

Managing Inconclusive Elections in the Democratic Society: A Comparative Analysis of 2018 Karnataka (India) State and the 2015 Kogi (Nigeria) State Elections

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Abstract

Inconclusive election mostly occurs in the parliamentary democracies where an election produces a hung parliament. It may also occur where a country's Electoral Statutes penalize violence by ordering a supplementary election in all booths affected or where an untoward challenge un-envisaged by the laws manifest during an election. In the India State of Karnataka, during the 2018 election, three political parties (the Congress, Bhartiya Janata (BJP) and Janata Dal (JD(S)), produced three different Chief Ministers (M. Siddaramaih, (Congress), B.S. Yeddyurappa (BJP) and H.D. Kumaraswamy (BSY) respectively in one week. The study adopted a historical approach to political research and used secondary sources of information to defined the election in 91 polling booths. The findings of the study reveal that pre-poll coalition of congress JD(S) ideally should be invited to form the government. But the governor of the state, an appointee of the BJP at the center invited the BJP as against the coalition of parties with a simple majority of seals to form a government. The predisposing reason for the inconclusiveness of the 2015 Kogi governorship election in Nigeria was violence that resulted into the cancellation of some polling booths and sudden death of the leading All Progressive Party (APC) before the announcement of results. The study concludes that lack of comprehensive electoral laws amongst others were the major problems of the inconclusive elections in the country. The work recommends the entire over hauling of the electoral processes in the two countries.

Keywords: Democracy, Inconclusive Election, Electoral Law, Electoral System, Karnataka and Kogi

Introduction

India is the "World's largest democracy" and "the oldest democracy among developing countries of Asia, Africa and Latin America" (Kesselman et al, 1996). She is also the first in "Afro-Asia World to draft and adopt a parliamentary federal constitution" (Singh, 2016). Although her institutions of governance are relatively underdeveloped in comparison with the developed world (Ara, 2008). She boasts of "continuity and democratic stability" in comparison "with such other countries as Brazil and Nigeria" (Kesselman *et al*, 1996).

Nigeria boasts of the largest population in Africa. The country's democratic journey, however, has been truncated by military regimes from 1983 to 1999. Between these periods saw the democratic practices from parliamentary to presidential systems in Nigeria. In all these discount, democratic institutions suffer immeasurable such that free and fair elections elute the political process. Most often, these are marred by violence due to irregular and malpractices (List *et al*, 2000) like Nigeria, election in India is a colossal one but for different reasons. While, election is defined by very large number of voters who have faith in the sanctity of the ballot box. The Nigeria electoral system falls within the bracket of "survival of the fittest" where "the winners take all" (Collier, 2008). In fact, the election in Nigeria is seen as a "do or die" affairs (Abbass, 2008; Jinadu, 2010). Despite this, both countries always move the courts in settling intricate electoral cases. However, Onuoha observes that in the case of Nigeria, elections challenged in law courts "are hardly reversed" (Onuoha, 2004). This assertion is not however

supported by facts especially in the current Fourth Republic. Nevertheless, it must be asserted that unlike India, Nigeria has found transition from one political wave to another very difficult.

Other noteworthy features of India election are that coalition governments in the Centre and the States are as old as the Union where “democracy is well established” (Kesselman *et al*, 1996).

In addition to hung parliament situation, an inconclusive election may occur in an “alternative vote” situation where two or more parties come together to form a coalition government. Violence is, however, the cause of inconclusive elections especially for countries with fragile institutions, and also, has suffered from the debilitating influence of corruption (Birch, 2020). Thus,

Whether in Nigeria, India or elsewhere, the fact that elections controversies are determined by the law courts instead of the ballot, box does not serve the course of democracy. It tends to undermine the verdict of the people and transferring sovereignty to choose leaders to the courts, away from people. Indeed, it denies the electorates the right to choose their favoured candidates. For instance, in a functioning parliamentary democracy, the courts would have no role to play once the results of Karnataka election were declared.... The reality is that fractured mandates yield all kinds of dirty tricks, which have the effect of frustrating the popular will: such as horse-trading, bribery and intimidation, splits and defections (Bhatia, 2018).

This assertion is true for all liberal democracies. In both countries, the novelty of the events, the management of the unfolding drama and the lesson for future electoral developments form the basis of this study.

Conceptual Framework

In a representative democracy, the importance of elections is paramount. Elections contribute to democracy as a political system by providing political legitimacy, accountability and good governance. The ability of democratic institutions to engender free, fair and credible elections in which the embodiment of rule of law amongst others is deeply entrenched and guided by the process and conduct of the exercise is one of the most striking features in the process of democracy. According to Abaje, Adewunmi and Oluwale (2019) outcome of any meaningful election is to rightfully announce the victor of the exercise, depending on the context of enabling laws in the societies, and perhaps, foster agreement and accommodation of conflicting political interests for successful policy making and good governance.

Inconclusive elections, on the other hand, occur when the conduct of an election does not ultimately determine a winner. This sort of election is one many aspects of a poorly run election that must be carefully addressed. The destroy democratic and replace it with authoritarian control, whether civilian or military.

Similarly, Adebayo (2017), inconclusive elections are neither unique to Nigeria’s electoral process nor a new event in the country’s political history. Inconclusive elections occur in both developed and developing democracies across the world, but it is particularly common in Nigeria. It raises concerns about the election process incompatibility with the country’s changing patterns and realities since the civilian government in 1999. The avalanche of inconclusive elections in 2015 have sparked widespread worry about the country’s democratic process. In fact, the frequency of inconclusive elections in recent years is unprecedented in the country’s history and this has ushered in a new era in the country’s political growth. As reported, INEC was facing around 82 re-run elections for Senatorial, Federal House of Representatives, and House of Assembly seats across the country in January 2016 (Iwu, 2017).

Adeyemo (2019) states that it is the conditions that lead to inconclusive elections in Nigeria that matter the most which are mostly the outcome of electoral irregularities, violent court orders, and other associated electoral violations. The work further state that in the cases of Karnataka (India) state election, none of the candidates received a clear majority in 2018 and the race was decided by a coalition of votes from the political parties.

Eke (2018) supports earlier scholars' view on inconclusive election and election process, however state that the purpose of every election is to provide the people the chance to choose their representatives in a peaceful manner. This procedure not only outlines the roles and obligations of all participants and stakeholders in order to conduct free, fair and credible elections, but also defines the technique and provides enabling legislation for holding elections. Thus, election is said to be inconclusive when its outcome does not end with a winner. It is an unfinished, undecided and not finalized election whose outcome is to be determined after a re-run election is held in the case of Nigeria or formation of coalition partners in the case of India.

Adeyemo states that immature democracies, declaring an election inconclusive is almost seldom the governments for deliberative theory. Diamond *et al* (1988) describe how the deliberative oath has an educative power in the sense that not only is participation in public arenas good in itself but it has personal benefits for the individual of intellectual, moral, deliberation is a way to strengthen the community as through dialogue, people can become part of a collective membership. The deliberative theory focused on the use of public arenas and institutions where the most rational argument for specific issue or perspective will, through just procedures, be implemented in outcomes. It is about creating democracy with spaces where citizens have opportunity to deliberate about common affairs (Parasher, 2018).

Disagreement is an important result of political violence but rather the consequence of a tally between two or more competitors or certain violations of the exercise's enabling rules. This study sets out to analyze topics that are pertinent to the understanding of inconclusive elections in Karnataka (India) and Kogi (Nigeria) and their threat to the process of achieving legitimate elections in these countries.

Theoretical Framework

The deliberative theory is relevant to this study because according to Horowitz (1982) work is the main association when it comes to the theory of deliberative democracy. The focus is on deliberation and dialogue as means to improve institutions, decisions and overall performance for a more democratic society. There are several arguments for deliberative theory. Diamond *et al* (1988) describe how the deliberative oath has an educative power in the sense that not only is participation in public arenas good in itself but it has personal benefits for the individual of intellectual, moral, deliberation is a way to strengthen the community as through dialogue, people can become part of a collective membership. The deliberative theory focused on the use of public arenas and institutions where the most rational argument for specific issue or perspective will, through just procedures, be implemented in outcomes. It is about creating democracy with spaces where citizens have opportunity to deliberate about common affairs (Parasher, 2018).

Disagreement is an important part of that and through reasonable and rational arguments anyone can stand for what they believe is right and attempt to convince other the same. The theory is however not without its critique. Parasher (2018) demonstrates how the time in which the theory of deliberation was conceived also influenced who was meant to partake in the deliberative process. It was established during a time when the white male was the norm which led to the formal exclusion of citizens of other genders or colors which has prevailed in the modern deliberative institutions. She therefore emphasizes the need to developed and invest in

more spaces for deliberation where different norms and characteristics are allowed to exist. By advocating for more creative ways to expand the public arena the state becomes more inclusive and democratic (Dalton, 2002).

Some scholars posit that societal improvements result in advanced and new forms of “citizen politics participation” which is defined as activity by individuals formally intended to influence who governs or how they do so (Hall *et al*, 1996). These activities take the forms of various citizen-actions like protests, etc especially during and around election (Dalton, 2002).

Using inconclusive election in India and Nigeria, Norris (2004) posit that the process of ‘focused’ or ‘a case-oriented comparison should be adopted in comparing few countries. Once differences and similarities of the outcome are identified and isolated like inconclusive election in the case under study, the tools of most similar system design and most difference system design are deployed for analysis (Faure, 1994).

The 2018 Karnataka State Election in India

The dexterity of a federal arrangement is gauged by the resolve of state and non-state actors to “think federal”. “Thinking federal” entails “... organizing political relationships from a federalist rather than a monist or centralist perspective” (Elazar, 2000) The India federal system showcases this resolve in many instances such that even when it seems to have reached a snapping point, it withstands all the vicissitudes with minimum disruption. Normal intrigues and allegations that are symptomatic of a Third World polity like exchange of monetary and non-monetary pecks and inducements, vote-buying, poaching of membership of legislative assemblies (MLA) and circumventing of laws are part of the political life of India.

In recent past, one of those incidences that showcases the dexterity of the system was in 2018 when her State of Karnataka elected MLAs from among whom a new Chief Minister (CM) would emerge. Following the expiration of the tenure of the Chief Minister (Siddaramaiah) of the Congress Party, there is need to conduct an election to fill the 222 Vidhan Sabha on May 12, 2018. The rule, like in most first-Past-The- Post democracies is that the party or the coalition of parties with a simple majority of seats forms the government. Thus, out of 2,644 candidates from a galaxy of political parties, the announcement of the results showed BJP (104), Congress (78), JD (S) (38) and one independent. (Burton, 2018).

The Governor of the State (Vajubhai Vala), an appointee of the BJP at the Centre, using his discretion, invited his BJP party member (Mr B. S. Yeddyurappa) to form a government and to prove his majority in the house within two weeks., instead of the pre-poll coalition of Congress-JD(S) with a combined seats of 117 seats. The use of discretionary powers by governors is not new in India politics. Indeed, the judiciary had intervened on two occasions (Barman, 2018; Prasad, 2006) to curb such excesses but to no avail;

Following the governor’s announcement to allow BJP to form government, the Congress Party and its coalition partner moved to the Supreme Court to stop the action. Kesselman et al (1996) hold that the India SC is very hyperactive, such that since 1973, it...has become the strongest judicial organ of the State in the world” and also insist that since the reign of Indira Gandhi, especially during the State of Emergency (1975-1977), the Court “has lost much of its autonomy” (Kesselman et al, 1996). Notwithstanding, judging from its actions in the case under review, and, in comparison with others in the Third World, the India SC has a lot to teach the world in terms of promptness to duty calls and its relatively non-partisan judgments.

Incidentally, less than 55hours, the Chief Minister resigned having found it impossible to break the ranks of the coalition from other parties or lure some with ministerial positions or promise

them Lok Sabha slots later or possibly gratify them financially (Bhatia, 2018; Kanathanda *et al.*, 2018).

Part of the reason BSY also failed to poach any MLA from the other parties was that each party, from the day that results were announced protected its MLAs, from the preying eyes of the “wolves”. Congress, for instance, took its MLAs on a road journey to Hyderabad, which is 600km away from the capital, Bengaluru. Broadly speaking, the BSY which claimed majority in the house after the resignation of the BJP Chief Minister subsequently applied the “Vajpayee Formula” before the “strength vote” was due. The etymology of the acronym is from the action of a one-time Prime Minister (PM) of India, Atal Bihari Vajpayee who took a bow before a strength vote in 1996 (Gejji, 2018 p.14).

Although Yeddyurappa of the BSY, was a CM for three days, he was not the only CM to occupy such a position for less than one week in the history of India. For instance, in 2016, Harish Rawat of Uttarakhand quit after 24 hrs; in 1998, Jagdambika Pal of Up Loktantrik was dismissed by the High Court (HC) after 48 hours; Nabam Tuki of Arunacha Pradesh quit after 4days in 2016; Om Prakash Chautala of Haryana resigned after 4days following accusation that his election was marred by violence that led to the murder of a rival candidate; and Satish Prasad Singh of Bihar quit after 5days in 1968. Others were: Ravi S. Naik of Goa ruled for 6days; Nikish Kumar of Bihar were in power for 7days each (STOI, 2018, p.14).

Following the resignation of BSY, H. D. Kumaraswamy of JD(S) representing the Congress-JD(S) coalition was invited to form government on May 19, 2018, exactly one week after the election. He was sworn in on May 23, 2018 hence the end of the impasse.

Part of the lessons here is that all the formal institutions of governance i.e. the Constitution, the Vidhan Sabha, the political parties, the judiciary; and the informal or non-state actors like the civil society, the media were all tested and each showed uncommon dexterity. That is the India way of resolving impasse arising from inconclusive elections. Violence played very little or no role. It is more of dialogue and concatenation.

The 2015 Kogi (Nigeria) State Governorship Election

During the 2015 governorship election in Kogi state, the Electoral Management Board (EMB) applied a new rule in respect of cancelled votes which exceeded the difference between die number of votes scored by the two topmost contenders. In the midst of this, the candidate of one of the parties died before the final result was announced, a scenario that was not envisaged by the statutes, triggering off various, varied and conflicting interrelations of the extant laws.

It is important to note that the last incidence and not necessarily the cancellation of votes in the 91 booths that sparked the confusion. Notably – enough, since 2011 when the new rule governing violence in any election became part of the country’s legal corpus, four states had been caught up in the game. These had gone through the supplementary elections, and despite minor controversies, the winners were sworn in.

Yet violence in Nigeria elections is a factor. It tends to rubbish all efforts at achieving any modicum of electoral rectitude. Election is seen as an undeclared war in Nigeria; and it does not matter whether it is intra-party selection process, local government or any election. Scholars like Anifowose (2006) and Abbas (2008) capture the possible reasons and historicity of electoral violence in Nigeria respectively.

The former adduced three reasons for violence: “where people are disillusioned and alienated from their authority ...; where there is open disregard for the peoples’ wishes, as expressed through the ballot box ...; and if non-violent means of access to power ... and redress of grievances are blocked, violence may become a substitute” (Anifowose, 2006.). And to the

latter scholar, "Conflict ridden situations have historically featured' in all elections conducted in Nigeria since 1950s ... Thus, rather than serve as a means and a process of exercising legitimate political rights, elections in Nigeria have since independence, turned out to be serious political liability, causing serious political turmoil and threatening the survival of corporate Nigeria" (Abbass, 2008).

The macabre dance that follows every electoral exercise smack of a nation in orderly disorder and in discoordination. In this connection, the three political agents afore-discussed see the state electoral institutions as manipulable morgans that can be converted to personal use by few with deep pockets. The good news, however, is that, progressively, the Nigeria party system has moved from tribal "loyalty to choice", and that is what cultural institutionalism preaches (Norris, 2004). By reforming the EA and issuing a new guideline in 2011, politicians now know that cancelled elections as a result of violence is capable of working either way.

The contentious issues in the 2015 Kogi election:

Prince Abubakar Audu, an APC governorship candidate was seeking to be a three-time governor of Kogi state (was governor in 1992-1993 and 1999-2003). However, before the final results were announced his APC garnered 240,867 valid votes against his opponent's seating Governor Idris Wada of the PDP who garnered 199, 514 votes. The APC candidate, Prince Audu, by polling the majority of the votes cast and winning one-quarter of the votes in two-thirds of the Local Government Areas, met the requirements as contained in Section 179 (2) (a & b) of the 1999 CFRN (as amended):

"A candidate for an election to the office of Governor of a state shall be deemed to have been duly elected where, there being two or more candidates- (a) he has the highest number of votes cast at the election; and (b) he has not less than one-quarter of the votes cast in each of at least two-thirds of the local government areas in the state" (CFRN 1999).

Nevertheless, following the death of Audu before the final results, INEC ordered for a make-up election based on Section M, Paragraph 4 of INEC's Approved Guidelines and Regulations for the conduct of the 2015 general elections which reads:

"where the margin between the two leading candidates is not in excess of the TOTAL number of registered voters of the polling units where elections were cancelled or not held, the returning officer will decline to make a return until another poll has taken place and the result incorporated" (INEC Guidelines and Regulations, 2015)

INEC's action had its domino-effects because the contentious issue was not the propriety or otherwise of the rerun election but the death of Prince Audu. The other parties to the case also made claims. In fact, PDP, obviously aware that it had lost the election and understandably routing for an opportunity for a second chance claimed that Prince Audu's votes died with him. However, the party could not prove any legal authority to back up its claims other than what it called the "combined" or "community reading" of the Electoral Law and the Constitution. Like other claimants, the APC followed its position with a barrage of legal fireworks.

The All Progressive Congress (APC) cited Section 181 (2) of the 1999 CFRN:

where the person duly elected as a Governor and Deputy Governor of a state die or are for any reason unable to assume office before the inauguration of the House of Assembly, the Independent National Electoral Commission (INEC) shall immediately conduct an election for the office of a Governor and Deputy Governor of the state (CFRN, 1999)

Thus, as Section 33 of the 2010 Electoral Act (with 2011 amendments) states

“A political party shall not be allowed to change or substitute its candidate whose name has been submitted pursuant to Section 31 of this Act, except in the case of death or withdrawal by the candidate” (INEC, 2011)

The APC further averred, in an obvious reply to the PDP’s claim that Prince Audu’s votes died with him, that the votes were not Audu’s but APC’s since the laws do not recognize an independent contestant. It relied on Section 221 of the Constitution: “No association, other than a political party, shall canvass for votes for any candidate at any election ...” (CFRN 1999).

As expected, the Office of Attorney General and Minister of Justice of the Federation posited that the APC should substitute its candidate following the death of Prince Audu, stating that the issues “do not need interpretation”. Based on this, Prince Audu’s running mate, Mr James Abiodun Faleke, relying on the combined weight of Section 181 of the Constitution and the precedent set by the Atiku Abubakar/Haruna scenario in 1999 in Adamawa state argued that the EMB should not have declared the election inconclusive based on the death of Prince Audu. He recalled that Alhaji Harana who was the Deputy Governor was automatically sworn in as the substantive Governor when the Alhaji Atiku Abubakar was appointed the Vice-President of the federation.

Faleke therefore wrote to INEC and his party twice before petitioning an Abuja High Court, insisting that he be declared the winner and if there must be a run-off election, he should automatically be presented as the candidate of APC. He went a step further by nominating Audu’s son, Mohammed, as a running mate obviously trying to re-incarnate the incidence in Yobe, where, after the death of Mamman Bello Ali in 2009, the defunct ANPP picked his brother as a deputy to Abubakar Aliyu. It is important to point out here that in the two cases (Adamawa and Yobe), the elections were conclusively concluded, but inconclusive in the Kogi case.

Despite these arguments, the APC presented a new candidate in the person of Alhaji Yahaya Bello, who came second in the APC primaries, thereby complied with section 87(1) of the 2010 Electoral Act, which states that: “A political party seeking to nominate candidates for election under this Act shall hold primaries for aspirants to all elective positions” (INEC, 2010). It may be worthy to state here that the primary elections in Nigeria is as turbulent as the main elections which often led to factionalization or dismemberment of parties, amongst others debilitating bad blood.

Interestingly – enough, Faleke contested the elections as a deputy but did not contest the primaries as a governorship candidate, so also did Yahaya Bello contested the primaries but did not contest the main election that was declared inconclusive. Thus, if Faleke’s argument is to go his way he would merely inherit Audu’s or APC’s votes as cited in the case of Rotimi Amaechi of Rivers State who succeeded sacked Celestine Omehia as governor in 2007, having contested the primaries but not the actual election. Worse still, by refusing to play a second fiddle to Bello, the former contested the election to the office of Governor of the state without a deputy, meaning that neither Bello nor the APC had a deputy as the election approached.

The question here is the reason both parties avoided the Apex Court despite copious provisions. A combined reading of two Sections of the 1999 constitution and INEC amended 2018 give the lead to whosoever decided to approach the SC to interpret, not just the letter but the spirit of the Constitution as stated “the Supreme Court shall have jurisdiction, to the exclusion of any other court of law in Nigeria, to hear and determine appeals ...” (Section 233(1)); and “decisions on any question—whether any person has been validly elected to the office of Governor or

Deputy Governor under this Constitution” (CFRN 1999, (233(2)(e)(iv)); INEC Amendment 2018).

Again, unlike India where citizens are already showing discomfort with the notion of parties moving the courts after the results of elections are announced (Bhatia, 2018), the 1999CFRN (4th Amendment, 2018) anticipates pre-election discomforts (Section 285 (1&2) & (Section 285 (9-14a-c)) thereby provided opportunities for cases to be decided in the courts.

Figuratively speaking, the Nigeria legal system already anticipates challenges in all elections and the roles of the courts provided such opportunities which to say the least is counterproductive and a disservice to the course of epistemic democracy.

A Comparative Analyses

India practices a parliamentary system of democracy where a political party who secured the highest number of members in an election is invited to form the government both at the centre or state levels. In the case where none of the parties were able to secure the majority required to form the government, the election is known as “hung parliament”. The parties involved seek for coalition of parties including the independent candidates to form the government. Thus, any coalition of parties that sake claims are given some days or weeks or months but not more than three months to prove its majority at the House of Parliament (centre) or vidhan Sabha (State). Therefore, the features of India election are that coalition governments are as old as democracy in the country. Contrary to these established rules, any aggrieved political party may seek a redress in the courts. The courts especially the Supreme Court settles the intricates of electoral cases.

This is the case of Karnataka state in India where six parties and some independents contested the election. The election ended with none of the parties garnered up to the required seats to form the government hence the “inconclusive election.” Moreover, in a parliamentary democracy, the courts have no role to play once the results of election were declared. Thus, by its name, an inconclusive election occurs when the process of selecting a winner among other candidates is hanging. This might be as a result of hung parliament where none of the parties in contest met the irreducible minimum conditions to be declared a winner. In a similar way, consequent upon Electoral Reforms, election in certain areas or booths can be cancelled and a re-run called for, before a winner is declared following disruptions, such as violence or unlawfully tempering with electoral process. Like other states in India, Karnataka operates a parliamentary system with an upper House (Vidhan Parshad) and lower House (Vidhan Sabah), however the latter House has an all-elected representative Assembly directly by the people while the former is indirectly elected and nominated.

In Nigeria too, inconclusive election may occur where a country’s Electoral statutes penalize violence by ordering a supplementary election in all booths affected. Similarly, such can happen when an untoward challenges unenvisaged by the laws manifest during an election. Obviously, Nigeria’s democratic journey has been punctured several times since independence due to in measurable free and fair elections. In fact, the electoral system in Nigeria falls within the bracket of survival of the fittest where the winners take all. Violence as observe is widely the cause of inconclusive elections especially for countries with fragile institutions like Nigeria. The first inconclusive election in post-independent Nigeria was the first general election that heralded the Second Republic in 1979. The second inconclusive election was the ill-fated Third Republic when General Ibrahim Babangida stopped the announcement of election results in 1993.

In the present fourth republic, general and one-off elections are marred by rigging, accusations, manipulation, violence, cancellation of results among others. In fact, wherever there is any

cancellation occasioned by violence, INEC reserves the power to declare such elections inconclusive and thereafter order a supplementary election before the final winner is announced. Before this time, the gubernatorial elections have been declared inconclusive in Imo, Abia and Taraba states following incidence of violence in some polling stations and subsequently the supplementary elections were ordered. However, there is no much provision from the normal ways of handling violence. The problem of Kogi State came when the APC leading candidate died before the announcement of the final results. The quagmire was unprovided for by the existing laws which resulted into multiple interpretations and litigations. Electoral reforms may entails strengthening existing rules, for example, the 2010 with its 2011 amendments is founded upon the principle of altering the formal rules to achieve desirable result through the public policy process.

The Kogi State governorship election in 2015 saw the Electoral Management Board (EMB) applied a new rule in respect of cancelled votes which exceeded the difference between the number of votes scored by the two topmost contenders. In the process, the candidate of one of the parties died before the final result was announced, a scenario that triggered off various conflicting interpretations of the existing laws. In fact, the death of Abubakar Audu who was a leading contender against the seating Governor arose controversies resulting into violence. A candidate for an election to the office of Governor of a state in a presidential system like Nigeria shall be deemed to have been duly elected where he has the highest number of votes cast at the election, and also not less than one quarter of the votes cast in each of at least, two-thirds of the local government areas in the state. Following Audu's death, INEC ordered for a makeup election. The contentious issue here was the other parties claimed that Audu's voted died with him, thus, an opportunity for a second chance. However, these parties lack any legal authority to back up their claims whereas APC, on the other hand, cited section 181 (2) of the 1999 of the constitution of the Federal Republic of Nigeria and section 33 of the 2010 Electoral Act (with 2011 amendments) concerning the matter. In fact, the APC denied picking the Audu's running mate, Mr. Abiodun Faleke in spite after his letter to the INEC, his party and the court to declare him the winner. The APC, on the contrary, presented Yahaya Bello who contested the primaries with Late Audu but came second position. Broadly speaking, the purpose of avoiding the Apex Court by the parties over the matter is still unknown despite the provisions in the constitution for the court to hear and determine such appeals (CFRN:1999). Perhaps, the Nigeria legal system already anticipated challenges in every election and the delay by the courts decided to avoid the use of courts unlike in India where the citizens are already showing discomfort with parties moving the courts especially after the election results are announced.

Conclusion

The paper has tried to present cases of two inconclusive elections in Karnataka (India) and Kogi (Nigeria) states respectively. The work is a comprehensive and precise attempt which studied the 2018 Karnataka and 2015 Kogi States elections respectively. The work notes that the case of Karnataka was a result of normal hung parliament rising from the inability of all the parties to cross the constitutional threshold to be declared winner. These parties were invited separately to prove their majority in the House within a specified periods of time but failed to secure the majority till the Congress/JD(s), coalition proved its majority to form the government. On the other hand, the Kogi case was sequel to violence in some areas and the sudden death of the APC leading candidate. As a result, the INEC cancelled elections in these areas while APC decided to nominate the candidate that came second during the primaries for the governorship election. Evidence shows that the electoral violence has ceased in India does not mean that it never happened. Perhaps, with advancement in technology and political astuteness, more people are leaving the poverty bracket to pay less emphasis on legalism but

move on attributions that showcase real politics. In the case of Nigeria, the study posits that the election recorded an unfortunate setback with violence and manipulation in addition to open votes buying and bribery of voters. In fact, the election proves to be sliding backward as a result of ethnicity and religious problems that are yet to overcome. As evidently observed, even though tribal-based parties are outlawed, these primordial sentiments still continue to define politics in the country. Truly when it matters most, politicians race back to their primordial bases.

Recommendations

Inconclusive elections may have serious consequences for democratic institutions in the developing countries which undermines public confidence in the electoral process. The study therefore proffers the following recommendations:

- i. There is need for the Electoral Empires to improve transparency in the electoral process to avoid future cases of inconclusive elections. Also, proper monitoring of the process by all stakeholders involved should be ensured by the Electoral bodies.
- ii. There is a need for countries having frequent inconclusive elections to reform its electoral laws to strengthen the Electoral Commission.
- iii. The role played by media in promoting free and fair elections cannot be overemphasized. Media houses however must avoid carrying fake unauthentic news that could cause or incite hate and violence.
- iv. There is a need for increased voter education to help citizens understand the importance of their participation in the electoral process and the use of modern technology during elections to avoid violence and misconduct.
- v. There should be tight security measures put in place to prevent electoral violence by factions. The law enforcement agencies need not be partisan and should remain unbiased in the discharge of their duties. Also, they should be trained and equipped to protect the voters and polling booths and should not be compromised by desperate politicians who use them as a tool to rig elections.

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