Excellency, Muhammadu Buhari was declared winner based on votes of about one-third of registered voters. Similarly, according to Aly, Trump³⁰ won the elections despite the fact that he only persuaded a quarter of the American voter.³¹ Compulsory voting benefits both the voters and the country at large. Voters will have a bigger say on who gets to go in the government and will be able to hold those leaders accountable.

4. Socio-Political Advantages of Compulsory Voting

Compulsory voting significantly increases citizens' participation in elections.

There is no doubt that compulsory voting system will increase voters' turnout and guarantee that every citizen makes his or her voice heard through voting.³² It will also theoretically provide a more accurate snapshot of what the eligible voters really think of each candidate. With compulsory voting, the government will be represented by a true majority and not an active church of special interest groups.³³

Compulsory Voting changes campaigning for the better.

If everyone is required to vote, it will reduce or remove the need to target campaign efforts to only groups of persons the candidates for election think it is important to reach. This will also reduce the impact of single issue voting, since candidate will need to reflect the broadest spectrum of interests and preferences possible. When voter turnout is low, leadership, and policy initiatives tend to be concentrated in the hands of small minority of citizens. This often comes at the expense of youngest, low-income, and minority citizens.³⁴ However, knowing that they will be representing all the people and not just the politically ambitious could make for more honest campaigns designed to appeal to as many people as possible.³⁵

Compulsory voting encourages engagement in the political process.

Citizens often do not vote because they don't feel it makes any difference to them as individuals. However, compulsory voting system will encourage citizens to participate in election as a matter of duty. This would invariably make easier the job of civil groups whose mission it is to encourage political participation among certain geographical or demographic groups.³⁶

²⁸ *Ibid*, Rule 21

²⁹J. Mbah, 'Making a Case for Compulsory Voting in Nigeria' *International Journal of Academic Research and Reflection*, Vol. 7, No. 1, 2019 ISSN 2309-0405, Page 16 <http://www.idpublications.org/wp-content/uploads/2019/01/Full-Paper-MAKING-A-CASE-FOR-COMPULSORY-VOTING-IN-NIGERIA.pdf>

³⁰ Former president of United States of America (2017-2021)

³¹W. Aly, *Opinion | Voting Should Be Mandatory*. *Nytimes.com*. Retrieved 28 September 2020, from <https://www.nytimes.com/2017/01/19/opinion/voting-should-be-mandatory.html>, accessed 10th February 2021

³²Amiable Lever, 'Compulsory Voting: A critical perspective', [2009] *British Journal of Political Science* p.11, available at <https://eprints.se.ac.uk/23098> assessed on 5th February 2021

³³Y. Reuters, 'The Compulsory Voting Debate', available at <https://Findlaw.com/voting/how-us-elections works/the-compulsory-voting debate html> assessed on 5th February 2021 at 9: 43pm.

³⁴ *Ibid*.

³⁵ *Ibid*.

³⁶ *Ibid*.

Compulsory Voting makes voting a civic duty.

Citizenship evokes both entitlement and a civic duty.³⁷ The state confers upon its citizens' valuable rights and civic duties in order to maintain social stability. Voting constitutes one of such civic duty required from citizens³⁸ Voting determines who comes into power to make crucial decisions for the common good of the country in the immediate future. With rights come responsibility, one that should not be ignored. In this regard, making voting mandatory requirements of citizenship will ensure that all its citizens partake in the process to fulfil their civic obligations as responsible citizens.³⁹

Compulsory voting ensures legitimate representation in politics.

Compulsory voting ensures good turnout during elections, implying good participation of eligible voters in the selection of their leaders.⁴⁰ This increased or high voters' turnout communicates the legitimacy of the winner, in that he indeed truly won the mandate of the citizens through majority vote.⁴¹

Compulsory voting promotes greater responsiveness among political candidates to the needs of its citizens.

When a country adopts voluntary voting, candidates for an election have a greater incentive to prioritize the concerns of pre-determined groups of likely voters (as mentioned above). As such, they will likely cater to their specific needs and demands over and beyond those of non-voters in the population, who may have a different set of concerns altogether. At the end of the day, the interests of likely voters are represented, while those of non-voters are simply swept to the side⁴².

5. Challenges of Compulsory Voting in Nigeria

Compulsory voting system as advocated in this research is to ensure massive participation of citizens in election, particularly at this time which statistics has shown that there is declining interest of qualified citizens to vote in elections.⁴³ As compulsory voting has been identified as one of the positive steps towards ensuring more participation in Nigeria, same is not bereft of challenges that requires proper management for it to be effective in Nigeria. These are

Bad Governance

The politics and governance practiced in Nigeria discourages citizens from participating in the electoral process. Governance in Nigeria⁴⁴ characterized by deceit and unfulfilled promises mostly made by politicians at campaign rallies has led to a lack of trust in elected officials and consequently cause apathy in election participation by qualified citizens.⁴⁵

Religious Affiliations

Religion hinders a significant portion of Nigerians from contributing to democratic governance. For instance, Jehovah's Witness are apolitical based on what they believe the bible teaches. They do not lobby, vote for political parties or candidate running for government office or participate in any action to change government. They believe Jesus Christ taught his disciple not to be part of the world, therefore they see no reason to contribute to political issues.⁴⁶ Then the Muslims respect their Imam so much that if Imam tells them not to vote they will strictly obey him.

Political Violence

Chaotic and violent situation that characterize some polling units and collation centers in Nigeria during elections have created fear and distrust among Nigerians. During the 2019 elections, political thugs and soldiers were allegedly involved in the disruption of electoral process at the polling units and collation centers. According to a

³⁷S. Singh, 'How Compelling is Compulsory Voting? A Multilevel Analysis of Turnout' *Political Behaviour*, Vol. 33(1), pp. 95-111.

³⁸Kopi, 'Should Voting Continue to be Mandatory in Singapore', available at <https://the Koi.co./2021/07/08/should-voting-continue-to-be-mandatory-in-Singapore>. assessed on the 7th February 2021.

³⁹ *Ibid.*

⁴⁰S. Armin, Republican Liberty and Compulsory Voting (November 1, 2011). MPIfG Discussion Paper No. 11/17, Available at <https://www.econstor.eu/bitstream/10419/51552/1/672242184.pdf>.

⁴¹ *Ibid.*

⁴² *Op. cit* Fn. 38

⁴³ *Ibid*

⁴⁴S. Akinyemi, 'Voter Apathy: A Threat to Democracy in Nigeria', available at <http://11democracyinAfrica.Org/voter-apaty-threat-democracy-in-Nigeria> assessed in the 2nd March 2021.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

report,⁴⁷ 626 persons were killed across Nigeria in the six months between the start of the election campaign and the commencement of the general and supplementary elections. With the spate of insecurity at polling units during elections, qualified Nigerian voters neglect their civic duties and responsibilities for their safety. Even if compulsory voting is introduced to Nigerian electoral system without assured security of the voters, there would still not be voters' turnout which the compulsory voting aims to achieve.

Lack of trust on the electoral body, (INEC)

In most cases, it is impossible for politicians to rig election without the assistance of INEC officials. This gave some citizen the notion that even when they vote, their votes do not count. Voters in Nigeria have developed the mindset that winners and losers in an election in Nigeria are usually determined by some political bigwigs and INEC officials before the election is concluded. This lack of trust on the part of the voter creates a negative impression that voters only go to the polls to waste their time.

Unfulfilled Promises

During electoral campaigns, politicians including those that are vying for the various political offices make a lot of promises to the voter and when they will most times not fulfill these promises. Citizens now know that political promises are just to woo them to vote and they are never going to fulfill those promises.⁴⁸

Cumbersome registration and electoral process

The process of voter registration has great impact on the voters' willingness to participate in an election. Where voters' registration and voting process is cumbersome as we presently have in Nigeria, many eligible citizens would not want to go through the cumbersome process. Having voter card is a pre-requisite for voting and where eligible voters are unable to register before the election, he cannot be allowed to vote.⁴⁹ Therefore, both the voters registration and voting process have to be made easy in order to enforce compulsory voting system.

Ignorance and Illiteracy

Many voters are ignorant of their right to vote and do not understand the decisive and influence of voting. The literate and educated voter are more likely to participate in the electoral process because they seem to have a better understanding of what is going on and believe they could benefit from the process if they are fully engaged. This is unlike the illiterate ones who may believe that they have nothing at stake and not qualified for any political position⁵⁰.

6. Imperative for Compulsory Voting in Nigeria

The Voter will see voting as his/her civic duty.

In Nigeria, most eligible voters do not see voting as a civic obligation. Therefore, there is high level of voters' apathy in Nigeria. If voting becomes compulsory, eligible voters will now be seeing voting as civic responsibilities. It will no longer be a matter of choice whether to vote or not to vote. They will see it as an obligation which they owe the state.

Compulsory Voting will promote greater responsiveness among political candidate to the needs of the citizens

It is often the case that candidates for an election ensure they satisfy the political class and political conscious citizen who vote in voluntary elections. With introduction of compulsory voting, candidates that are contesting the election is aware that every qualified voter whether or not politically conscious has obligation to vote and this will make candidates more responsible and responsive in electioneering and when seeking for re-election. In that case, election process through voting will become a direct verdict by the citizens on the performance of those who govern them.

Compulsory Voting Increases Voters' Turnout

When voting is compulsory, it will in turn increase the turnout of the voters. This is because voting will no longer be voluntary but a mandatory obligation as a citizen, with attendant penalty or consequences for default. In most

⁴⁷K. Sanni, 626 Killed during 2019 Nigeria, Premium Times, 30th July 2019, available at <https://www.premiumtimesng.com/news/headlines/343971-626-killed-during-2019-nigeria-elections-report.html>

⁴⁸J. Mbah, 'Making a case for compulsory voting in Nigeria', [2019] 71 *International Journal of Academic Research and Reflection*. P.19.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

countries where voting is compulsory, higher voter turnout is the result.⁵¹ The voters usually come out in huge numbers to vote because failure to vote will attract some punishment.

The voters will engage more in the voter process.

Compulsory voting will make more citizens involved in the electoral process. It will compel them to fully participate in the process of the election. Compulsory voting no doubt until reduce voters' apathy as in the case of Nigeria.

The government will more accountable to its citizen.

If voting is compulsory, the government will be more accountable to its citizens who voted them into power. The government will be more responsible and transparent in the discharge of its duties knowing full well that that majority of the voters that voted them to power can as well decide not to vote them in for a second term if they fail to be accountable.

7. Conclusion and Recommendations

From the discourse above, the existing legal framework for electoral process in Nigeria does not provide for compulsory voting. Therefore, qualified citizens of Nigeria are at liberty not to vote in an election without any attendant penalty. This remains the position even in the present face of voters' apathy currently experienced in Nigerian elections. It is the view of the researchers that voters' apathy, particularly the experience of 2019 presidential election, has got to a level that requires urgent and extreme measures to forestall further slide in eligible citizen's participation in elections. One of such extreme measures will be introduction of compulsory voting in the electoral system. Voting, just like paying taxes, is a duty the eligible citizens owe society in order to make the political system better. Compulsory voting is not only an effective means to increase turnout but also to equalize electoral participation across social groups. Advocates of voluntary voting presently practiced in Nigeria argue that, compulsory voting contravenes the freedom of speech, which includes right to silence. The argument simply does not consider that by compulsory voting system, eligible voters are not coerced to support or advocate in favor of a particular party or political leader neither are they asked to cast a valid vote. The voters may leave the forms blank which could be useful in tracking the level of dissatisfaction of the 'informal' voters. Furthermore, compulsory voting would deliver a broader, more representative sample of voters. On balance, the overriding result of compulsory voting is a more complete democracy. The peculiarity of Nigerian situation makes compulsory voting more imperative as it has effect of including the voices of those most easily discouraged from turning up for election. That is the poor and minority communities, for instance.⁵²

Based on the above findings, this work recommends as follows:

1. The amendment of the Constitution and Electoral Act to introduce a legal framework for compulsory voting in Nigeria.
2. Imposition of punishment for failure to vote by disposed eligible voters in an election. The punishment which may be fine or imprisonment, community service etc. will serve as compelling factor for eligible voters to ensure they vote.
3. The process of obtaining voters card and election process should be simplified and made easy to avoid waste of citizen's time and resources in performing their civic responsibility.
4. There should be statutory and conscious enforcement of compulsory voter's card. Voters' participation should be ensured through statutory enactments such that one cannot carry out any valid transaction with institutions such as Banks, Federal or State Government Agencies or Organizations without his voter's card.

⁵¹According to International Institute for Democracy and Electoral Assistance (I-IDEAA), these countries that operate compulsory voting system has the following turnouts in their most recent elections - Austria election in 2016 recorded 72.21% voters turnout, Luxembourg Parliamentary election in 2018 recorded 89.66% turnout, Belgium Parliamentary election in 2019 recorded 88.38% turnout, Brazil Parliamentary election on 2018 recorded 79.80% turnout, Argentina Parliamentary election in 2019 recorded 80.94% turnout. Available at <https://www.idea.int/data-tools/continent-view/Europe/40>

⁵² *Op cit.* Fn. 31