

## **LITERATURE REVIEW ON ELECTION LEGISLATION IN NIGERIA**

### **2.1 Conceptual Clarification**

For a proper understanding of this study, it is necessary to define the concepts of presidential government, election, and the overview of election in Nigeria.

#### **2.1.1 Presidential government**

The Presidential system of government is a type of government in which most executive powers are vested in the president who is the chief executive. According to Garner (1955), "Presidential government is that system in which the executive (including both the Head of the State and his ministers) is constitutionally independent of legislature in respect to the duration of his or their tenure and irresponsible to it for his or their political policies. In this system the president enjoys real powers of the government.

#### **2.1.2 Election**

Election is an integral part of a democratic process that enables the citizenry determine fairly and freely who should lead them at every level of government periodically and take decisions that shape their socio-economic and political destiny; and in case they falter, still possess the power to recall them or vote them out in the next election. This was Obakhedo, (2011) aptly defined election thus: Election is a major instrument for the recruitment of political leadership in democratic societies; the key to participation in a democracy; and the way of giving consent to government (Dye, 2001); and allowing the governed to choose and pass judgment on office holders who theoretically represent the governed Obakhedo, (2011).

In its strictest sense, there can never be a democracy without election. Huntington is however quick to point out that, a political system is democratic 'to the extent that its most powerful collective decision-makers are selected through fair, honest and periodic elections in which candidates freely compete for votes, and in which virtually all the adult population is eligible to vote' (Huntington, 1991:661). In its proper sense, election is a process of selecting the officers or representatives of an organization or group by the vote of its qualified members (Nwolise, 2007:155). Anifowose defined elections as the process of elite selection by the mass of the population in any given political system, Bamgbose (2012). Elections provide the medium by which the different interest groups within the bourgeois nation state can stake and resolve their claims to power through peaceful means (Iyayi, 2005).

Elections therefore determine the rightful way of ensuring that responsible leaders take over the mantle of power. An election itself is a procedure by which the electorate, or part of it, choose the people who hold public office and exercise some degree of control over the elected officials. It is the process by which the people select and control their representatives. The implication of this is that without election, there can be no representative government.

This assertion is, to a large extent, correct as an election is, probably, the most reliable means through which both the government and representatives can be made responsible to the people who elect them. Eya (2003) however, sees election as the selection of a person or persons for

office as by ballot and making choice as between alternatives. Ozor (2009) succinctly gives a more encompassing and comprehensive definition of election when he noted that the term connotes the procedure through which qualified adult voters elect their politically preferred representatives to parliament legislature of a county (or any other public positions) for the purpose of farming and running the government of the country. Thus Osumah (2002) elucidates what the basic objective of election is which is to select the official decision makers who are supposed to represent citizens-interest. Elections, according to him extend and enhance the amount of popular participation in the political system.

### **2.1.3 Historical overview of elections in Nigeria**

The evolution of electoral process in Nigeria has been arduous and protracted. Since Nigeria's independence in 1960, the country has organized nine general elections and numerous regional/State/Local elections. Of these elections, the 1979, 1993, and the 1999 polls were conducted by military regimes to allow for transition to civil rule, while the other elections were conducted by incumbent civilian regimes to consolidate democratic rule. Elections organized by incumbent civilian regimes have been the most problematic (Agbaje and Adejumobi, 2006). With the exception of the 2011 and 2015 elections, these elections have been characterized by attempts by the ruling parties to contrive and monopolize the electoral space and deliberately steer the process in their favour. This pattern was reflected in the simulated landslide victories recorded by the ruling parties in the 1964, 1983, 2003 and 2007 elections (Ibeanu, 2007).

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