



ELECTORAL COMMITTEE OF THE NIGERIAN BAR ASSOCIATION

ECNBA Secretariat, 1st Floor, Abuja Chamber of Commerce and Industry, Abuja Trade & Convention Centre, KM 8 Umaru
Musa Yar'adua Express Way, (Airport Road), Abuja
info@ecnba.ng

23 July 2022

Mr. Andrew Agbo-Madaki,
Decy4 Technologies
31 P.O.W Nafemi Crescent,
Utako, Abuja.

Dear Sir,

Re: Your Complaints against alleged Fundamental Irregularities and alleged Non-compliance in the NBA Election

We write further to our emails of 18 and 20 July 2022 acknowledging receipt of your letters of the 16 and 20 July 2022 in respect of the above.

As you are aware, the election of National Officers of the NBA and NBA representatives in the General Council of the Bar was held and concluded on 16 July 2022. It is on record that you attended the ECNBA Stakeholders Briefing and Press Conference on Friday 15 July 2022 (Briefing) which started at 6:30 pm on that day and for the better part of the time from the commencement of viewing of election results at 12:00 am when election opened on the 16 July 2022 to the end of voting at 11:59 pm on the same day you were in the situation room with other agents. The only period it was apparent you were absent from the situation room was when you left in the early morning to host a program "The Weekend Show" on AIT from 8:00 am -10:00 am. From the start of voting to 11:00 am on Saturday morning, the Chairman of the ECNBA and some of the Committee members, viewed the election results on the monitor with all agents of the candidates. The Chairman then took a break and came back a few hours later.

When you came back, you attempted to serve the ECNBA's Secretary, Ms. Mabel Ekeke, with your letter under reference and she advised you to send it electronically to info@ecnba.ng. The Chairman of the ECNBA also vividly recalls that during one of the few times that the screen timed out, he announced to the agents that the ICT Service Provider sent a message that he wanted us to wait for 10 minutes before refreshing. All the agents agreed, and you in particular told the Chairman that you were a computer expert and we should not be refreshing as quickly as was being done. After waiting for the 10 minutes and it was refreshed the problem stopped for the next 9 hours or so before another time out incident occurred.

Be that as it may, the ECNBA, the Technical Support Consultant (Finesse Technologies) and the ICT provider (INITS/ElectionBuddy) have carefully reviewed the complaints in your letter and our responses to all your complaints are below:

Please note that the post-election duties of the TSC and ICT service providers are clearly provided for in Section 9 of Part III of Second Schedule of the NBA Constitution and they are expected to each submit a report to the ECNBA after completion of work. Such report shall be made available to Candidates on request and shall be safely stored. It will appear, therefore, that you have decided to pre-empt these all-important post-election activities by making the complaints in your letter under reference and drawing conclusions which, predictably, are grossly unfounded. We will now proceed to address your complaints.

Complaint No. 1

That Agents complained about the last-minute briefing which did not avail time for agents and IT experts of candidates to test the voting system and portal.

Agents including yourself who complained that the Briefing of 15 July 2022 was a “*last minute briefing which did not avail ample time for the agents and IT experts of the Candidates to test the voting system and portal*” appear to be unaware of the ECNBA’s activities or are simply being mischievous. The Briefing of 15 July 2022 was the 3rd of the many meetings/interactions/engagements with the Candidates and (other) stakeholders. The first was held on 2 June 2022, while the second was on 22 June 2022.

During the ECNBA’s Stakeholders Briefing of 2 June 2022, the ECNBA unveiled the Technical Support Consultant (Finesse Integrated Technologies Limited) (TSC) and carefully explained the rigorous process the ECNBA undertook before appointing the TSC. Only two of the companies that submitted proposals in the manner prescribed in its “Request for Proposal For Technical Support Consultant to the ECNBA – Submission Reminder Notice” dated 22 April 2022 were shortlisted. In the considered assessment of the ECNBA, the 3rd company from the proposal it submitted lacked the competence and capacity to act as a Technical Support Consultant and was never shortlisted.

On 22 July 2022, at the ECNBA’s Stakeholders Briefing, INITS Limited & ElectionBuddy (ICT Service Provider) were introduced to Candidates/Stakeholders for interactions and the rigorous process adopted by the ECNBA to select them were explained. It is on record that during the Manifesto Day and Presidential Debate held on Thursday, 7 July 2022, both the ECNBA’s TSC and ICT provider respectively gave detailed presentations about their activities, the entire electoral process and voting platform at the hybrid event. The event was widely publicized, thousands of Members of the Association participated virtually while most Candidates and their supports were physically present.

Specifically, the ICT Service Provider carried out a demonstration of the electronic voting platform. From the time of the unveiling of the ICT Service Provider to the time of the Manifesto Day and Debates until 15 July 2022 at 6:25 pm, your Candidate/Principal failed to request to test the voting platform and portal.

You surely had to have been aware that your request to test the voting system and portal during the press briefing when the election was less than three (3) hours away was obviously neither practicable

nor realistic. In fact, in the assessment of the ECNBA, it was a calculated attempt to disrupt the electoral process. The ECNBA was not going to allow it and flatly rejected your request. That aside, your request manifestly showed your ignorance of the constitutional provisions guiding the ECNBA and all stakeholders regarding the electoral process and testing the voting system/platform and portal.

For your information, the duty to test the voting platform to be provided by the service provider is that of ECNBA and is not that of the Candidates or their IT experts (See Section 8 of Part III of the Second Schedule of the NBA Constitution). You can be rest assured that the ECNBA undertook this task as required by the NBA Constitution. Therefore, your allegation that “*last minute briefing which did not avail ample time for the agents and IT experts of the candidates to test the voting system and portal*” is totally baseless.

ElectionBuddy is a publicly accessible and secure online voting platform which allows anyone to sign up by themselves and run an election in just a few minutes for as many people as are desired. Payment is not required for small elections, allowing for walkthroughs, testing, and evaluation.

This means any agent or IT expert of any Candidate, or any Candidate particularly interested in testing the voting system would have been able to do this without any recourse to the ECNBA or consulting the ECNBA, its Technical Consultant or ICT Service Provider. Payment is not even required, you just need to go to the platform and sign up. The ICT Service Provider noted that over 50 individuals did this check, both before they voted and after voting. Having it this way even offers a high level of independence and an unbiased approach to evaluating the real system extensively. It is therefore shocking the position you have taken in your letter, a position that implies the ECNBA denied access to the ElectionBuddy system when in fact, we could not.

Information regarding the platform which would be used for the election – ElectionBuddy was made public by the ECNBA long before the election.

Complaint No. 2

Agents were excluded from the demo where random people were selected to participate in.

You have alleged that agents “were also excluded from the demo where random people were selected to participate in.” We are happy that you have confirmed by your statement that indeed there was (1) a demo and (2) random people were selected to participate in the demo. Your grouse is that agents were excluded. This allegation is another demonstration of your ignorance of the provisions of the NBA Constitution on the process of test running the ballot system. If you look at Section 7 of Part II of the Second Schedule of the NBA Constitution, there is nowhere in the Constitution that it is required for “agents” to participate in the test run of the balloting system. The ECNBA as it was entitled to do mostly selected random people (from the list of eligible voters) for the process which held on 14 July 2022 hence your allegation of not selecting agents is therefore baseless. In so doing, the ECNBA desired to avoid any appearance of working to a pre-determined outcome because the randomness meant that the people selected could not conspire to provide choreographed feedback on the system.

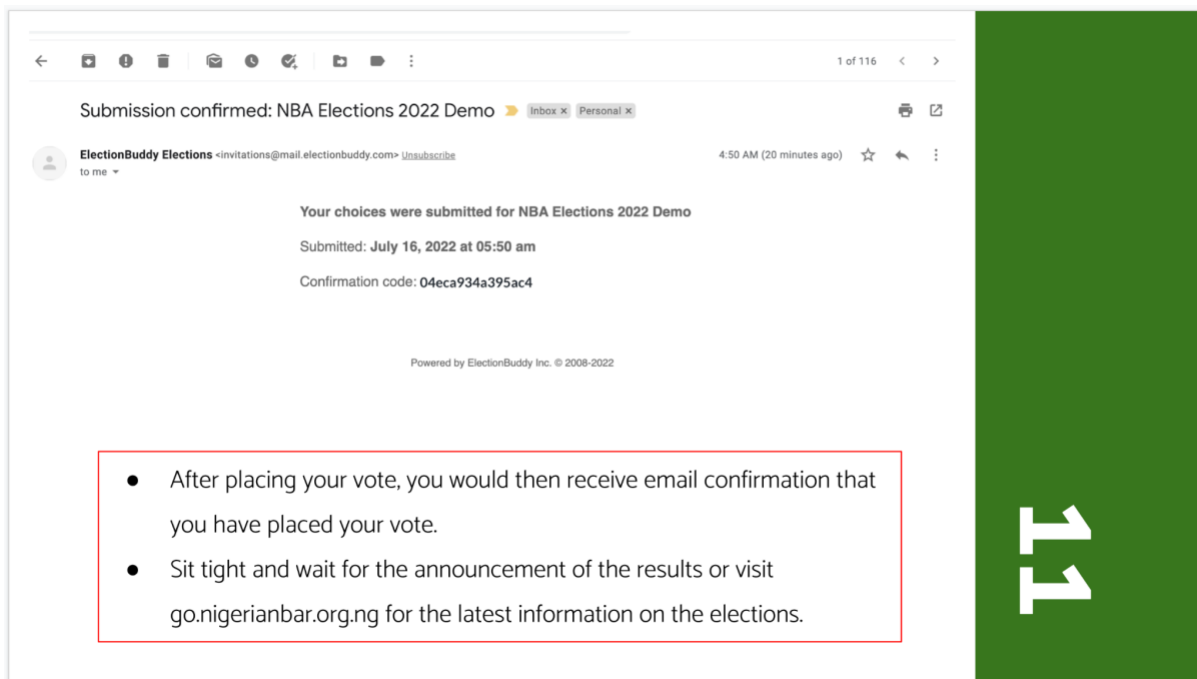
You are not a lawyer, neither are you on the list of eligible voters. How can the ECNBA invite you to participate in the demo process?

Complaint No. 3

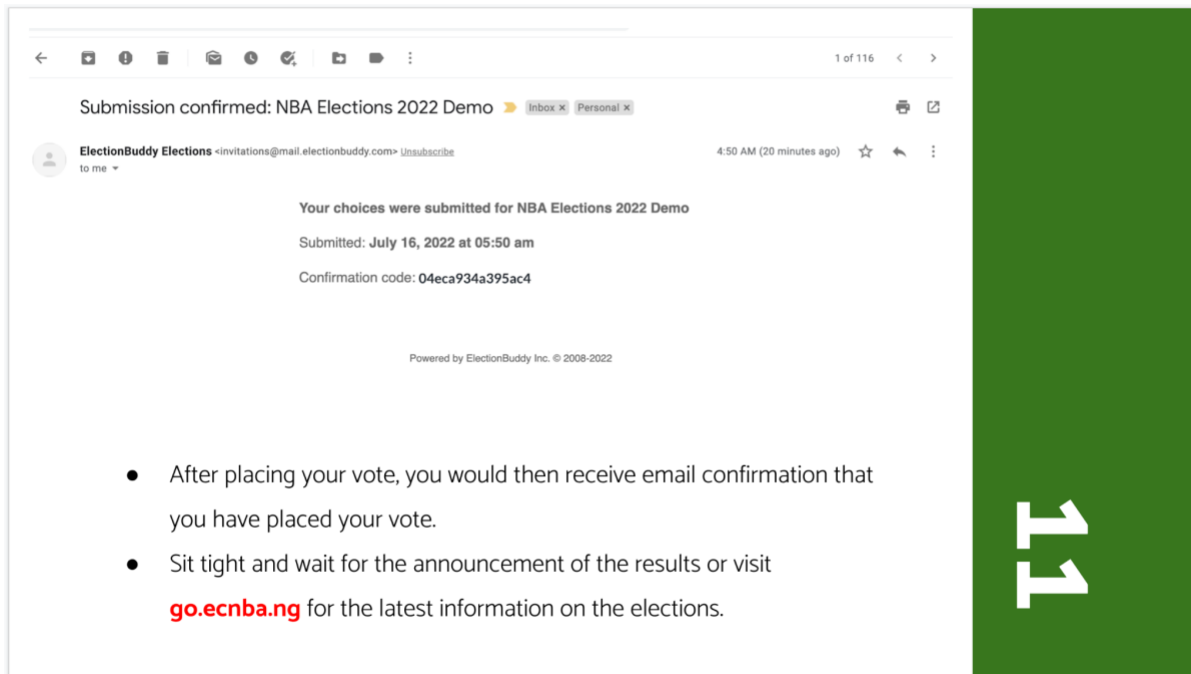
At the briefing, representatives of INITS stated that live results will be available for all voters to see during the elections at the domain: <http://go.nigerianbar.org.ng>, however at the start of the election, up to this moment, this option was not made available only agents in the situation room had access to the live result.

As shown below the presentation slide being referenced, it was clear that information on the election would be made available on go.nigerianbar.org.ng. The messaging on the slides during the presentation was also clearly written as follows -

“Sit tight and wait for the announcement of the results or visit go.nigerianbar.org.ng for the latest information on the elections.”



This was specifically for viewing the latest information that may be posted or useful for voters and not viewing the real-time results. It is not evident to us where your position on this emanated from.



The link was eventually updated from go.nigerianbar.org.ng to go.ecnba.ng since go.ecnba.ng was already active and had been circulated to the list of eligible voters by Email and SMS. To avoid confusing voters, one URL was retained for Election Information - go.ecnba.ng. And as promised, the go.ecnba.ng contained the latest information on the elections, and was updated multiple times during the election as promised.

This link go.ecnba.ng is a main hub of information for Eligible Voters participating in the election and was also sent in an Email to them. It contained and still contains the following sections:

- Frequently Asked Questions.
- Video Guide of the General Voting Process.
- Important Notices.
- Information for Getting Help.
- Information about DND and How to Deactivate this.
- Link to Information about Eligible Voters.

After the announcements of results, a link to the results page was also posted on the same website of go.ecnba.ng, leading to the same page used in the situation room for displaying running tallies of voting.

How It Works



In need of assistance?

Leave us a message

Email Address

support@evm.ng

Phone Number

070-8067-2013

Frequently Asked Questions

- Who do I contact with questions or concerns? +
- How do I confirm my eligibility to vote? +
- How do I vote? +
- I did not receive my notice or voting credentials? +
- Why is my access link not working? +
- How do I confirm my vote was received? +
- Can I change or delete my vote? +
- How does the Election Platform prevent others from viewing my voting choices? +
- Will my vote be anonymous? +
- Why am I receiving a 404 Error message? +

Complaint No. 4

Agents also requested back-end access to view the voting portal as required under international best practices, this request was rejected.

Access to view the live updates of the election was made available in the situation room and presented on the large media screen. The same view was made available to all.

Complaint No. 5

It is also important to state that despite assurances of the ECNBA and the technology provider INITS Limited on the suitability of the voting site www.electionbuddy.com, between the hours of 1am to 3am there were repeated error messages while viewing the live results (error; 502 bad gateway). The Hypertext Transfer Protocol (HTTP 502 Bad Gateway server error response code) indicates that the server while acting as a gateway or proxy received an invalid response from the upstream server.

HTTP 502 and HTTP 504 errors, though avoidable, are not uncommon when systems doing a lot of processing are being accessed repeatedly. They can occur for several reasons, in addition to being initiated by the provider, including the number of routes or hops that a browser needs to do to access the site, which is dependent on the accessor, not the provider. However, there are also some items that relate directly to the infrastructure and process of the provider, ElectionBuddy.

According to ElectionBuddy, in designing the ElectionBuddy Cloud voting infrastructure, the election results interface and the voting interface was separated to ensure that voters can vote seamlessly irrespective of traffic viewing the results and the resources required for the results review.

For example, the marketing and information website of ElectionBuddy is <https://www.electionbuddy.com> and it is completely separated from <https://secure.electionbuddy.com/{voting-link}> for voting and also separate from the [results display section](#). This is the same kind of separation that large enterprises like banks use - there is a clear separation of Internet Banking portals from their Marketing Websites.

With the foreknowledge that many thousands of eligible voters and many thousands of visitors will be visiting the election platform to vote, the user-facing interface of the presentation of the election results was kept separate from the process of voting to ensure that voters are able to vote seamlessly irrespective of traffic viewing the results.

A gateway acts to direct traffic for a particular service to the server or cluster of servers that can respond to the request.

The ICT Service Provider notes that ElectionBuddy runs a highly secure system with Web Application Firewalls, Load Balancers and Distributed Processing due to the sensitivity of the work it does and the role it has played for over a decade and in elections such as this. As a result of this, each time there is a request to view the election results, the results viewing service recomputes the options chosen by every voter that has submitted their ballot and compares this against the hash (confirmation code) it generated when the ballot was submitted. This computation and confirmation process is important because it acts as one of the mechanisms for detecting any tampering or manipulation of information or attempts to do so. This is done to ensure that the integrity of the ballots, selections and vote are preserved. One of the most critical features of a secure e-voting system is that it is tamper-free so that votes can't be changed without detection.

Therefore, this computation process for the presentation of results is a highly computing-intensive process and is dependent on the number of voters eligible to vote and the number of voters who have voted at that point. This can take several minutes each time the vote is counted and increases with larger voter and eligible voter populations. According to the ICT Service Provider, to ensure that the process does not generate runaway queries and so that they can detect anomalies and issues, they meter the process and issue a time out if the process appears to be running longer than expected, and they wanted to ensure that the voting process continued irrespective of results presentation. The capture of the vote that occurs before the results presentation, and the results presentation during voting is at a point in time, and the compilation of the results during the vote takes time and computing resources. When a conflict between these two items exists, especially in the case when thousands of voters access the platform to vote, precedence is given to capturing the vote, to ensure that ultimately the results are presented fairly both during and at the completion of the vote.

According to the ICT Service provider, this is why the process may time out and result in the 502 bad gateway error as the gateway expected the computation to finish within a short wait time and the process timed-out. The ICT Service Provider noted that multiple, repeated concurrent result viewing requests can result in the time out, and given voting patterns are typically unknown, and it was the case in this instance, different than occurred in the 2020 NBA Elections. However, it was not an indication of any problem with the balloting process, votes cast or selections throughout the election process. And to address the timeout issue, the wait time was significantly increased during the vote, reducing re-occurrences of the bad gateway error and allowing for a more seamless viewing of the results while voting was occurring. The ICT Service Provider noted that after the pattern was identified mid-vote,

there were no time out instances in the last 8-hour period and in the final compilation, which is what they viewed as crucial.

This is also not symptomatic of lack of capacity, but more because of the anxiety of the agents in the situation room requesting for second-by-second refreshing of the page thereby causing the results interface to behave in ways different from how it was ordinarily designed, and applications are designed not to blindly respond to such request, otherwise the application will become susceptible to Denial-of-Service attacks.

Complaint No. 6

This makes us question the credibility and efficiency of the portal which promised to handle a 100,000-voter capacity.

The capacity of the ElectionBuddy platform to handle large numbers of voters has been tested over time, including one that had 100,000 voters. Furthermore, we are not aware of any complaints regarding unavailability of the ElectionBuddy platform for voting. The ICT Service Provider monitored the infrastructure uptime during the election. The Service for voting on the ElectionBuddy platform is configured for high availability and they did not encounter incidents on the platform that impacted access to voting. Instead, the ECNBA has seen several commendations of the process by many of the voters both during and after this vote and ease experienced by eligible voters who voted during the election.

Complaint 7

Agents and stakeholders were also requested graphical representation of the results which would show details according to branches. This was not made available during the election period.

The request for a graphical representation of information according to branches was made quite late and would have required changes to the platform. According to the ICT Service Provider, this kind of change is considered significant and significant changes, such as this one, are not advisable this close to an election as the time available would not permit the necessary scoping of the changes required, development, validation, testing, quality assurance and stringent integrity checks and signoffs from multiple people prior to deployment and rollout. It was therefore not practical, nor pragmatic and was likely to detract at that point in time from the credibility of the process. This was explained to the agents and stakeholders, so it was shocking to see this registered as an issue in the letter.

More Importantly, having run elections for more than a decade, experience has shown that gerrymandering becomes exponentially easier to do and more impactful when you provide information during a live election that allows Candidates or their agents to know where votes are yet to come from and not just who is winning. This can result in both pressuring voters to vote or not to vote because the voters have been unduly exposed to targeted persuasion by Candidates or their agents.

Furthermore, the anonymity requirement for voters will not permit access to or display of the specific selections by voters and therefore actual voting representation by a voter or branch cannot be presented live.

However, now that the election is over, the ICT Service Provider will use data available post-election and create a graphical representation of the voter participation numbers according to which branches will be provided as part of the comprehensive post-election reports.

Your request for a forensic audit of the election and the results logs.

The post-election duties of the TSC and ICT service providers are clearly provided for in Section 9 of Part III of Second Schedule of the NBA Constitution and they are expected to each submit a report to the ECNBA after completion of work. Such report shall be made available to candidates on request and shall be safely stored.

The purpose of the certification by ElectionBuddy is to review the voter list, voting process, examine the results, and inquiries of management. The review and results of those procedures must provide a reasonable basis to confirm the report. We refer to the section above on anonymity as this was promised to voters and must be retained. For auditing the outcome, the list of confirmation codes, as well as list of voters that participated in the voting process is made part and parcel of the post-election reports by the Service Providers. Once the report is made available, we direct that you read other parts of the report and check the background of the signer, the ElectionBuddy President, who has no vested interest in this vote or the related results. In the circumstances, we have no constitutional obligation to grant your request for a forensic audit of the election and the results logs.

We advise that once the reports of the TSC and ICT Service Provider are ready and available, you should please make a request for same.

In conclusion, your expert opinion in numbers 1, 2, 3, 4, 5, 6 and 7 of your letter of 20 July 2022 makes a mockery of your claim as a Computer/Forensic Expert. The electoral process at all material times revolved around the three-cardinal points of integrity, confidentiality and availability and there was nothing to lead to any reasonable doubt in the security of the election process:

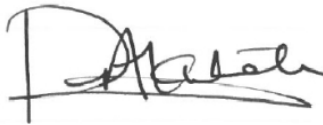
1. The server errors were both easily detected and explained and the support provided by the ICT Service Provider does not provide any room for any doubt as to its stability and security at any point in time.
2. The electoral process was transparent at all times – pre-election, election day and post-election and the NBA Constitution is clear that the ECNBA is the body charged to test the voting platform and it duly carried out the function. To ask the ECNBA to grant any Candidate the kind of access that you sought when you sought it, amounts to asking the ECNBA to commit institutional suicide. That is clearly not part of the ECNBA's brief.
3. In addition, you had every opportunity to visit the Electionbuddy platform to conduct your independent investigations and our response in Complaint Number 5 has answered any issue on transparency of the platform and every question relating to the website. Once again, www.electionbuddy.com is different from <https://secure.electionbuddy.com/> where the election was conducted.

4. The ECNBA complied with all the relevant constitutional provisions relating to opening of the voting, close of the voting and announcement of the results. As an agent, it would have been more helpful if you had endeavoured to acquaint yourself with the relevant provisions of the NBA Constitution. That would have spared you some of the embarrassment evident on the face of your correspondence.

The 2022 election of National Officers of the NBA and NBA Representatives to the General Council of the Bar was conducted in strictest accordance with the provisions of the NBA Constitution and with international best practices for digital ballots. It was transparent, free fair and credible. For your information, nearly all the agents who were in the Situation Room on the day of the election signed a declaration form indicating that they were satisfied with the conduct of the elections in the Situation Room as well as the outcome of the election.

Yours truly,

ECNBA



Ayodele Akintunde, SAN, C.Arb, FBR
Chairman



Mabel Ekeke
Secretary