

POLITICAL FINANCE AND THE 2019 GENERAL ELECTIONS IN NIGERIA

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ABSTRACT

Money and politics are understandably inseparable because much democratic political activity is dependent on financial resources. This paper examines the effects of the unregulated use of money in political activities in Nigeria. Data for the conceptual and theoretical sections of the paper are drawn from historical and contemporary documents on people, economy and politics. This is complemented by the observation of events by the authors, together with content analyses of reports from primary data generated during the tracking of political finance in Nigeria's recent general elections, particularly those of 2019. For its analytic framework, the paper utilises a combination of structural theory and the institutional approach.

Keywords: money, politics and culture, political finance management, administrative inefficiency, Nigeria

INTRODUCTION

Few democratic political activities would be possible without money. Money matters for democracy and, as Walecki (2008, p. 7) puts it, political finance is 'influenced by, and influences, relations between parties, politicians, party membership and the electorate'. Evidence from random surveys points rather disturbingly to a general agreement that politics in Nigeria is almost always about money. Illicit money is used to elicit support, buy opponents and corrupt the system, leaving very little for actual political mobilisation that itself is problematic due to the deplorable conditions of physical infrastructure around the country.

Studies by Okoosi-Simbine (2006, pp. 146–157) and Olorunmola (2017, pp. 1–21) have documented aspects of the problems of political finance in Nigeria. These relate both to how it is raised, including public sector corruption and revenue diversion; and how it is deployed, mostly to manipulate electoral outcomes.

The danger of unregulated deployment of money in Nigerian politics has been present since the mid-20th century¹. Studies inside and outside Nigeria have been conducted on issues of political corruption, excessive use of money in politics and, with emphasis on its pejorative connotation, of ‘money politics’ (Tignor 1993, pp.175–202; Nugent 2001, pp. 405–428; Adetula 2008, p. 138; Falguera & Ohman 2014, p. 458; Kapur & Vaishnav 2018, p. 311). Abuses connected to political finance and democratic processes partly accounted for other malpractices, such electoral fraud and violence, that contributed to the collapse of the First and Second Republics, 1960–1966 and 1979–1983 respectively. In today’s Fourth Republic, the unregulated use of political finance has become more blatant, with dire consequences for general elections, party primaries or even during voting in the parliament.

Critical questions abound in the relationship between money and politics. For example, how can money energise and enable democratic growth, or demobilise, destabilise and massively corrupt electoral and democratic processes? What dangers are associated with money invested in politics in the form of transactions?² How effectively have political finance regulations performed in Nigeria’s Fourth Republic? What indications do data drawn in the tracking and reporting of political finance in the country’s 2019 general elections show? What can be done to improve the performance of Nigeria’s political finance management? These questions provide the direction for this study, which is divided into four main sections: theoretical and conceptual issues and literature review; international practice; problems with current efforts in Nigeria and analyses of data from the 2019 general elections; and the conclusion and recommendations.

THEORY

The theoretical viewpoints deployed in this paper, structural theory and institutionalism, are two sides of a coin. Structural theory is used, in relation to

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- 1 The 1956 Foster Sutton Tribunal of Enquiry into the activities of the National Council of Nigerian Citizens (NCNC) and the African Continental Bank (ACB); the 1962 Coker Commission of Inquiry into the affairs of Western Nigeria public corporations and the Action Group (AG); and the Bola Babalakin Judicial Panel in the aftermath of the 1983 general elections, are examples of efforts to address this danger. Several scandals have also been linked to legislators demanding bribes for the approval of government appointees, for budget approvals and even for their constitutional oversight functions since the commencement of the Fourth Republic.
 - 2 For analyses of transactional politics and its effects, see Okoosi-Simbine, *Citizenship, Democracy and the Culture of Transactional Politics in Nigeria*, Representative of INEC Chairman at the Shehu Musa Yar’Adua Foundation Lecture, 13 November 2018.

ideas in the neo-patrimonial and prebendal perspectives³, to analyse the nature of the state in Nigeria and the character of the ruling class. The institutional approach is used to analyse INEC (the Independent National Electoral Commission) representing the state, to focus on the Commission's statutory functions of election administration, registration of political parties and monitoring of their activities including their finances.

Structural theory shares some similarities with the structural-functional approach. However, structuralism is more concerned with the 'hidden agenda' behind political action, and thus emphasises 'class analysis and exchange perspectives' (Adejumobi 2010, p.115). It is, according to Johari (2011, p.35), a popular theory among Marxists who are 'interested in the study of classes, ideologies, stable parties and regimes'. Institutionalism or the institutional approach in political science and its several sub-fields, including public administration, policy studies and comparative politics, encompasses a range of methodological approaches having at core an emphasis on institutions, structures, regulations and rules which shape political conduct and influence political outcomes.

Before the advent of the behavioural approach of the 1950s, the institutional approach was criticised for being too narrow and for ignoring the role of individuals who constitute and operate the formal as well as informal structures and sub-structures of a political system. However, a resurgent institutionalism has gained currency as a method of looking at the role of strong personalities in human society. Daron Acemoglu and James Robinson, authors of the 2012 bestseller, *Why Nations Fail* (cited in Olaopa 2019, p. 16) and Suberu (2018, pp. 1–18) have recently adopted this approach in their emphasis on bureaucratic elements of organisations and formal institutions, such as rules and regulations, specialisation, political neutrality and impersonality.

Using structural theory, Adejumobi (2010, p. 115) describes the nature of the state in Nigeria, based on historical narrative, 'as the fulcrum of political disharmony and electoral imperfections'. For Agbaje (2004, p. 203), the evolution of the state, its nature and character make it 'a lingering contested terrain', likened to 'an unfinished state of uncertainty, a state of aspirations unmatched by reality'. The frailty of the state is partly due to its colonial origins, exacerbated by the character of the successive ruling class. It thus lacks the autonomy to establish hegemony over society or achieve the popular legitimacy necessary for the complex responsibilities of a modern state. Its weakness makes its government 'a contested arena', where contending political forces or different factions of the ruling class

3 Patrimonial and prebendal perspectives have been used to explain how members of the political class use state power to enrich themselves.

seek to capture⁴ the state (Adejumobi 2010, p.115; Sklar, 1979). Rules and procedures are weak, poorly adhered to, or easily subverted, in particular by the ruling classes that made the rules. It raises the fundamental question as to 'who owns the state', by creating an uneasy combination of common and fractured citizenship rights. This, according to Jinadu (2019, p. 4) warrants occasional palliatives to assuage the 'fears of domination expressed or perceived by historically marginalised groups such as women, ethnic and religious minorities' as well as youths, who see themselves 'as second class citizens, despite the constitutional guarantees and reassurances of common citizenship rights'. The omnipresent nature of the state in Nigeria 'reinforces the stakes for its control' (Adejumobi, p. 115).

The institutional approach in this study draws on Awa (1997) and Jinadu (1997) in describing the challenges that confront electoral administration in Nigeria. Every aspect of election management body duties in the country requires some level of skill, continuous training, human and material resources, with the more sensitive requiring higher levels of competence and professionalism. These include registration and monitoring of political parties, delimitation of electoral districts, compilation of voters' register, recruitment and training of both permanent and ad hoc electoral officials, establishment of polling booths, logistics and procurement of sensitive and non-sensitive materials (their storage, distribution and retrieval after electoral exercises) ensuring hitch-free voting processes, and handling post-election litigations. Nigerian elections have been marked by anti-democratic tendencies that undermined the electoral processes and credibility of the results, such that there has been hardly any election free of 'charges of irregularities, electoral malpractices, violence and various degrees of disruptions' (Federal Republic of Nigeria 2008, p. 1).

CONCEPTUAL ISSUES AND LITERATURE REVIEW

Constructing an ultimate or universal definition for political finance is difficult, partly because of the many channels through which money can be poured into politics. In broad terms, political finance can be defined as all funds raised and spent for political purposes. These include political contests for voting by citizens, and especially the election campaigns for various public offices by parties and candidates. INEC defines political party finance as 'monies and assets generated and owned by political parties which are used in running their day-to-day activities and other expenditures such as election campaigns' (INEC 2017, p. 20). This definition is skewed in view of its focus on the income/revenue aspect

4 The phenomenon of 'state capture' was used by the World Bank in its surveys on the transition countries of central and eastern Europe in 2000 to describe how laws, rules, decrees and regulations are shaped through illicit and non-transparent payments to public officials.

rather than actual expenditures, thus leaving room for manipulation. Studies by Walecki (2008, pp. 1–7), Schaffer (2007, p. 227), and Schaffer and Schedler (2007) provide perspectives covering vote trading, purchasing and selling, and other dark sides in the activities of political parties, sympathisers, and extra-party actors involved in influencing legislations or electoral debates for their business interests and similar objectives. Vote trading, an aspect of transactional politics (Ruppert & Savage 2012, pp. 73–92), has generated debate in view of its consequences for democratic growth.

Theoretically, political funds are classified into three categories in Pareto's typology (cited in Walecki 2008, p. 1) in terms of probable motives. These are *idealistic* or *ideological*, implying financial or material support from those who share the ideas, beliefs or ideology of a political party; *social*, aiming at social honours, relevance, attention or access; and *financial*, striving for material benefits such as government land allocations, import and other commercial licences, trade and economic waivers, government contracts, and supplies and concessions. Historical and contemporary debate on political finance and party funding has considered the need to regulate the use of money in politics and the effectiveness of such regulations. Studies (Ewing 1992; Decalo 1992, pp.7–35; May 2000, pp. 171–180; Schaffer & Schedler 2007; Ewing, Rowbottom & Joo-Cheong 2012; Londono & Zovatto 2014, pp. 129–171; Falguera & Ohman 2014) have drawn examples from 19th century England, 20th century France, and 21st century Africa and Latin America. Despite regulations, analyses show a worrying gap between 'legal requirements and the political practice of funding politics' (Walecki 2008, p. 8).

A list of activities related to political finance in the typology developed by Vilfredo Pareto (1848–1923) include: election campaign funds; political party funds; grants to elected officials; political organisation funds; pressure and interest group funds; political lobbying funds; litigation funds in politically relevant cases; partisan media funds; corrupt political funds; unofficial payments to elected officials; unofficial payments to civil servants; unofficial payments to the mass media; and payments intended to alter or improve the electoral process as a whole (cited in Walecki 2008, p.1). This typology and many studies from across the world (Falguera & Ohman 2014; Olurode 2012, pp. 1–8) indicate the important role of money in politics, its abuses notwithstanding.

POLITICAL FUNDING IN NIGERIA

According to Olurode (2012, p. 4), in Nigeria:

Campaign expenses include logistic issues – budgeting for mobilisation and movement; campaign venue and decoration; engaging entertainers

and cultural workers; publicity matters – radio and TV advertisements, posters and pasting; feeding arrangements including drinks and sometimes hard drugs for political thugs; spiritual protection including *juju* (charms/amulets), engaging marabouts and prayer warriors; renting a crowd; security expenses – both formal and informal security coverage.

Also included are funds which, according to Attahiru Jega, former INEC chairman (Olurode 2017, p. 46), political parties budget ‘to bribe (government) security officials and INEC officials’. Evidence of such misconduct by electoral officials and security personnel on election duties can be gleaned from the outcomes of cases in which INEC officials were interdicted and some jailed in 2017 and 2018 (Yagboyaju 2019, pp. 109–123). Other dimensions are sometimes more dangerous. For example, Atiku Abubakar, the presidential candidate of the People’s Democratic Party (PDP) in the 2019 general elections, said: ‘when we formed the PDP and candidates emerged, governors earmarked huge amounts of money to buy arms for youth groups so as to use them in winning the election’ (Olurode 2017, p. 46). Other expenses directly linked to political finance and the characteristic transactional relationships in Nigerian politics include: supporters’ hospital bills, especially during active service; financing of naming, marriage and funeral ceremonies of supporters as well as their dependants; and settlement of school fees and debts. Direct interactions by the authors⁵ with events organisers and party mobilisers revealed that payments are also made for rain ‘holding’ or ‘making’. Rain ‘holders’ are paid to prevent rain from disrupting an event, while rain ‘makers’ help in disrupting public meetings and rallies of opponents.

In Nigeria, political finance and party funding have attracted concern particularly since the country’s Second Republic. This is connected to the method of party funding and the consequences for both the independence of political parties, and their contribution to genuine democratic participation (Simbine 2003; Akande & Simbine 2008, p.175). The fear is that if political party funding is not effectively organised and regulated, wealthy individuals, foreign businesses and governments, and others with enough resources to overwhelm the system, may hijack political parties by sponsoring candidates and party activities. Examples of abuses cited from Nigeria’s First and Second Republics indicate that local powerbrokers – ward chiefs, community leaders and even local government chairmen, who also aspire to political relevance – have fewer resources to deploy, unlike their counterparts at state and federal levels who spend big and are usually

5 Authors as observers witnessed cloudy weather in which rain did not fall until after important political events in 2018 and 2019.

able to influence political outcomes. This can vitiate the very purpose and function of political parties in a democracy because, as Onuoha (2002, p.135) notes, if such unregulated control takes place 'democratic participation may no longer be free'. Other examples, especially of political expenditures to divert public funds in the Third and Fourth Republics, are cited later in this paper.

Allowing individuals to contribute to or sponsor political activities may be interpreted as an investment, which political parties regard as their estate. If this is not forestalled, democracy is threatened because it becomes available to the highest bidder, and this encourages dictatorship. Regulating political finance, on the other hand, will reduce corruption, intimidation, expropriation and exploitation and will also reduce the cost of running the government. Documented efforts on political finance and the funding of party activities in Nigeria include the 1990 workshop by the Centre for Democratic Studies (CDS), Abuja; the 1995 International Conference by Friedrich Ebert Foundation and Ghana's National Electoral Commission; the 2006 workshop *Money, Politics and Corruption in Nigeria*, by the International Foundation for Electoral Systems (IFES) Nigeria, in collaboration with the United Kingdom (UK) Department for International Development (DfID); and the *Nigeria Election Support 2007* programme, for which IFES Nigeria received generous support from DfID. Also, in 2017 and 2018 Nigeria's INEC, in collaboration with the United Nations Development Programme (UNDP), organised training on the conduct of congresses and primary elections for selected national political party officials, and cascade training workshops on tracking and reporting political finance for INEC staff. These events indicate the long-running concern associated with political finance, and the consequences of unregulated income and expenditure by political parties and candidates in Nigeria. Despite discussions in domestic and international circles, neither domestic nor international pressure has led to reforms or to reining in the worst influences money has had on Nigeria's politics.

The meetings listed above have produced three main recommendations on the funding of political party activities: government funding of political parties which, as analysed in this paper, is still ongoing in Nigeria, albeit without any officially recognised regulation; funding by corporate bodies; and funding by individual members and supporters.

Government Funding

Because political parties are involved in training and educating the electorate, they can be regarded as partners with the government and accordingly need government's financial support. In addition, because of their potential to manage state affairs and assist in the construction of firm and viable structures,

this financial support indirectly contributes to public good – the very essence of governance. According to Onuoha (2002, p. 139), this will also contribute immensely ‘towards the autonomy of the political parties, particularly under severe economic crisis’, when ‘moneybags’ would otherwise hijack and privatise these parties through their financial contributions, ‘and end up dictating what would go on in the parties’.

For proponents of state funding for political parties, this need not be restricted to election periods only and could involve material and financial support – for example, building and maintaining party offices, and helping to purchase vehicles and communication equipment to enhance the capacity and functionality of political parties. It could also be by way of access to government-owned media and other public services at subsidised or no rates at all. Against the argument that state funding could be an opportunity for charlatans wanting to have a share of the ‘national cake’, the proponents asserted that this can be discouraged by using electoral performance as the basis of allocating funds and other forms of support to political parties. A minimum period of existence could be required to qualify for support from the government; and examining the books and accounts of political parties, as provided for by INEC in the electoral laws, would be easier if government were actively involved in party financing.

Evidence from countries where state funding of political parties has been practiced, including Uruguay, Mexico, Brazil, Argentina and in particular, Nigeria, indicates that this support is often insignificant in comparison to the financial needs of many political parties. Therefore, it may not be the only factor for unfettered access to the books and accounts of the parties by INEC. This aside, government funding of political parties has been criticised for its potential threat to the political process. For example, it could lead to state control, in terms of which the government of the day would control the internal workings of political parties. This threatens the much-needed opposition and independence of political parties, especially in a country such as Nigeria where money politics is becoming a norm.

The Nigerian government’s establishment of two political parties during the 1985–1993 transition programme, the National Republican Convention (NRC) and Social Democratic Party (SDP), was met with criticism. In a well-documented study by Diamond, Kirk-Greene and Oyediran (1997), this unusual idea of helping to establish a political party from outside was not only criticised for the utopian agenda of members being ‘equal founder, joiner and owner’ but also for other inadequacies. For example, Adetula (2008, p. xxviii) observed that during this same dispensation rich and daring ‘political entrepreneurs’ spent over ‘one billion naira during the primaries’ while other not-so-rich contenders had about ‘120 million naira as a budget for primaries’. This contravened regulations on spending limits at the time and also indicated that government ownership and funding of political

parties did not effectively address the dangers associated with money politics in Nigeria. Londono and Zovatto (2014, pp. 129–171) have also drawn examples of the adverse effects of direct public funding of political parties from Latin America and, in particular, Uruguay, where this has been evident since 1928.

Corporate Funding

Arguments in support of funding by corporate bodies and business owners are also well documented (Accra Report 1995; Adetula 2008, pp. xxvii-xxxiv; Falguera & Ohman 2014). A common denominator in these arguments is that corporate bodies, industrial organisations and business have roles to play in the economic growth and political stability of their host communities. They have much to benefit from an environment that is peaceful and stable, and pursue this indirectly through their assistance to political parties. Examples in Nigeria include the activities of the African Continental Bank (ACB) and Corporate Nigeria in the First and Fourth Republics respectively. Both these⁶ and others have been criticised, and the ACB and NCNC in the First Republic, were punished. Funding by businesses and industrial organisations, especially multinationals that can unduly interfere in a country's political process, has been cautioned against because of its potential consequences. In view of possible conflicts of interests, the Companies and Allied Matters Act (CAMA) prohibits corporate bodies from meddling in politics in Nigeria. The clause on the objectives of a company states that violators risk proscription. However, observations have been raised on the contradictions in Section 308 of CAMA 1990 prohibiting corporate bodies from making political donations, against the position that there is no law restricting political donations by private individuals even when they hold sensitive company positions. Proponents have suggested the establishment of a central fund to which corporate bodies can make donations for equitable sharing among all political parties. Furthermore, it has been suggested that a board of trustees be established for the management of such funds, with membership from across party lines. Technical assistance to Nigeria from international organisations includes the United Nations Development Programme (UNDP), IFES, Friedrich Ebert Foundation and Dfid. German party foundations, the International Republican Institute (IRI) and International Institute for Democracy and Electoral Assistance (IDEA) also exemplify such institutional cooperation and international support for democratic growth.

6 See report of the 1956 Foster Sutton Tribunal of Enquiry on the activities of ACB and NCNC, while several studies have been carried out in which the alliance between corporate Nigeria and PDP in 2003, has been criticised.

Individual Contributions

Individual contributions by members, stalwarts and admirers have been prominent in international discourse on political finance. Purchase of registration forms, payment of registration fees, party dues, levies and special donations are important sources of individual contributions in democracies. They were popular in Nigeria's First and Second Republics but started losing their prominence with the establishment of political parties in the country's Third Republic and ongoing Fourth Republic. In addition to contributions through membership registers, especially in the First Republic, individual members and supporters also made in-kind contributions. These include donation or hiring of buses, motorbikes and out-boat engines in coastal and riverine areas for transporting members and supporters; provision of office space or accommodation for the party secretariat, or assistance in defraying rent; procurement or help in hiring communication equipment, public address systems (PAs), and payment for media announcements and advertisements; and bearing of the cost of organising a campaign, rally or political meeting (Onuoha 2002, pp. 139–161).

Other important issues regarding individual donors and party funding include the extensive power of small donations, especially with a large number of small donors, as in the cases of Barack Obama and Bernie Sanders in the USA (see www.washingtonpost.com; www.politico.com); the thresholds for individual donations and individual spending limits; and discussion as to whether there could be taxation mechanisms for political parties involved in profit-making businesses. There is also the issue of the sum generated from registration fees, party dues and levies from members, especially in Nigeria and other less developed countries (LDCs). Thresholds for individual donations and taxation mechanisms for political parties warrant further analyses.

Legal Position

Sections 88-93 of Nigeria's 2010 Electoral Act (as amended) address sundry issues on political finance, including spending limits, donations, disclosure by political parties, powers of INEC to check the accounts of parties, and penalties/fines for violations or non-compliance. The spending limit for a presidential candidate, currently the highest level of office-seeking in Nigeria, is ₦1 billion (about \$3 million at 2019 exchange rate), while the lowest office seeker, the local government (LG) councillor's limit is ₦1 million (about \$3 000 at 2019 exchange rate) (see Table 1 below).

Regarding the limit of individual donations, Section 91(a) of the Electoral Act provides that no individual or any other entity shall donate more than ₦1 million to any candidate. This is to discourage money politics, and prevent the hijacking

of political parties and of the political system by few wealthy individuals. This is done with greater trepidation in countries notorious for drugs and other illicit businesses because of the dangers associated with money laundering and infiltrations of the system by drug merchants. According to Londono and Zovatto (2014, p.139) writing on political finance in Latin America, donors of dirty or illicit money can develop a 'creditor relationship with their recipients', and 'the party or candidate becomes owned in a sense'.

Indeed, in a survey on the transition countries of Central and Eastern Europe, the World Bank quoted 'illegal political finance' as one of the six dimensions of the state capture phenomenon⁷ (World Bank 2000). State capture also describes how legislators and policymakers, in general, can be bribed not to make laws and regulations in the interest of the majority of the citizens. Regarding taxation mechanisms for political parties involved in profit-yielding businesses, political parties should declare their profits for tax purposes in line with other profit-making organisations.

POLITICAL FINANCE REGULATIONS

International Experience

Democratic systems from the more developed countries in North America and Western Europe to the less developed in Latin America, Asia and Africa, have to regulate the flow of money in politics. Unregulated use of money in politics presents several problems to modern liberal democracy. For example, it makes fair competition among and between candidates and parties difficult. According to Ewing (cited in Walecki 2008, p. 7), political competition in an unregulated arrangement is like 'inviting two people to participate in a race, with one participant turning up with a bicycle and the other with a sports car'. To prevent this and other problems associated with money politics, many measures concerning political finance can be broadly categorised as restrictions, subventions and sanctions. Most democracies restrict by banning some sources of private donations or by setting contribution limits. Restriction is aimed at preventing parties and candidates from obligating themselves to private interests, subventions consist of support from the government and donor agencies, while sanctions are deterrents.

A handful of countries – Argentina, Bolivia, Ecuador, Guatemala, Peru and Uruguay – limit contributions to political parties during non-campaign

⁷ Based on Freedom House methodology, countries whose combined averages for democratisation fall between 1.0 and 3.25 are designated 'consolidated democracies'; between 3.31 and 5.56 'transitional governments'.

periods as a measure to restrict money politics (see Londono & Zovatto 2014). These limits, like others including direct public funding in Uruguay, Costa Rica, Argentina Nicaragua and Mexico, seek to prevent undue influence by certain donors and to ensure a more egalitarian participation in political life. In parts of central and eastern Europe, where oligarchs have formed client circles and established their own political parties, there have been measures concerning the taxation of business-oriented political parties. For example, in Ukraine in 2001, political parties such as the Social Democratic Party (United), Party Democratic Union, Party Labour Ukraine, Party of the Regions (PR), Ukraine's Green Party and Batkivshchyna had a clear majority in the Ukrainian parliament, in addition to their control of major businesses in the country. These, according to Walecki (2008, p. 4), included the 'control of most of national media, including major TV channels and the national newspapers' by these parties⁸.

In the last 20 years Nigeria has had very few instances of appropriate sanctions for violators of political finance regulations. However, international examples of the consequences suffered by violators of political finance regulations and related offences include:

- Former President of Brazil, Lula da Silva who, despite his acknowledged stellar performance in office, was ordered to serve a 12-year sentence in April 2018.
- Park Guen-Hye was impeached as South Korean president, tried and sentenced to 24 years of imprisonment in March 2018.
- Otto Perez, who succeeded Alfonso as president of Guatemala, was detained in 2015 and stood trial in 2018.
- Ollanta Humala, former president of Peru, entered prison in 2017 for 18 months and was subsequently charged to court.
- Ehud Olmert, former Israeli prime minister, served a 27-month prison term in 2016.
- Vlad Filat, former prime minister of Moldova, was arrested in parliament and jailed for nine years in 2015.
- Jose Socrates, former Portuguese prime minister, served a prison term in 2014.

Other relevant examples include:

- The prosecution of Michael Cohen in the USA, in connection with several felony charges and other abuses regarding President

8 Walecki is recognised for his works in the areas of anti-corruption, political finance and party assistance in about 40 countries as well as his association with the Transparency International (TI) school on integrity.

Donald Trump's campaign finance (www.apnews.com; www.washingtonpost.com).

- The replacement of Germany's defence minister Rudolf Scharping, in 2002, after national magazine *Stern* reported that the minister took DM 140 000 from Mortiz Hunzinger, a PR consultant with links to the arms industry.
- Kimitaka Kuze, head of Japanese Financial Reconstruction Commission, was forced to step down in July 2000 following revelations that he received nearly \$2.1 million from Mitsubishi Trust and Banking Corporation between 1989 and 1994.
- The Fujimori-Montesinos case in Peru: in mid-September 2000, a videotape showed Vladimiro Montesinos, the Head of Peru's National Intelligence Service, apparently engaging in vote-buying by handing some \$15 000 to opposition congressman, Luis Alberto Kuri, to switch sides and give government a majority in the parliament (Walecki 2008, p. 1).

Nonetheless, there are still observable problems confronting attempts to control political finance around the world. For example, most newly established democracies, including Nigeria, are slow to promote the specialisation of police, judiciary and other enforcement bodies in the fight against illegal funding of political parties and political activities in general. In the particular case of Nigeria, these problems stem not necessarily from lack of regulation but from the inability to enforce those regulations. However, this should not gloss over the problems associated with poorly conceptualised regulations, ambiguities and contradictions. Other problems include lack of transparent and reliable information leading to estimations instead of exact data. There is also a lack of effective monitoring, tracking and reporting by INEC and other agencies saddled with these responsibilities, as detailed below.

Nigerian Experience

In Nigeria, provisions in the 1999 Constitution and the Electoral Act, as well as in the CAMA and others, address political finance from the viewpoint of restrictions, subventions and sanctions. Some of these are captured in Table 1 below, while others were cited previously.

Table 1: Restrictions and sanctions on spending limits for candidates

S/No	Position	Spending Limit	Sanction
1.	Presidential candidate	₦1 billion (approx. \$3.18 million)	Fine of ₦1 million (approx. \$2 747 or 12 month's imprisonment or both)
2.	Governorship candidate	₦200 million (approx. \$636 700)	Fine of ₦800 000 (approx. \$2 197 or 9 month's imprisonment or both)
3.	Senatorial candidate	₦40 million (approx. \$127 300)	Fine of ₦600 000 (approx. \$1 647 or 6 month's imprisonment or both)
4.	Member, House of Representatives (MHR)	₦20 million (approx. \$63 700)	Fine of ₦500 000 (approx. \$1 373 or 5 month's imprisonment or both)
5.	Member, State Assembly	₦10 million (approx. \$31 800)	Fine of ₦300 000 (approx. \$824 or 3 month's imprisonment or both)
6.	LG chairmanship candidate	₦10 million (approx. \$31 800)	Fine of ₦300 000 (approx. \$824 or 3 month's imprisonment or both)
7.	LG councillorship	₦1 million (approx. \$3 180)	Fine of ₦100 000 (approx. \$274 or 1 month's imprisonment or both)

Source: 2010 Electoral Act (as amended); US dollar conversion based on the rate of ₦360: \$1 in 2019

Government subventions to political parties in Nigeria were popularised with the government-established NRC and SDP, a practice sustained in the early part of the Fourth Republic. For example, Section 228(c) of the 1999 Constitution (as amended) empowers the National Assembly to provide annual grants to INEC for disbursement to political parties. A budget of ₦600 million was approved in the April 2003 elections, from which the registered 30 political parties each received ₦6 million. This complied with Section 80(2)(a) of the Electoral Act 2002, which allowed 30% of the grant for any election year to be shared among political parties. In accordance with Section 80(2)(b) of the Act, INEC disbursed the balance of ₦420 million to seven political parties in terms of the parliamentary or executive seats they had won. These included: the Alliance for Democracy (AD), All Nigeria Peoples Party (ANPP), Peoples Democratic Party (PDP), All Progressives Grand Alliance (APGA), National Democratic Party (NDP), Peoples Redemption Party (PRP) and United Nigeria Peoples Party (UNPP).

The grants barely prevented corruption and corruptive tendencies in the activities of most political parties; for example, it did not significantly improve

the conduct and outcomes of their primary elections. The report of the Transition Monitoring Group (TMG) on the January 2003 conduct of the PDP, ANPP, UNPP and NDP primaries (cited in Adetula 2008, pp. xix–xx), pointed to abuses such as bribing delegates, while Sarah Jibril, presidential candidate of the Progressive Action Congress (PAC), petitioned the leadership of her party over alleged misappropriation of the grants from INEC. Detailed analyses on this, and in particular the failure of political parties to comply with accounting procedures on the grants, are in the next section.

The Electoral Act 2010 (as amended) was silent on the issue of grants, and political parties as well as other interest groups such as the Inter-Party Advisory Council (IPAC) have advocated for its sustenance. The debate is ongoing, but factors to consider include the rising number of political parties, which reached 91 in 2019; the viability and effective presence of less than a dozen of these parties; and the dwindling financial resources of government amidst competing responsibilities, all of which require financial backing. However, political parties in control of various levels of governmental powers can still access support from the government, albeit informally and without any officially recognised regulation. For example, the PDP and APC have controlled the federal government, with APGA control of state governments, and are more visible than the other parties not in control of any government.

POLITICAL FINANCE REGULATION IN NIGERIA

There was no definite political finance regulation in Nigeria's First Republic, 1960–1966, and the investigation and prosecution of leaders of the then AG and NCNC, discussed earlier in this paper, fuelled insinuations of a witch-hunt. The 1979 Constitution, which operated in the Second Republic from 1979 to 1983, came with provisions concerning political finance. However, the limit of funds political parties and candidates could receive from individuals and corporate bodies was not specified. This was a loophole which parties, candidates and supporters abused by providing grants and monetary support of all types.

Political finance regulation has been defined and redefined since the commencement of the Fourth Republic, such that the country's Electoral Act 2002 was amended in 2006 and 2010. Aspects of these regulations concerning spending limits and punishment for infringement are indicated in Tables 1 and 2. Remaining loopholes include Section 91(9) of the Electoral Act, that 'no individual or other entity shall donate more than ₦1 million to any candidate'; but, in contradiction, Section 93(2)(b) gives political parties leverage to receive unlimited amounts above the threshold, while requiring the party to record and keep the name and address of any person or entity that contributes any money or asset exceeding ₦1 million.

Donors have taken advantage of this provision to contribute funds in billions on behalf of several unnamed friends. Examples include those General TY Danjuma referred to in an interview in which he admitted helping President Obasanjo 'to raise \$7 million for his first term election', from Danjuma's unnamed business associates (cited in Adetula 2008, p. xxviii). Similarly, unnamed friends also played a substantial role during the 2014 re-election bid of President Goodluck Jonathan, in which, according to the *Vanguard* newspaper (2014, p. 21), 'about ₦21 billion was recorded in donations'. The All Progressives Congress (APC) attempted to involve ordinary Nigerians in raising funds for its presidential candidate in the 2015 elections through different platforms. These included donations via dedicated bank accounts; electronic donations through computer-based platforms and text messages to dedicated numbers; purchase of the party ringtone 'for which ₦100 was deducted per time'; and the use of scratch cards through which supporters could donate between ₦100 and ₦1 500 each'. The 'APC planned to raise ₦10 billion' (Olorunmola 2017, p. 12) through these direct donations, but this claim has not been publicly verified.

Other instances contravened Section 221 of the Constitution which prohibited any association from canvassing for votes for any candidate or contributing to the funds and election expenses of political parties. Corporate Nigeria and Transformation Ambassadors of Nigeria (TAN) campaigned openly in 2003 and 2015 for the re-election of presidents Obasanjo and Jonathan respectively. For example, in its 'mediatisation of the campaigns' of President Jonathan, TAN strategically positioned 'expensive billboards' in every state capital and the Federal Capital Territory (FCT) in addition to the paid adverts 'it sponsored in newspapers' and the prime radio and television time that it bought (Olorunmola 2017, pp. 11). This is apart from the donation of ₦100 million announced by TAN in 2014. The organisation practically ran a parallel presidential campaign for Jonathan in 2015. Yet, there was no evidence that INEC raised the red flag or demanded appropriate sanctions. This aside, there have been allegations of the abuse of state resources such as official vehicles, helicopter and aeroplanes by incumbents when attending party campaigns and rallies. While INEC can be blamed for the lack of enforcement, this responsibility also lies with security agencies and civil society. It is INEC's responsibility to register political parties and monitor their activities, including finances, primaries and campaigns, apart from the Commission's major task of conducting general elections. Each requires skill and expertise. The task of tracking and reporting political finance is newer than many others for INEC, and thus has particular challenges.

Section 84(3) of the Electoral Act requires political parties to submit returns to INEC within three months after polling day. These are to be forwarded to the National Assembly by the Commission. Parties have severally breached

this provision by delaying, not submitting at all or not making full disclosure because of indifference or fraud, as was the case in 2003. According to Dr IJ Igbani (cited in Adetula 2008, pp. xx-xxi), the former INEC National Commissioner and Chairman of the Commission's Political Party Monitoring Committee (PPMC), certain shortcomings were observed in the submissions by many political parties during the 2003 audit of their accounts. These include:

- Unaccounted political party expenditures;
- Unconfirmed and unidentified sources of funds;
- Poor financial record keeping.

A breakdown of the report shows that the People's Democratic Party (PDP) and the All Nigeria People's Party (ANPP) had no proper accounting records, while the Alliance for Democracy (AD) had no records. For the ANPP, one of the three parties that started at the commencement of the Fourth Republic, there was no budget, while seventeen of the political parties had no record of accounting at all. Twenty years into the Fourth Republic, political parties still blatantly breach political finance regulations, especially the timely submission of audited returns, disclosure and spending limits during elections. For example, only four out of the 91 parties – the Action Democratic Party (ADP), Liberation Movement (LM), All Grassroots Alliance (AGA) and Yes Party (YP), complied by submitting before the deadline of three months after the last polling day in the 2019 general elections. Despite controlling a significant number of parliamentary and governorship seats, and in the case of APC the presidency, neither APGA, the PDP nor APC complied (www.inec.gov.ng; www.thisday.com).

Insufficient information is at the heart of the lack of effective tracking and reporting of political finance in Nigeria. A major factor, besides non-compliance by political parties, is the prohibitive cost of political finance monitoring and reporting. For example, tracking mechanisms may not be cost effective when personnel have to be deployed to campaign rallies and other party activities, while at the same time tracking radio and television for party campaigns. In the absence of full disclosure from political parties, volunteers and whistleblowers could provide useful information as is the case in developed democratic systems. However, volunteerism as a component of political culture is rapidly being replaced by the money culture in Nigeria. Today, politics in the country is largely about money with vote trading and rent-a-crowds at rallies (Yagboyaju & Simbine 2019; Olorunmola 2017). Nigeria's anti-corruption whistleblower policy of 2016 is still too new to have a significant impact on the monitoring and reporting of political finance. Even with the Freedom of Information (FoI) and Bank Verification Number (BVN), both targeted at improving transparency and accountability in

government and public affairs, not much has been achieved in terms of knowing exactly how expensive politics is in today's Nigeria and determining the degree of illegal funding.

DATA ANALYSIS OF NIGERIA'S 2019 ELECTIONS

Data in the INEC document content-analysed below are based, in most instances, on estimation, which implies that there could be elements of over- or underestimation. As the data is on the 2019 general elections, it must be reiterated that the ADP, LM, AGA and YP submitted audited returns, which are not included in the document. As a result, none of the compliant parties has been questioned with regard to spending limits and other aspects of the country's political finance regulations.

The report covers the 36 States and the Federal Capital Territory (FCT). The two focus areas in the following analyses are challenges/limitations and infringements. The observed limitations are drawn from the list of similar challenges and complaints from across the country, and include poor record keeping by political parties; failure to disclose the amount allocated to canvassers and mobilisers in charge of campaigns, rallies and election-day duties; inaccessibility of difficult terrains such as the creeks in the Niger Delta region, some rural local government areas and, in Borno State, towns and villages susceptible to attacks by insurgents; and difficulties encountered by the monitors for night rallies. Political violence and inadequate funding also appeared as major constraints in the reports from many states.

The main complaints of inadequacy and delay are not new in Nigeria but were more problematic in 2019. For example, the gridlock in the National Assembly over the passage of the Electoral Act Amendment Bill 2018 was due to 'disagreement over the mandatory use of the Smart Card Readers and the electronic transmission of election results', and the sharp increase in the cost of the elections. The contributory factors to the increase in the projected cost of ₦189.2 billion (US\$526m) for the 2019 elections, compared to the ₦122.8 billion (US\$341m) cost of the 2015 exercise, have been made in a PowerPoint presentation *mimeo* (Kuna, 2017). The projected increase amounted to ₦66.3 billion or approximately 60%. INEC's budget was approved by the National Assembly in October 2018, less than four months before the February commencement date of the 2019 elections. In Nigeria, it usually takes time between budget approval, release and implementation, which must be factored into this analysis. This delay partly accounted for the complaints by INEC monitors on the late commencement of their duties, while insufficient funding is the most obvious reason for the Commission's decision to track and report the finances of only three parties,

including the party in power, the main opposition and another party, in each of the states, the FCT and at presidential level. Thus, only the PDP appeared in the reports from all the states, except where the governorship election had been held previously. Apart from states where governorship elections were not held in 2019, the APC could not present candidates in Rivers State for the governorship and parliamentary elections because of the internal crisis there. However, there were reports on the finances of both parties for the presidential race in all the 36 states and the FCT. The All Progressives Grand Alliance (APGA) featured in the reports from Abia, Anambra, Lagos and Rivers States. The Action Alliance (AA) and Allied People's Movement (APM) featured in Imo and Ogun States, while the Social Democratic Party (SDP) and Kowa Party appeared in only the report from Lagos State.

The election finances of seven political parties were included in the report, while only four parties submitted their audited returns accordingly. It is possible that without INEC's monitoring none of the seven parties in the Commission's report would comply with the constitutional requirements, meaning there would be information on the finances of only four of the 91 registered parties. This represents only 4% compliance, which on its own indicates poor performance and a violation of the regulation. The focus on other noticeable infringements centres on compliance with spending limits. As they are the most prominent parties in the report, the APC and PDP as well as their presidential candidates are selected for analysis, with additional references to several instances of spending above the limits by governorship candidates. The approximated amount traceable to the presidential campaigns of the APC and PDP is ₦4 600 047 886 and ₦2 865 066 886 respectively. This excludes Abia, Kaduna, Ogun, Ondo, Osun and Sokoto States where the report provided no information. In Oyo State, estimates of the presidential and governorship elections campaign finances were not differentiated in the report.

Figures for the APC and PDP as presented exceeded the spending limit for presidential campaigns almost four and two times or 360% and 186% respectively. There are also instances of spending above limits by some of the governorship candidates in the report. These include APC's candidates in Akwa Ibom, Delta, Kebbi, Kwara, Niger and Lagos States, while the PDP candidates flouted this same regulation in Akwa Ibom, Delta and Rivers States. Of these, the cases of Delta and Rivers need to be isolated for the APC and PDP respectively. This is because the campaign funds traced to each of these candidates is about ₦1 billion, the approved amount for a presidential candidate's campaign, which is about four times or 400% higher than the limit for a governorship candidate. The highest among the others in this group, the APC candidate in Lagos State, is about 50% of that of his counterparts in the APC and PDP in Delta and Rivers States respectively.

In comparison, there is a drop in the cost of some aspects of elections campaigns from 2015 to 2019. In Table 2 below, 2015 media expenses for PDP and APC are compared to the entire 2019 presidential campaign of the two parties.

Table 2: Comparison of PDP and APC 2015 media expenses and the 2019 presidential campaigns of the two parties

Description of Expenses	PDP (Jonathan/Atiku)	APC (Buhari)
Media Expenses (2015)	₦8 789 685 296.00 (Jonathan)	₦2 915 846 737.00
Presidential Campaigns (2019)	₦2 865 066 886.00 (Atiku)	₦4 600 047 886.00

Sources: Centre for Social Justice (2015) and INEC Office (2019)

The table shows that in 2015 the PDP and APC expenses on media alone (electronic, print and billboards) were eight and three times respectively the amount legally allowed for running the entire presidential campaign for each of the parties. Media coverage of campaigns has been prominent in Nigeria's 20-year old Fourth Republic because of the country's low level of literacy. Media is among the visible drivers of the high cost of politics that INEC and others can estimate. Other factors open to scrutiny include the cost of parties' expression of interest and candidate nomination forms (see Table 3 below).

Table 3: Cost of Parties Expression of Interest and Candidate Nomination Form (2015 & 2019 Elections)

Party	Office in View	2015	2019
APC	Presidency	₦27.5m	₦45m
	Governorship	₦5.5m	₦22.5m
	Senate	₦3.3m	₦7m
	House of Reprs.	₦2.2m	₦3.85m
	State Assembly	₦.55m	₦.85m
PDP	Presidency	₦22m	₦12m
	Governorship	₦5.5m	₦6m
	Senate	₦4.5m	₦3.5m
	House of Reprs.	₦2.4m	₦1.5m
	State Assembly	₦1.2m	₦.6m

Sources: www.thenationonline.net; www.premiumtimesng.com; www.legit.ng

As indicated in Table 3 (above), with the exception of the total cost for PDP's governorship ticket (which rose from ₦5.5m in 2015 to ₦6m in 2019, representing about 9% increase) fees for the other offices were reduced from about 22% to 50%. However, before the end of 2019, and especially during the governorship elections in Kogi and Bayelsa States, fees for expression of interest, nomination form and commitment to the party for PDP governorship aspirants increased from ₦6m to ₦24m, representing a 300% increase. For the APC, fees for all the offices increased before the 2019 general elections by between 70% to 300%. These fees add to the high cost of politics in Nigeria.

Hidden drivers include sums for mobilisation and crowd renting at rallies, as discussed above, and undisclosed gifts such as those given to traditional rulers, community heads and chiefs, leading political figures, and associations for women, youth, and community. These are normal customary practices in Nigeria and in many traditional African settings, but can be abused along the lines of political patronage, electoral clientelism and other forms of abuse (Yagboyaju 2015; Omobowale & Olutayo 2007; Khan 2005). In Nigeria, examples can be found in the country's political dispensations since the First Republic. These include the large dollar sums linked to President Jonathan in 2015⁹. Shortly before the 2019 presidential election Nigeria's anti-graft agency (EFCC) received petitions about a video of two bullet-proof money trucks allegedly found in the Lagos home of a prominent politician (*The Punch* 2019), which has yet to be investigated by the appropriate authorities.

CONCLUSION

INEC as Electoral Umpire

The strategic position of INEC, as the electoral umpire, makes it a potential victim of capture by the political class. INEC is recognised as an independent body, but is also recognised in Section 153(1) of the 1999 Constitution (as amended) as a federal executive body. The implication is that the executive is empowered to direct the affairs of the Commission by appointing its Chairman and the Resident Electoral Commissioners (RECs) and disbursing funds to it. This does not guarantee the administrative and financial autonomy of the election management body. The role of security agencies¹⁰, which was initially limited to the police for

9 There was a wide reportage of dollar sharing among traditional rulers by President Jonathan shortly before the 2015 presidential elections. See www.informationng.com – our subjects demanding their share of Jonathan dollar rain; www.theparadigmng.com – Dollar rain on Yoruba Obas, courtesy of President Jonathan; www.confirngist.com.ng – Count us out of Jonathan's dollar rain – Lagos Igbos (all accessed on 05 November 2019 @ 16.42hrs).

10 The Army, Navy, Air Force, Police, Department of State Security (DSS), Nigeria Security and Civil Defence Corps (NSCDC), Directorate of Military Intelligence (DMI), Nigeria Immigration Service (NIS), National Drug Law Enforcement Agency (NDLEA) and Office of the National Security Adviser (ONSA).

maintenance of law and order during the colonial era, has changed over time and can be manipulated for partisan interests. There have been reports of orderlies and security escorts of top government officials intimidating the electorate and even electoral officials on duty.

Reports of special commission and committees, including the 1983 Commission of Inquiry, led by Justice BO Babalakin and the 2008 Election Reform Committee (ERC) led by Justice ML Uwais (Awa 1997; Roberts 2010), have apportioned blame to election management bodies in the country. For example, the Federal Electoral Commission (FEDECO) was blamed in 1983 for 'its management lapses, especially its inability to resolve its own internal conflicts' (Babalakin Commission cited in Awa 1997, p. 127). Evidences of lapses and, in some instances, complicity by officials in the conduct of the 2007 general elections, which warranted the setting up of the ERC, can be found in Akande and Simbine (2008) and Roberts (2010). The use of high technology, the acceptance of defeat by the incumbent president, and broad commendations, especially from domestic and international observers, contributed to the high level of acceptability of the 2015 election outcomes. However, the postponement of three scheduled general elections between 2010 and 2019 – in 2011 and 2019 for logistical and operational reasons, and in 2015 for security reasons – casts doubts on the preparedness and capacity of INEC. The task of tracking and reporting political finance is even more demanding in view of its intricate process and relative newness.

One implication of the ineffectiveness of control mechanisms, particularly in tracking and reporting political finance, is the perennial problem of political corruption and scandals, which have been largely unpunished in Nigeria. Loss of confidence in the system and the marginalisation of women, youth and others who lack access to the type of financial resources demanded by politics in Nigeria, have dire consequences for the country.

Recommendations

Political finance regulations have improved significantly in Nigeria since the reintroduction of civil rule in 1999; however, the required political will and capacity for effective implementation are lacking. The laws are violated with negative consequences for democratic growth as politics takes transactional forms, while offenders are seldom punished. Public sector corruption and revenue diversion by political parties in government are issues of serious concern, just as most parties have scant regard for regulations on the disclosure of income and expenditure. The study analyses these and similar issues, emphasising the effect of political class and the state on the performance of INEC, security agencies and others directly connected to the duties of tracking, reporting and,

if necessary, investigating issues of political finance. The state and the capacity of its institutions, including INEC, are underdeveloped. They lack autonomy where their operations are entangled with the vested interests of the political class and bureaucrats.

Unrealistic aspects of regulations, including those with loopholes, need to be reviewed for more effective performance. Violations and perpetrators must be sanctioned appropriately in line with international best practices so as to prevent frequent reoccurrence. If INEC is unbundled as is being considered, the smaller units emerging from the Commission must be autonomous for efficiency and effectiveness. Whether the Commission is broken into smaller units or left in its current form, there must be greater inter-agency collaboration. In particular, the NBC, the Economic and Financial Crimes Commission (EFCC) and the police have critical roles to play in tracking and reporting political finance in Nigeria.

As is evident in the activities of certain CSOs analysed in the study, there is a growing capacity that should be harnessed for effective political finance management and democratic growth in Nigeria. Calls for collaborations with CSOs are part of the recommendations made in the INEC documents analysed in this study, but this requires special funding because such have not been considered in the budget approved for the Commission. Taking ownership of public policies by civil society is a critical part of democratic elements around the world. Civil society in Nigeria, therefore, has a role to play in popularising and deepening principles of democracy, including transparency and disclosure.

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