

An Appraisal of the Rights of Nigerians Who Registered but were not issued PVC by INEC?

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After the right to life, the next basic right is the right to vote.

According to Lyndon B. Johnson, the 36th President of the United States of America, "The right to vote is the basic right without which all others are meaningless. It gives people, people as individuals, control over their destinies."

The right to vote is a constitutional right. It is the bedrock of our democracy.

Section 117 (2) of the 1999 Constitution provides that:

"Every citizen of Nigeria, who has attained the age of eighteen years residing in Nigeria at the time of the registration of voters for purposes of election to any legislative house, shall be entitled to be registered as a voter for that election."

Section 16(1) of the Electoral Act 2011 states that:

"The Commission shall design, cause to be printed and control the issuance of voters' cards to voters whose names appear in the register."

In preparation for the 2023 General Elections, the Independent National Electoral Commission commenced the Continuous Voters Registration (CVR) which recorded 9,518,188 new voters. The INEC Chairman stated that "13,868,441 Permanent Voters' Cards (PVCs) have been printed, delivered to States and are being collected by citizens as new voters or by existing voters who applied for transfer or replacement of cards as provided by law."

Amid the multitude of complaint from registered voters regarding INEC's failure to issue them with their PVCs, collection of the PVC ended on February 5, 2023. This scenario begs a lot of critical questions - what will be the fate of these registered voters, estimated to be over one(1) million, who were not issued their PVC despite presenting the temporary voter's card ("TVC") at the various INEC collection centers? Would these willing voters still be able to vote when INEC has declared that "No PVC, No voting in 2023 Elections."

INEC's position is that the PVC is a legal requirement for voting and the Commission to buttress this point rested firmly on Section 47(1) of the Electoral Act 2022 which provides that:

"a person intending to vote in an election shall present himself with his voter's card to a Presiding Officer for accreditation at the Polling Unit in the constituency in which his name is registered."

Some analysts have argued that INEC's declaration of No PVC, NoVoting, if implemented, will disenfranchise millions of registered voters who, having complied with the requirement of the law by presenting themselves for voter's registration, were denied their PVC by no fault of theirs but INEC's.

These analysts argue that the Electoral Act did not define a voter's card or imply it to mean a 'physical piece of plastic'. Consequently, a holder of the TVC, whose details are in the Voter's Register should be permitted to vote

Can the BVAS authenticate a registered voter without the PVC?

The Bimodal Voter Accreditation System (BVAS) is an electronic device designed to read Permanent Voter Cards (PVCs) and authenticate voters.

This biometric technology was designed to verify Permanent Voter Cards (PVCs), and enable human recognition through a biometric verification mechanism, using both fingerprint and facial recognition of voters.

The device works by scanning the barcode/QR code on the PVC/Voter's register or entering the last six digits of the Voter Identity Number or typing in the last name of the voter by the Assistant Presiding Officer (APO 1) to verify and authenticate voters.

If the BVAS does not necessarily need the PVC to verify and authenticate the voter, it would be significantly unreasonable to prevent registered voters with the TVC from voting.

It is therefore recommended that INEC should, in the interest of our democracy, permit voters with the TVC to vote. Failure to do this will fundamentally breach the right to vote of over one (1) million registered voters, except where the permission of the TVC will impact on the integrity of the election. INEC has not at any point insinuated any likely integrity concerns arising from the use of the TVCs, hence it should be relied on for the conduct of the 2023 general elections.



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