**#FixINEC, #FixNigeria Report: Part II**

**What is Wrong with our Elections: Understanding the Issues.**

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# **Introduction**

Elections are at the heart of democratic governance, providing a mechanism for citizens to exercise their sovereign power and shape the trajectory of their nation. For Nigeria, with its complex socio-political landscape and vibrant population of over 200 million, elections hold even greater significance. They are a critical test of the nation’s commitment to democratic values, accountability, and inclusivity.

Yet, Nigeria’s electoral journey has been fraught with challenges. The Independent National Electoral Commission (INEC), tasked with administering elections, has often been at the center of controversies stemming from logistical inefficiencies, technological lapses, voter disenfranchisement, and perceived political interference. These challenges have contributed to a growing trust deficit between the electorate and the electoral system, undermining the integrity of elections and the legitimacy of elected officials.

Part II of the #FixINEC, #FixNigeria Report seeks to unravel these complexities, offering a comprehensive review of INEC’s performance over two decades. This section documents the recurring issues that have plagued elections, from the contentious polls of 2003 to the technologically compromised elections of 2023. It also revisits the Justice Uwais Report, a critical yet under-implemented framework for electoral reform, and examines thematic areas that require urgent attention, including campaign finance, inclusivity, and the prevention of electoral malpractices.

This report goes beyond highlighting challenges; it calls for decisive action. It underscores the interconnectedness of electoral integrity and national progress, emphasizing that credible elections are not just a democratic ideal but a necessary foundation for sustainable development. By addressing these issues head-on, Nigeria has an opportunity to rebuild public trust and create an electoral system that truly reflects the will and aspirations of its people.

**Fix INEC. Fix Nigeria. Enjoy the Report Join the movement.**

* **Century Favour - Founder Mandate 4**

# **EXECUTIVE SUMMARY**

A credible electoral system is the cornerstone of any democracy, and in Nigeria, the Independent National Electoral Commission (INEC) is tasked with this monumental responsibility. Over the past two decades, INEC has faced recurring challenges that have eroded public trust and confidence in Nigeria's democratic processes.

### Purpose of the Reporttt

The **#FixINEC, #FixNigeria Report: Part II** is designed to equip Nigerians with a holistic understanding of the issues plaguing INEC and Nigeria’s electoral system. By examining two decades of INEC's performance, reviewing key findings from the Justice Uwais Report, and identifying thematic areas in need of reform, the report serves as a roadmap for driving the much-needed transformation of Nigeria's electoral process.

### Scope of the Report

This report is divided into four chapters:

#### a. A Review of INEC Operations and Performance (2003–2023)

This chapter provides an in-depth analysis of INEC’s operations over the past two decades. It evaluates key elections, including the general elections of 2003, 2007, 2011, 2015, 2019, and 2023. The chapter highlights critical failures such as voter disenfranchisement, poor management of electoral technology (e.g., BVAS and IREV), logistical inefficiencies, and lack of accountability among INEC officials. The chapter also emphasizes how these failures have eroded public trust and undermined Nigeria's democracy.

#### b. Review of Nigeria’s Electoral History (Justice Uwais Report)

This chapter revisits the landmark Justice Uwais Report on electoral reform, widely regarded as one of the most thorough analyses of Nigeria’s electoral challenges. It discusses the report’s findings on systemic issues such as the lack of INEC’s independence, inadequate electoral laws, and widespread electoral malpractices. It also highlights the Justice Uwais Report’s recommendations for strengthening INEC’s autonomy, improving electoral technology, and prosecuting electoral offences, many of which remain unimplemented.

#### c. Understanding the Problem – Thematic Areas in Nigeria’s Electoral Process in Need of Reform

This chapter identifies the core issues that continue to plague INEC and Nigeria’s electoral process, categorized but not limited to the following thematic areas:

* **Weak Electoral Institutions:** Executive interference in INEC appointments and funding, undermining its independence.
* **Electoral Malpractices:** Vote-buying, ballot stuffing, and result manipulation at collation centers.
* **Poor Management of Technology:** Failures in implementing biometric authentication devices and electronic transmission systems, including the IREV failure in 2023.
* **Political Violence:** Election-related violence fueled by youth unemployment, political thuggery, and a "winner-takes-all" mentality.
* **Lack of Accountability:** INEC’s inability to hold officials accountable for electoral misconduct and prosecute electoral offences offenders.
* **Judicial Weakness:** Delays in resolving election disputes, often leaving illegitimate officials in office.
* **Low Voter Education:** Widespread voter apathy and manipulation due to inadequate civic education.

The chapter provides real-world examples from recent elections, demonstrating how these failures have compromised the integrity of Nigeria’s democracy.

#### d. FixINEC – An Overview of Recommendations

The final chapter outlines actionable recommendations to reform INEC and the electoral process. These include:

* Strengthening INEC’s independence through constitutional amendments.
* Fully implementing biometric and electronic voting technologies to ensure transparency and efficiency.
* Establishing an Electoral Offences Commission to prosecute offenders and eliminate impunity.
* Improving voter education to empower citizens to make informed electoral decisions.
* Enhancing the judiciary’s capacity to resolve election disputes promptly, ensuring petitions are resolved before swearing-in ceremonies.
* Implementing the Justice Uwais Report’s recommendations in full.

This chapter emphasizes that systemic reform requires collaboration among citizens, civil society organizations, political actors, and the international community.

The **#FixINEC, #FixNigeria Report: Part II** underscores that Nigeria’s electoral challenges are not insurmountable. With deliberate reforms, strengthened institutions, and active citizen engagement, the country can establish a credible electoral process that reflects the will of the people. This report calls on Nigerians to take ownership of the push for INEC reform, recognizing that free, fair, and transparent elections are essential for the country’s democratic future.

The future of Nigeria’s democracy depends on a reformed and accountable INEC. It is time for every Nigerian to demand change, hold institutions accountable, and ensure that elections truly reflect the voice of the people. **Fix INEC, Fix Nigeria.**

# **Chapter 1.0 - A Review of INEC General Election Operations and Performance**

In this chapter we will provide you with a brief review of INEC’s performance from 2003 -2023, our goal is to provide with a bird eyer view on the challenges faced by the agency.

## 

## 1.1 Overview OF INEC GENERAL ELECTION PERFORMANCE 2003 - 2023

A review of 2003, 2007, 2011, and 2015 general elections, illustrates revolving and evolutionary patterns of problems that manifest each electoral year. Hardly has any election in Nigeria without a new problem and a need for a reform. Most elections reveal a troubling pattern of electoral irregularities, logistical challenges, and traces of political manipulations, doctored results, which have fuelled public distrust and posed barriers to democratic progress.

### 

### 1.1.1 2003 Elections

The 2003 general election marked Nigeria’s first democratic transfer of power between civilian administrations. However, despite the optimism surrounding this election, it was marred by widespread irregularities, including allegations of ballot stuffing, vote-buying, and voter intimidation. Political violence was rampant in several states, with reports of clashes and attacks between party loyalists and cases of targeted attacks on opposition supporters[[1]](#footnote-0). These issues were compounded by logistical failures, as INEC struggled to transport materials and officials at polling booths as scheduled. The average arrival time or opening of polling units in the 2003 elections was three (3) hours after the slated time for the commencement of voting[[2]](#footnote-1). INEC’s perceived impartiality and inability to curb these malpractices contributed to a crisis of legitimacy for the winning party. Observers, including civil society organisations and international monitoring groups, condemned the election for failing to meet basic standards of fairness and transparency. The aftermath of the 2003 elections planted seeds of scepticism, apathy, lack of legitimacy among Nigerians regarding the integrity of their electoral system, as many questioned whether INEC could deliver credible elections in the future[[3]](#footnote-2).

There was widespread public outcry with allegations of massive rigging. Organisations such as the Civil Liberties Organisation (CLO) demanded the annulment of the election results and advocated for a national conference[[4]](#footnote-3). Additionally, the European Union Election Observer Mission (EUEOM) in Nigeria expressed disagreement with both the process and outcome of the 2003 elections, confirming serious irregularities. In response to the mounting discontent, Election tribunals were established to address petitions lodged by aggrieved parties, in compliance with the provisions outlined in section 285(1)(a) and (2) of the 1999 Constitution. General Muhammadu Buhari, the All-Nigeria Peoples Party Presidential Candidate contested President Obasanjo’s victory and asked the court to pronounce Obasanjo’s re-election as unconstitutional as a result of his alleged corruption, disregard for the Electoral Act and lack of eligibility. Despite the heated disputes and the litigation, the election results were upheld and Buhari’s petition was denied. General Buhari went to the Supreme Court to appeal the decision of the Tribunal but the Supreme Court delivered a ruling that upheld the Tribunal’s decision. This left a lingering sense of dissatisfaction among many segments of the populace regarding the fairness and legitimacy of the electoral process.

### **1.1.2 2007 Elections**

The 2007 elections were marred by violence in several states. Instances of politically motivated killings became rife, highlighting the volatility surrounding Nigeria's electoral process. The 2007 elections was judged as the worst in the country’s 47 years of electoral history.[[5]](#footnote-4) The election environments remained charged and highly uncertain. The incumbent president, President Olusegun Obasanjo had declared that the 2007 elections was a ‘do or die affair’.[[6]](#footnote-5) The political landscape was marred by a feud between President Obasanjo and his Vice-President Atiku Abubakar.

This acrimonious relationship was marked by mutual accusations of misconduct, adding a layer of instability to an already fractured electoral system[[7]](#footnote-6). Nevertheless, the aftermath of the 2007 elections left a deep scar on Nigeria’s democratic landscape, reinforcing public perceptions of INEC as a compromised institution unable to conduct impartial elections.

The credibility crisis generated by the 2007 elections further weakened public confidence in Nigeria’s democratic processes and highlighted the urgent need for INEC reform.

### **1.1.3 2011 Elections**

INEC, under the leadership of Prof. Attahiru Jega, conducted the 2011 elections. It was seen as an opportunity to restore public confidence in Nigeria’s electoral process after the mess in the 2007 election. Prof. Jega introduced several reforms aimed at addressing past shortcomings, including the use of youth corps members as polling officials to reduce partisanship and a commitment to transparent voter registration. Despite these efforts, logistical issues persisted. Many polling stations experienced delays due to late delivery of materials, and technical issues with the biometric registration equipment slowed down the process. Nonetheless, the 2011 elections received positive feedback from both domestic and international observers, who noted improvements in transparency and fairness. The election was seen as a relative success, and Prof. Jega’s leadership received widespread praise for its commitment to reform. However, the election was not without significant challenges. Post-election violence erupted in Northern Nigeria, resulting in numerous fatalities and highlighting the lingering tensions within the country. This violence reflected the high-stakes nature of Nigerian elections and highlighted the need for further reforms to enhance the credibility of the process. Although the 2011 election marked a step forward, it also highlighted the limits of INEC’s capacity to manage a complex electoral landscape effectively.

The 2011 elections were described by the international community as the most peaceful in Nigeria’s political history as voters came out to vote in what was believed to be a straightforward contest between the PDP candidate, the incumbent President Goodluck Jonathan with Alhaji Namadi Sambo as his vice and the Congress for Progressive Change (CPC) candidate, Muhammadu Buhari with Pastor Tunde Bakare as his vice. The candidates from the Action Congress of Nigeria (ACN) and the All-Nigeria Peoples Party (ANPP), Mallam Nuhu Ribadu with Fola Adeola as his vice-presidential candidate and Mallam Ibrahim Shekaru with John Odigie Oyegun as his vice, were contested for the presidential seat but were not perceived as formidable contenders. The results of the elections saw President Jonathan declared the winner by Professor Attahiru Jega, Chairman of the INEC and Chief Returning Officer, on April 18, 2011. Both local and international observers commended the INEC and the Jonathan administration for overseeing a relatively successful election, which, compared to previous instances, witnessed fewer irregularities and violence.

### 

### **1.1.4 2015 Elections**

The 2015 presidential election was a landmark moment for Nigeria, marking the first democratic transfer of power between two major political parties. Prof. Jega’s INEC leadership saw the introduction of the Permanent Voter Card (PVC) and the use of card readers deplored to improve voter verification and reduce fraud. These innovations were widely praised for enhancing the integrity of the voting process, as they helped mitigate some common forms of electoral malpractice, such as ballot stuffing and impersonation etc. Despite these technological advancements, the 2015 election faced significant challenges that highlighted the complex dynamics of Nigerian politics[[8]](#footnote-7).

INEC faced intense pressure from political actors, and accusations of partisanship emerged, particularly regarding the distribution of PVCs[[9]](#footnote-8). The election was postponed by six weeks due to security concerns related to Boko Haram insurgencies in the Northeast, a decision that sparked controversy and led to accusations of political manoeuvring. Although INEC successfully conducted the election, the postponement and logistical delays highlighted ongoing issues within the institution. The 2015 election, while celebrated for its peaceful transfer of power, revealed that INEC’s efforts to reform were still hampered by external pressures, logistical challenges, and public mistrust. Many Nigerians viewed the reforms as insufficient in addressing the deeper structural and operational issues that had plagued past elections. The recurring logistical failures and political tensions surrounding INEC’s activities reinforced calls for a comprehensive overhaul of the institution to ensure it could operate independently and efficiently.

Nigerians had a critical choice to make: either to continue with the incumbent President Goodluck Jonathan representing the People's Democratic Party (PDP) or to embrace change as advocated by General Muhammadu Buhari, the candidate from the All-Progressives Congress (APC). To enhance the credibility of the elections and minimise accusations of voter fraud, the INEC, under the leadership of former Chairman Attahiru Jega CON, invested significantly in biometric technology. The introduction of the innovative Permanent Voter’s Card (PVC) and electronic card readers aimed to improve voter identification. However, on Election Day, several challenges arose with the functionality of the card reader. Instances occurred where the biometric information could not be properly read, and some electoral officers faced difficulties operating the machines. These glitches led to a pivotal decision by INEC to extend voting for an additional day, striving to ensure that every eligible voter had a fair chance to cast their ballot. Despite the setbacks, after a meticulous process of tallying votes, INEC declared Muhammadu Buhari as the winner of the 2015 presidential election. The significance of the 2015 elections transcends its outcome. It marked a historic milestone in Nigerian politics, being the first time an incumbent president lost re-election and gracefully conceded defeat without contesting the results in electoral tribunals. The peaceful transition of power in 2015 stood as a testament to the commitment of President Goodluck Jonathan, a true patriot, who prioritised national unity over personal ambitions, preventing the country from descending into chaos. President Goodluck Jonathan will always be remembered for his farcical sportsmanship. His famous saying during the electioneering campaign was that his ambition was not worth the blood of any Nigerian. This unprecedented transition of power highlighted the maturity and resilience of Nigeria's democratic process at that time.

### **1.1.5 2019 Elections**

The Nigerians had high expectations of the 2019 elections following the positive changes recorded in the 2015 elections. Scheduled for February 16, 2019, the Presidential general elections were later shifted to February 23, 2019, due to logistical challenges faced by INEC, hindering the timely distribution of electoral materials to polling units. Despite the substantial presence of security officials, certain areas experienced further delays in voting until February 24, 2019, due to electoral violence. Unlike the positive reception of the 2015 elections, the 2019 general elections fell short of expectations. Nigerians expressed dissatisfaction with INEC due to logistical problems and administrative deficiencies that affected the elections' credibility. While election observers and analysts concluded that these issues did not drastically affect the results, several election outcomes were nullified by the courts due to irregularities.

### **1.1.6 2023 Elections**

The 2023 general elections were held on February 25th, as scheduled and marked a significant chapter in Nigerian democracy.[[10]](#footnote-9) Eighteen (18) political parties fielded candidates who participated in the 2023 general elections. They are: 1. Accord 2. Action Alliance 3. African Action Congress 4. African Democratic Congress 5. Action Democratic Party 6. All Progressive Congress 7. All Progressive Grand Alliance 8. Allied Peoples Movement 9. All People’s Party 10. Boot Party 11. Labour Party 12. New Nigeria Peoples Party 13. National Rescue Movement 14. Peoples Democratic Party 15. People's Redemption Party 16. Social Democratic Party 17. Young Progressives Party, and 18. Zenith Labour Party.

36.7% INEC officials scheduled to conduct the elections were able to arrive at the polling units as scheduled. In 32.5% of cases, they were reported to arrive an hour late or more after the designated start of voting. This pattern was more prevalent in the South East, where concerns for personal safety were heightened and has been attributed to the fact that two-thirds of the recorded attacks against INEC since the beginning of 2021 occurred in this geopolitical zone. Some instances were documented where INEC officials arrived shortly before 14:30 pm which was the official closing time for polls. While Nigerians were relieved that the presidential election date was upheld without last-minute postponement, concerns were raised about the widespread issue of delayed openings across the country.

This delay was attributed to the late deployment of staff and materials. The challenges were not uniformly distributed, disproportionately affecting voters in the South East and South-South geopolitical zones differently. Although delays in the opening of polling stations had been noted in previous elections, the regional disparities were more evident in the 2023 elections. The lack of transparency and communication from INEC regarding the causes and extent of these issues eroded confidence in the electoral process, particularly among parties considering these regions as their strongholds.

Despite the historical pattern of delayed opening polling booths, the 2023 elections witnessed a more glaring regional difference in these delays. The absence of a consistent, coordinated effort to extend voting hours aggravated tensions at numerous polling units. Many voters, due to the delayed openings, had to endure long hours of waiting, with no provision of seats before they could cast their ballots[[11]](#footnote-10)

The delayed opening of polling stations had significant ramifications, particularly in states like Plateau, Lagos, and Imo. As confirmed by INEC on election day, individuals in the queue by the official 14:30pm cutoff time were permitted to vote, resulting in voting extending well into the evening. However, the prolonged voting period beyond the deadline posed challenges in accurately tracking those in the queue and posed significant challenges to the results and electorates.[[12]](#footnote-11) There were anecdotal accounts of a considerable number of voters converging in urban areas of the FCT, only to leave without casting their votes after enduring long queues, often. This wasn't solely due to delays in opening and technical difficulties but was also attributed to problematic polling station allocations. These allocations created scenarios where certain polling units witnessed minimal voter turnout, while others grappled with overwhelming numbers, sometimes exceeding 2,000 voters. Despite the prevailing challenges such as nationwide insecurity, persistent fuel shortages, and the Central Bank's decision to redesign the naira note in November 2022 which caused currency shortages and operational disruptions, Nigerian voters demonstrated remarkable commitment to exercising their democratic rights.

Zeij in his analysis in Al Jazeera news, highlighted a longstanding practice in Nigerian politics like; the utilisation of violent groups, often referred to as ‘political thugs’, by established political parties to manipulate the electoral process and results[[13]](#footnote-12) This manipulation was evident on Election Day in Lagos state where Tobi Olayinka, a 31-year-old first-time voter, exemplified the determination and hope of many Nigerians eager to make a difference through their ballots. With provisions and shelter from the scorching sun, Olayinka ventured out to cast her vote on election day, steadfast in her resolve to witness the outcome firsthand.[[14]](#footnote-13) The emergence of Peter Obi, a third contender, injected newfound motivation into young voters like Olayinka, who saw an opportunity for a better future.

However, the promise of democratic rights to vote was overshadowed by the rate of violence towards on election day. As Olayinka waited for the vote counting to commence, chaos erupted when a group of men descended upon the polling station, triggering panic with gunfire. This incident epitomised a recurring pattern in Nigerian elections, where violence is wielded as a tool to disrupt the democratic process, especially in areas sympathetic to opposition parties. Echoing these sentiments, The Punch Editorial highlighted the alarming trend of harassment and intimidation faced by nonindigenous residents following the elections in Lagos State.[[15]](#footnote-14) Despite assurances of security, reports of ballot tampering and targeted violence marred the electoral landscape, reflecting the entrenched flaws within Nigeria's political system.

Additionally, logistical challenges compounded the voting experience for many citizens. The surge in voter registration necessitated the creation of new polling units, leading to confusion and disarray on election day. Despite these obstacles, voters exhibited remarkable resilience and cooperation, providing support to election officials and each other amidst the logistical shortcomings. From supplying generators for lighting to offering refreshments, the electorate demonstrated a steadfast commitment to the democratic process, even in the face of adversity. As the voting process commenced, more significant challenges emerged in the implementation of the Bimodal Voter Accreditation System (BVAS).[[16]](#footnote-15) Despite comprehensive training provided to all INEC ad-hoc staff regarding the utilisation of the new technological tools, issues stemming from recruitment inadequacies and notable capacity gaps hindered its efficient deployment. The impact of these challenges was particularly severe in the North West region, where 23% of observers reported instances where voter accreditation was marked as complete in polling units, even when individuals were not captured using the BVAS reader.[[17]](#footnote-16) According to Section 64 (6) of the Electoral Act, BVAS results take precedence in the event of a disputed outcome. Hence, this deviation from the legal framework was concerning as the Act mandates that all voters must be registered through BVAS to cast their votes. In the South-south, 8.7% of observers witnessed similar incidents, while in the South-west, the figure stood at 5.9%. In the northeast, 9.6% of observers reported such occurrences, with the South-east registering 4.2%, and the North-central zone experiencing 7.7% instances of non-compliance with the BVAS registration protocol.

Another critical cause for concern on election day was the functionality of the INEC Result Viewing Portal (IReV), a system designed to facilitate the real-time transmission of election results (Form EC 80A) from polling units to the central collation centre. The intention behind this initiative was to enhance transparency in the electoral process, mitigating the risks associated with vote rigging and election manipulation. However, as of 21:00 pm on the day of the election, there were no results available on the portal for the presidential elections. Even by 11:00 am on Monday, February 27, only 53,154 polling unit results out of a total of 176,734 were accessible to the public on the platform, despite the legal framework requiring results to be uploaded directly after they are declared at the polling unit level. In response to these concerns, INEC issued a press release attributing the challenges to "technical hitches related to the scaling up of the IReV platform".[[18]](#footnote-17) However, the delay in communicating this information allowed room for rumours to circulate, suggesting that the incomplete polling unit results on the platform were indicative of potential vote rigging.[[19]](#footnote-18) This situation not only raised questions about the reliability of the IReV platform but also fueled speculation and apprehension regarding the integrity of the electoral process.

It was alleged that the disruption of IReV and BVAS technologies occurred through collaboration with internal saboteurs within INEC. Their purported objective was to subvert and manipulate the presidential election process. Adding to the suspicions, the fact that results for some senatorial and Federal House of Representatives elections were successfully uploaded, while the presidential results remained conspicuously absent, further fueled rumours of potential vote manipulation. Despite the initial optimism shared by both INEC and citizens regarding the transformative potential of technology in Nigeria's elections, the manner in which technology was employed during the results transmission stage significantly undermined public confidence in the transparency and accountability of the electoral process. In the lead-up to the elections, INEC had portrayed IReV as the guarantee for the integrity of the voting process. However, the organisation's failure to adhere to its own publicly stated procedures was perceived as a major organisational shortcoming. This departure from established protocols not only cast doubt on the effectiveness of IReV but also raised questions about the overall competency of INEC.

Noteworthy disruptions also occurred in several regions where armed thugs interfered with the voting process.[[20]](#footnote-19) Their disruptive actions included the theft or destruction of polling materials, intimidation of voters and election officials, and preventing citizens from casting ballots freely. In Lagos state, these disruptions strategically targeted areas with a substantial Igbo population, known for their strong support for the Labour Party's Mr Peter Obi. Notably, in Lagos and Rivers states, the police and other security personnel appeared reluctant or unable to counter such acts. This perceived indifference or downplaying of malfeasance fuelled opposition supporters' claims of significant suppression of their votes, adding to the intensity of disputes between winners who assert the elections were free and fair and others who reject the results as irredeemably flawed.

Many Nigerian observer groups have echoed these concerns, highlighting the parallels between the 2023 election and the troubled 2007 polls. International observers, including the joint delegation from the National Democratic Institute and the International Republican Institute of the United States, have also criticised the shortcomings of the election. Despite recent reforms to the electoral legal framework, the NDI/IRI delegation noted that the 2023 election fell short of meeting the reasonable expectations of Nigerian citizens. They pointed to logistical challenges and widespread incidents of political violence that hindered voter participation. The electoral process encountered significant challenges, marked by logistical and technological deficiencies, along with instances of staff misconduct. Dissatisfaction with the election process was voiced not only by international entities like the European Union but also by credible Nigerian organisations such as the Civil Society Situation Room, Yiaga Africa, and the Centre for Democracy and Development. The European Union's mission specifically highlighted INEC's "lack of efficient planning in critical stages and effective public communication," eroding trust in the process, including election day itself.[[21]](#footnote-20) According to the Centre for Democracy and Development (CDD), the heightened anticipation for well-managed elections ahead of the February 25 polls was met with disappointment, contributing to tangible public disillusionment and increased concerns about the democratic process. In the wake of failures and a perceptible decline in trust, INEC bore the brunt of mounting public criticism, prompting calls for the resignation of its chairman from various quarters, including civil society. The aftermath of the 2023 elections thus revealed not only the resilience of Nigerian voters but also the intricate challenges and complexities that taint the nation's democratic landscape.

#### i. Understanding the Failed Promises of INEC in the 2023 Elections

The integration of digital technology in election management is a trend not confined to Nigeria alone. Over the past decade, there has been a notable push across sub-Saharan Africa towards employing technological devices and software and solutions to enhance electoral processes and results. In the present political landscape, nearly every sovereign state in the region has incorporated some form of digital technologies in their electoral process. Noteworthy examples are South Africa and Ghana who employ biometric technology for voter registration and verification, and evolving democracies like Kenya, which digitally releases real-time, raw polling station results.[[22]](#footnote-21) This increase in the adoption of digital technology in sub-Saharan Africa can be attributed to its role in reducing rigging and ensuring credibility, transparency, and integrity of electoral processes. In the evolving discourse on the digitization of African elections, this technological advancement is frequently positioned as a "forensic measure" capable of addressing the myriad irregularities and shortcomings inherent in elections within the region such as voter impersonation and election rigging.

While it is valid to assert that digital technology can enhance the efficiency of election management and enhance public trust in the electoral process, it is imperative to acknowledge its susceptibility to emerging vulnerabilities and disruptive attacks. The introduction of digital technology brings forth the potential for technical glitches, posing a risk to the credibility of the electoral process and eroding public confidence in the democratic system.[[23]](#footnote-22) This nuanced perspective highlights the need for a comprehensive understanding of the potential benefits and pitfalls associated with the integration of digital technology in elections. This intricate interplay of factors is exemplified through the 2023 presidential elections in Nigeria. Shortly after the commencement of voting on election day, observers quickly noted the issues surrounding the Biometric Voter Accreditation System (BVAS). At the grassroots level, polling unit officers encountered significant challenges in executing the voter accreditation process through the BVAS. This struggle stemmed from a seemingly overlooked aspect—the time needed for authenticating voters. The unforeseen delays resulted in the disenfranchisement of a substantial number of individuals.

INEC, in its preparation efforts, had organised mock voter-accreditation exercises in designated polling units across the nation's 36 states, utilising the BVAS.[[24]](#footnote-23) Additionally, they held numerous press conferences where they confidently articulated their readiness, captivating journalists with detailed explanations. INEC had previously showcased the BVAS's efficacy in a handful of state governorship elections, creating a sense of optimism regarding the technology's performance. The failure of the system on election day, therefore, caught both voters and election observers off guard, as the meticulous preparations and positive precedents had created an expectation of seamless functionality. The implementation of the Biometric Voter Accreditation System (BVAS) on a larger scale during the actual election day posed unforeseen technical challenges that both INEC and voters were ill-prepared to handle. The initial optimism generated by mock trials conducted at only 12 polling units per state, which were deemed satisfactory by the Election Management Body (EMB), turned out to be premature celebrations. These trials failed to anticipate the real pressures encountered on election day.

Numerous reports from polling units across the country highlighted instances where the BVAS either completely failed to function, as observed in Borno State, or experienced sporadic glitches, as seen in Lagos State. In River State, notable cases emerged where the BVAS failed to capture the biometric details of several individuals, including the governor, and identical twins were unable to be validated as voters.[[25]](#footnote-24) Similar incidents were reported in various other regions of the country as well. The situation was exacerbated by reports from The Punch newspaper, reporting instances where INEC officials brought incorrect BVAS devices to certain polling units, resulting in the inadvertent disenfranchisement of numerous potential voters.[[26]](#footnote-25) These challenges highlight the complexity and magnitude of the technical issues faced during the large-scale deployment of the BVAS on election day, revealing a gap between the expectations set by mock trials and the harsh reality of the electoral process.

After the votes were concluded in the last general elections, a significant number of INEC officials claimed difficulty recalling their passwords for the IReV portal.[[27]](#footnote-26) For those who could remember their passwords, many expressed frustrations, citing issues such as incorrect passwords, preventing them from uploading the polling unit results in real-time. While it's plausible that these challenges stemmed from inadequate training for the ad hoc staff operating the BVAS, the possibility of intentional disruption of the election outcomes by some INEC officials cannot be dismissed. These incidents add layers of complexity to the functioning of the IReV, raising questions about its effectiveness and the integrity of the electoral process[[28]](#footnote-27).

The collation of Presidential election results began on February 26 at the National Collation Centre in Abuja. However, the process was marred by allegations of result manipulation and discrepancies raised by some political parties. Representatives from the major opposition party, the People’s Democratic Party (PDP), and the Labour Party staged a walkout on February 27, the second day of collation, citing concerns over the integrity of the results being compiled. Subsequently, these parties, along with the African Democratic Congress (ADC), called for a joint press conference on February 28, demanding the suspension of the collation process and urging the INEC Chairman, Prof. Mahmood Yakubu, to address the mounting discontent among voters and stakeholders. As a result of these challenges, voter disenchantment with the electoral process grew, casting doubt on the credibility of the election itself. The plethora of issues encountered during the election, from delays in result uploads to allegations of result tampering, highlighted the urgent need for electoral reforms and heightened scrutiny over the integrity of future democratic exercises.

It is undeniable that INEC deviated from the provisions outlined in the 2022 Electoral Act during the execution of the 2023 presidential election. One noteworthy deviation was INEC's failure to employ the Biometric Voter Authentication System (BVAS) for uploading election results to the INEC Result Viewing Portal (IREV), which was a departure from the provisions of the Electoral Act. However, the technical glitches which it assumed as responsible for the issues experienced on election day may not have been foreseeable given the preparations the Commission put in place prior to the elections. Notwithstanding, in light of this deviation, one can assert that the 2023 presidential election fell short of substantial compliance with the provisions of the amended Electoral Act of 2022. The Independent National Electoral Commission's failure to conduct the election in accordance with the relevant laws governing the electoral process in the country represents a breach of both the Constitution and the Electoral Act. The repercussions of this reality extend beyond procedural irregularities and could possibly reach into the very foundation of Nigeria’s democratic integrity.

#### ii. Review of Civil Societies and International Organisation Reports on 2023 Election

The 2023 elections drew the attention of numerous intergovernmental and regional organisations, NGOs and civil society organisations who came to observe the conduct of the election. These organisations produce reports evaluating the conduct of the elections. The European Union and other observers produced critical reports assessing the role of Nigeria's Independent National Electoral Commission (INEC). These evaluations highlight significant shortcomings in INEC's performance and serve as a pointer why public thrust on the commission dwindles negatively all the time.

The criticism from observers were directed at INEC’s failure to meet the expected standards of transparency and accountability. After the presidential election, most of the observers rated INEC’s performance on transparency as "low". The Nigerian Civil Society Situation Room declared that the process could not be considered credible and expressed a lack of confidence in the election results. Yiaga Africa pointed out that the official results in Imo and Rivers States implicated INEC’s complacency in ensuring transparency as it reveals a negative correlation (-03) from the results independently collected by other bodies[[29]](#footnote-28).

The results exposed serious logistical and technological problems, as well as widespread non-compliance with electoral guidelines. These issues, along with claims of result manipulation, significantly eroded public trust in INEC’s ability to conduct free and fair elections in Nigeria.

#### iii. Table 1: Summary of the Findings of Election Observation Missions (EOMs) in Nigeria’s 2023 General Elections

| **S/N** | **AUTHOR/ORGANISATION** | **TITLE** | **INEC STRENGTH** | **INEC WEAKNESS** |
| --- | --- | --- | --- | --- |
| 1 | European Union | EU Election Observation Mission Nigeria 2023 | 1. Showed initial transparency on the built-up of the elections  2. Came up with technological innovation of IREV & BVAS  3. Debunked fake news before the elections | 1. Legal ambiguities.  2. The inability of INEC to maintain public trust.  3. Politicalization of INEC  4. Lack of powers to prosecute election offenders |
| 2 | Yiaga Africa | Dashed Hopes? Yiaga Africa Report on the 2023 General Election | 1. Innovation of IReV &BVAS  2. Maintained transparency in voters’ registration at the build-up of the elections | 1. INEC limited access to the IReV (Password) was needed to access it which INEC failed to make immediate release.  2. Failed to make clarification on the technique glitches witnessed on the election day. |
| 3 | CODE | Nigeria Decides: 2023 Citizen-Led Election Report | Introduction of the BVAS and IReV | 1. Failure to clear most of the local election observers  2. 75% of INEC officials arrived late on the day of the elections  3. Faced logistics challenges in transporting election materials and staff. |
| 4 | [National Democratic Institute](https://ndi.org/) (NDI) and [International Republican Institute](https://www.iri.org/) (IRI) | NDI/IRI Joint International Election Observation Mission Presents Final Report on 2023 General Elections in Nigeria | Provisions such as electronic transmission of results and the power conferred on INEC to review questionable election results seek to limit manipulation of election results. | 1. Used malfunctioning card readers.  2. Late delivery of voting materials, malfunctioning.  3. poorly trained personnel |
| 5 | The Commonwealth Observer Group (COG) | Nigeria Presidential and National Assembly Elections | Introduction of the BVAS and IReV | 1. Failures of the Bimodal Voter Accreditation System (BVAS) devices.  2. Failure of INEC to timely upload and give election data and results |

Source: Adapted and Compiled by Mandate4

Most of the Election Observation Mission (EOM) reports from past elections reviewed here commended INEC for the introduction of technology, especially the use of BVAS and the IReV. The government of former President Muhammadu Buhari was commended for signing the amended Electoral Act of 2022, which many observers and experts regarded as a step in the right direction[[30]](#footnote-29). Despite the introduction of two new technologies aimed at promoting transparency in the conduct of the elections, another organisation reported that 75% of the card readers used by INEC failed across the nation[[31]](#footnote-30). The report also clarified that INEC failed to upload results to the IReV despite advocating for its use and the legal backing for its deployment.

National Democratic Institute (NDI) and International Republican Institute (IRI)observed that one month after the elections, INEC had still not uploaded over 9,000 presidential polling unit results to the IReV and had not clarified how many of these units were cancelled[[32]](#footnote-31). A report from IRI/NDI also revealed that access to the IReV required a password. The IReV system required a login and password for several days following the election, creating barriers to accessing what should have been a fully public portal. Contrary to expectations and regulations, INEC used an alternate portal to house presidential results before posting them to the IReV[[33]](#footnote-32).

Reports from the EU and CODE faulted the politicisation of INEC. They criticised the constitutional provision that empowers the president to appoint the INEC RECs. EU reports observed that this section of the law has given credence to politicians and political parties, allowing them to lobby for their members to be appointed to such strategic positions. The reports from NDI and the EU also criticised the inability of the new Electoral Act of 2022 to empower INEC to prosecute electoral offenders.

Furthermore, the table above illustrated four key factors about INEC's failure to conduct a credible election. The first is INEC's failure to maintain transparency from the beginning to the post-election environment. The second is the failure to communicate with the public during critical moments of the process. The third concerns INEC's failure to address the commission's stance on key legal provisions, especially Section 134, Subsection 2, of the 1999 Constitution. Finally, the fourth factor is the mishandling of logistics related to election materials and staff.

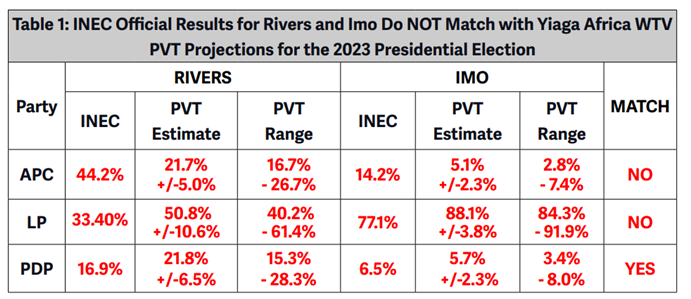
Transparency of process and procedure is the minimum in the administration of credible elections anywhere in the world. Transparency is essential in the registration of voters, the voting process, the collation of votes, and the announcement of results. The 2023 elections in Nigeria fell short of credibility due to a lack of transparency in both the pre-election and post-election processes. According to the EU 2023 election report, INEC maintained a significant level of transparency during the buildup to the 2023 elections, but this level of transparency faded as the elections drew closer.

The EU report highlights three key areas where INEC failed the transparency test. First, the commission failed to provide information to the public regarding the availability of funds (new notes) from the Central Bank of Nigeria (CBN) to handle election logistics. Second, the failure of INEC to provide timely clarifications on the technical glitches that caused delays in uploading presidential election results hurt the commission’s transparency credentials. Third, the commission’s inability to communicate its stance on the interpretation of the threshold for determining a presidential election winner further undermined its transparency.

#### iv. Irregularities in Election Results

Similarly, Yiaga Africa 2023 reported irregularities in the results announced by INEC. Data from Yiaga Africa showed that national voter turnout for the 2023 presidential election was projected to be 29.4% ±1.0% based on registered voters, and 31.3% ±1.0% based on the number of PVCs collected. INEC’s official turnout rate of 27% fell within the margin of error. Nationally, the percentage of rejected ballots was projected to be 3.6% ±0.3%. Yiaga Africa observed 8 instances (0.5% of polling units) of irregularities in voter turnout where the turnout exceeded 100%[[34]](#footnote-33).

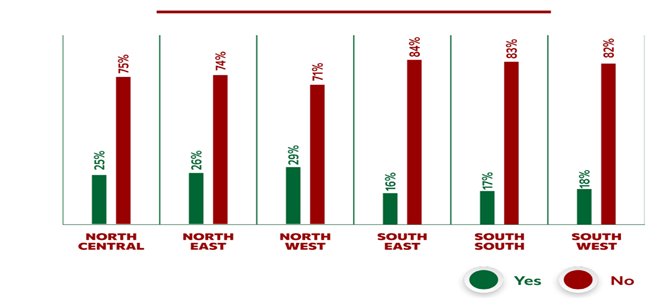
**Table 2: Irregularities in Election Results**



**Source:** Yiaga Africa (2023)

Moreover, many of the EOM reports indicated INEC's inability to account for the voter register, leading to the disenfranchisement of many registered voters during the elections. As noted in the CODE election report, INEC's failure to manage biometric verifications with the card readers resulted in cases where voters complained about missing names on the voter register on election day.

**Figure 9: Missing Election Register**



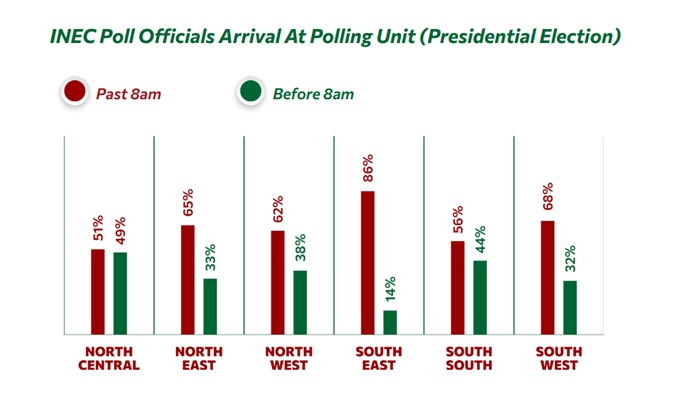
**Source:** CODE (2023)

From the histogram above, data from CODE reveals instances of voter names being missing from the official voter register at several polling units. In the Presidential elections, 23% of our observers noted such omissions, while 77% did not observe any issues with the register. However, this situation improved during the Gubernatorial elections, with only 17% of observers reporting omissions. In the Presidential elections, the highest rates of omissions were found in some states in the North West and North East, where 29% and 26% of observers, respectively, noted such issues. In contrast, the Southeast and South-South regions saw the lowest incidence of omissions, with 16% and 17% of observers, respectively, reporting these problems.

Furthermore, another infraction indicated by most EOMs noted that the INEC conduct of elections over the years is characterised by the inability of the commission to open the polling booths as scheduled. Section 44 (a) of the 2022 electoral acts states that; the Commission shall, not later than 14 days before the day of the election, cause to be published, in such manner as it may deem fit, a notice specifying the— (a) day and hours fixed for the poll; Also, the section 45 buttressed that “Voting in any particular election under this Act shall take place on the date and time appointed by the Commission”. According to the INEC scheduled time for the commencement and closing of the voting, the time for the commencement of voting was pegged at 8 am while voting ended by 2 pm. Reports from EU (2023), and CODE (2023) pointed out that 2023 general elections commenced hours after the scheduled time due to the late arrival of INEC officials and election results.

According to the Connected Development [CODE] report on the opening and arrival of INEC staff. Data collected showed that in 564 observed LGAs in Nigeria, only 47% had INEC poll officials arrive at their assigned polling units before 8 a.m. while 53% of these officials arrived later than 8 a.m. resulting in the late opening of many polling units during the Presidential election in many places across the country.

**Figure 10: Polling Unit Opening Time**



**Source:** CODE (2023)

CODE noted that as of 10 am, 30.4% of polling units where their observers were stationed across the country were yet to open due to the absence of INEC officials at the polling station. Interpretation of the data in the above histogram, the South-East region witnessed prevalent and widespread of the inability of the INEC officials to open the poll. In the whole of the units observed, only 14% of polling units observed having INEC officials arrive before 8 a.m. (i.e. 86% late arrival), and 62.71% of observed polling units yet to see INEC officials at 10 am

The reason for the inability to open the polls as slated by INEC could be linked to several factors which include the political base of the two main opposition candidates during the 2023 elections, insecurity in the region as a result of Indigenous People of Biafra (IPOB) separatist group. The most variable of the reasons is contained in EU 2023 election reports and INEC reports on the conduct of the elections. The commission stated that it witnessed logistics challenges in transferring election materials and staff from various local governments across Nigeria to the polling units where the elections were held. It reported that it partnered with the National Union of Road Transport Workers (NURTW) to ensure easy logistics. The partnership with NURTW generated a lot of outcries among opposition political parties and well-meaning Nigerians who decry the non-political neutrality of the leaders of NURTW[[35]](#footnote-34).

During the 2023 elections governorship elections, CODE reported that 72% of INEC poll officials arrived at their assigned polling units before 8 a.m., while less than 7% of Polling units were yet to see INEC poll unit officials arrive after 10 a.m. The data collected reveals a significant increase in logistics and arrival time of INEC officials but also portrays that delay in the opening of polling units in political strongholds of opposition political parties was well mediated to score some political points.

# **CHAPTER 2.0 - Review of Nigeria’s Electoral History (Justice Uwais Report)**

The **Justice Uwais Electoral Reform Report**, formally titled *"Report of the Electoral Reform Committee"*, represents a landmark effort in addressing systemic challenges in Nigeria's electoral process. Chaired by Justice Muhammadu Lawal Uwais, a former Chief Justice of Nigeria, the committee was inaugurated in **2007** by then-President **Umaru Musa Yar’Adua**. The committee's mandate was to review Nigeria’s electoral system comprehensively and recommend reforms to restore public confidence in the electoral process and ensure free, fair, and credible elections.

This initiative emerged in the wake of widespread allegations of electoral malpractice, violence, and irregularities during the **2007 general elections**, which were described by both domestic and international observers as among the most flawed in Nigeria's history. President Yar’Adua himself acknowledged the shortcomings of the elections that brought him to power, a rare act of candour that signaled a commitment to electoral reform.

#### i. Mandate of the Justice Uwais Committee

The committee was tasked with:

1. **Identifying systemic weaknesses** in the electoral process.
2. **Recommending constitutional, legal, and institutional reforms** to ensure the independence and credibility of electoral management bodies.
3. **Addressing electoral malpractices**, including violence, voter suppression, and fraud.
4. Proposing solutions for greater **accountability and transparency** in elections.
5. Establishing mechanisms for ensuring **inclusive participation** of all citizens, including marginalized groups such as women, youth, and persons with disabilities.
6. Aligning Nigeria's electoral processes with **international standards**.

#### ii. Why the Justice Uwais Report is Important

The Justice Uwais Report is widely regarded as the most comprehensive and impactful effort to reform Nigeria's electoral system. It addressed systemic issues that have plagued Nigerian elections for decades, including:

* The **independence of the electoral management body** (INEC).
* **Electoral malpractices**, such as vote-buying, ballot-stuffing, and rigging.
* **Political violence** and the use of thugs to intimidate opponents.
* The lack of **transparency in campaign financing**.
* The need for **judicial reforms** to expedite the resolution of electoral disputes.
* The importance of **voter education** to combat apathy and manipulation.

## 2.1 Summary of Key Issues outline by the Report

Some of the report's most significant issues outlined include:

### **2.2.1. Weak Electoral Institutions**

A fundamental issue undermining Nigeria’s electoral process is the weakness of its electoral institutions, particularly the Independent National Electoral Commission (INEC). INEC has struggled with credibility and impartiality due to several systemic flaws:

| 1. **Executive Interference in Appointments**:     * The process of appointing INEC officials, including the Chairman and Resident Electoral Commissioners, has been dominated by the President. This creates a perception of bias, as appointees are often seen as loyalists of the ruling party.    * Such interference compromises the independence of INEC and creates doubt about its ability to act as a neutral arbiter in elections. | 1. **Funding Constraints**:     * INEC’s funding is controlled by the Executive arm of government. This dependence undermines its autonomy and makes it vulnerable to manipulation.    * Delays or insufficient funding impact INEC’s ability to plan and execute elections efficiently. | 1. **Institutional Capacity**:     * INEC’s technical and operational capacity is often inadequate, leading to logistical failures, such as late arrival of materials, poor management of the voter register, and disorganized polling processes. |
| --- | --- | --- |

### 2.2.**2. Electoral Malpractices**

Electoral malpractices are rampant and have significantly eroded public confidence in Nigeria’s elections. These include:

| 1. **Voter Suppression**:     * Voter intimidation and violence, often perpetrated by political thugs or security forces, prevent eligible voters from exercising their franchise.    * Disenfranchisement through manipulation of voter registration lists and strategic placement of polling units in inaccessible areas has also been observed. | 1. **Rigging and Ballot Stuffing**:   Widespread ballot stuffing, aided by collusion between corrupt electoral officials and politicians, undermines the credibility of elections.  Fake ballots, missing ballots, or tampered ballot boxes are recurrent issues. | 1. **Manipulation at Collation Centers**:   Election results are frequently altered at collation centers, where vote counts are aggregated. This is a critical point of electoral fraud, as it provides opportunities for the manipulation of results in favor of the ruling party or powerful candidates. |
| --- | --- | --- |

### 2.**2.3. Political Violence**

Election-related violence has become a persistent and systemic challenge in Nigeria’s electoral history. This violence occurs before, during, and after elections and is driven by several factors:

| 1. **Winner-Takes-All Politics**:     * Nigeria’s political culture is characterized by a zero-sum approach, where winning an election provides access to vast economic resources and opportunities for patronage.    * Losing an election often feels like political and economic annihilation, making elections a high-stakes battle. | 1. **Thuggery and Militias**:     * Politicians often recruit and sponsor armed thugs or militias to intimidate opponents, suppress voter turnout, and influence election outcomes.    * These thugs perpetrate violence at rallies, polling stations, and collation centers. | 1. **Youth Unemployment**:     * High levels of youth unemployment provide a ready pool of recruits for political thuggery.    * Desperate young people are often exploited by politicians to engage in violent activities during elections. |
| --- | --- | --- |

### 2.**2.4. Lack of Accountability**

A culture of impunity undermines the electoral process, as individuals and institutions involved in electoral malpractice are rarely held accountable:

| 1. **Electoral Offences Go Unpunished**:   Cases of vote-buying, voter intimidation, ballot box snatching, and falsification of results are rarely prosecuted. This emboldens offenders and normalizes illegal practices. | 1. **Weak Enforcement of Campaign Finance Regulations**:     * INEC has been unable to enforce laws on campaign financing. Political parties and candidates frequently exceed spending limits without consequences.    * The use of public funds for campaigns by incumbents further distorts the playing field. | 1. **INEC’s Inability to Monitor Political Parties**:     * Political parties often flout internal democracy and nomination processes without repercussions.    * INEC’s failure to regulate and monitor parties has weakened accountability within the political system. |
| --- | --- | --- |

### 2.**2.5. Poor Voter Education and Turnout**

Low levels of political awareness,turnout and civic education have contributed to widespread voter apathy and manipulation:

| 1. **Limited Understanding of Electoral Processes**:     * Many voters are unaware of their rights, responsibilities, or the importance of participating in elections. This makes them vulnerable to manipulation by politicians.    * Misinformation and lack of clarity about voting procedures lead to confusion on election day. | 1. **Susceptibility to Manipulation**:   Voters are often swayed by short-term incentives, such as cash handouts (vote-buying) or false promises, rather than evaluating candidates’ qualifications and manifestos. | 1. **Voter Apathy**:   Disillusionment with past elections, marked by fraud and violence, has led to declining voter turnout in subsequent elections. |
| --- | --- | --- |

### 2.**2.6. Judicial Weakness**

The judiciary plays a critical role in resolving election disputes, but it has often been found wanting in this regard:

| 1. **Delays in Resolving Election Petitions**:     * Election petitions often take months to resolve. In the meantime, candidates declared winners assume office, regardless of the legitimacy of their mandates. | 1. **Reliance on Technicalities**:     * Tribunals and courts frequently focus on procedural technicalities rather than substantive issues, leading to judgments that fail to address the core grievances of petitioners. | 1. **Corruption Allegations**:     * Allegations of bribery and undue influence on judges handling election petitions further erode public confidence in the judiciary’s ability to deliver justice. |
| --- | --- | --- |

## 

## 2.2 Legacy and Significance of the Report

The Justice Uwais Report remains a reference point in Nigeria's quest for credible elections. Although not all its recommendations have been implemented, it set the foundation for future reforms and continues to inform debates on electoral integrity. The report is not only a critique of Nigeria’s flawed electoral system but also a blueprint for building an electoral process that upholds democratic values, fosters inclusivity, and ensures that the will of the people prevails.

In essence, the Justice Uwais Report represents a bold and principled attempt to transform Nigeria's electoral process into a model of fairness, transparency, and accountability—key pillars for consolidating democracy and national stability.

# **Chapter 3. The Democratic Trilemma: Operational Assessment of INEC’s Performance.**

The Democratic Trilemma is a conceptual framework that highlights the inherent tensions between three fundamental democratic values:

1. **Inclusiveness Accessibility (Ballot Access)** – Ensuring all eligible voters can easily participate.
2. **Integrity (Robustness and Security)** – Preventing fraud, ensuring transparency, and maintaining trust in the electoral process through free, fair, and transparent elections that reflect the people's will.
3. **Cost Efficiency (Cost of Election)** – Keeping elections financially sustainable and operationally manageable.

This trilemma suggests that **prioritising one dimension often results in trade-offs in the other two.** For example:

* **Expanding Ballot Access** (e.g., increasing polling stations, allowing mail-in voting) may **increase costs** and introduce potential **security risks** if not adequately monitored.
* **Strengthening Security Measures** (e.g., biometric verification, strict voter ID laws) may **limit accessibility** for some voters and **raise costs**.
* **Reducing Costs** (e.g., fewer polling places, outdated technology) may **compromise both security and access**.

Several related political science theories provide insights into this trilemma. **Goodhart’s Law** applied in Elections posits that when a particular metric, such as voter turnout or security, becomes the primary focus, it can distort or weaken the overall electoral process.[[36]](#footnote-35) Nigeria's Independent National Electoral Commission (INEC) is constantly confronted with these competing priorities. Since the country’s return to democratic governance in 1999, INEC has faced systemic challenges, including voter suppression, electoral fraud, financial mismanagement, and security threats. These issues have hindered the commission’s ability to balance accessibility, integrity, and cost efficiency. Expanding ballot access has proven difficult due to logistical failures, while efforts to strengthen security have sometimes been undermined by poor enforcement and lack of accountability. Meanwhile, the escalating cost of conducting elections has raised concerns about financial sustainability, particularly given Nigeria's economic challenges.

This chapter comprehensively analyses INEC’s performance across the three dimensions of the Democratic Trilemma. This assessment aims to identify critical gaps, inefficiencies, and systemic weaknesses by evaluating past and present election cycles. The analysis will also explore opportunities for reform that could enable INEC to create a more balanced and effective electoral system. The goal is to propose evidence-based solutions that enhance inclusiveness, ensure electoral integrity, and promote financial sustainability, thereby strengthening Nigeria’s democratic processes and public confidence in elections.

## 3.1 Analysis of INEC’s General Elections Performance on Inclusiveness (Pillar One of the Democratic Trilemma) - 1999 to 2023

**Inclusiveness** in elections refers to the **extent to which all eligible citizens can participate** in the electoral process **without discrimination or systemic barriers**.[[37]](#footnote-36) It involves **voter registration, access to polling units, participation of marginalised groups (women, youth, persons with disabilities), and measures to prevent disenfranchisement**. Since Nigeria’s return to democracy in **1999**, INEC has made efforts to **expand voter participation. However**, its performance has been **inconsistent**, and persistent **logistical, legal, and structural barriers** have limited full inclusiveness.

### 3.1.1 Trends in INEC’s Performance on Inclusiveness (1999–2023)

| **Election Year** | **Total Registered Voters** | **Voter Turnout (%)** | **Key Issues Related to Inclusiveness** |
| --- | --- | --- | --- |
| **1999** | 57.9 million | 52.3% | Military transition; limited voter education; no biometric system. |
| **2003** | 60.8 million | 69% | Widespread voter suppression; ballot snatching. |
| **2007** | 61.5 million | 57.5% | Poor logistics; missing voter names on registers. |
| **2011** | 73.5 million | 53.7% | First biometric voter registration; still cases of underage registration. |
| **2015** | 75.4 million | 43.7% | Introduction of **PVCs and Smart Card Readers**; voter disenfranchisement in conflict zones. |
| **2019** | 82 million | 34.75% | Expansion of Continuous Voter Registration, but voter apathy worsened. |
| **2023** | 93.4 million | 29% | Deployment of **BVAS and IReV**; low turnout due to logistical failures and voter distrust. |

**Key Observation:** Despite **increasing voter registration numbers**, actual voter **turnout has been declining** since 2003, suggesting that **more registered voters are being disenfranchised** or choosing **not to vote** due to **systemic challenges**.

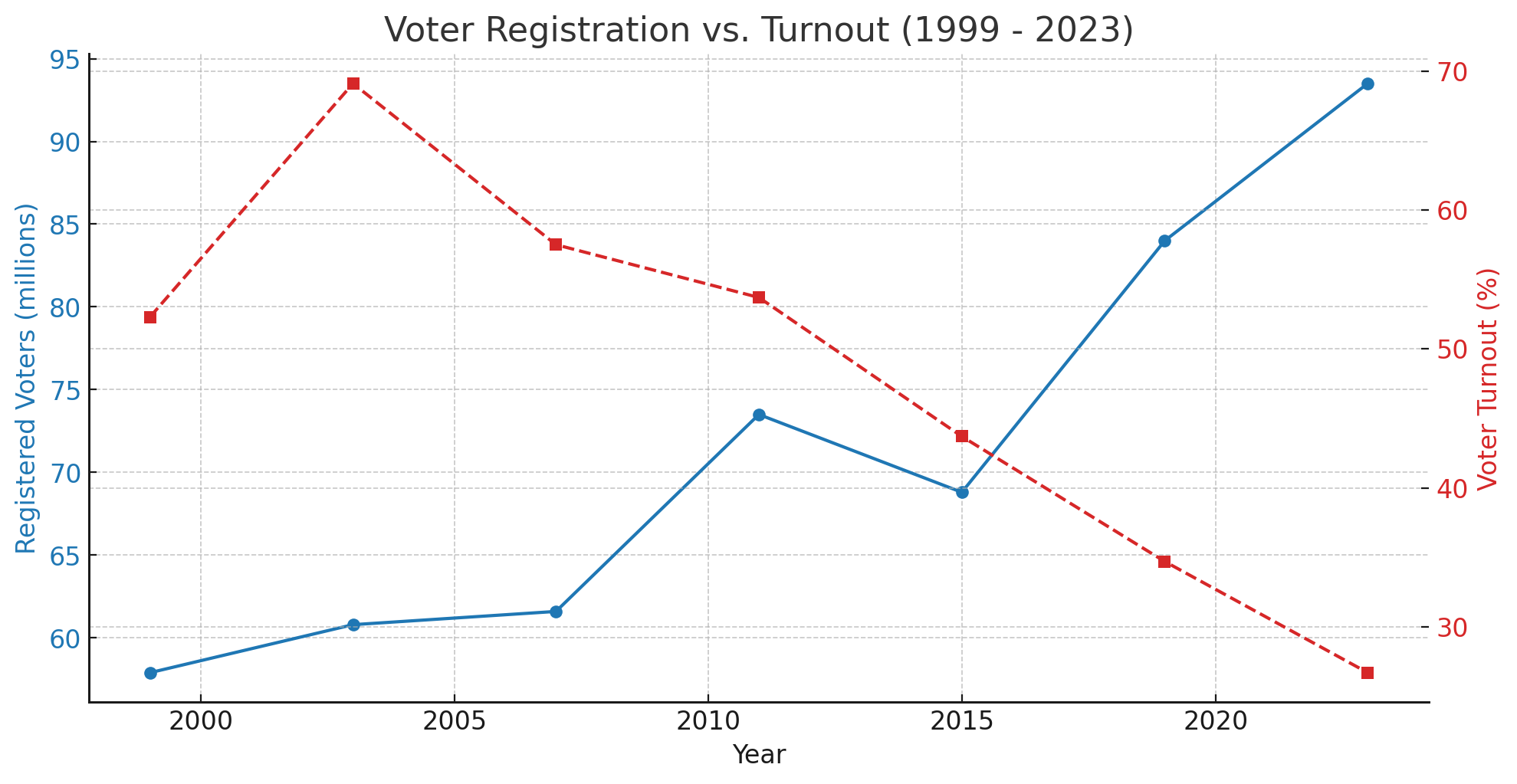
### 3.1.2. Assessment of INEC’s Performance on Key Inclusiveness Indicators

### A) Voter Registration and Accessibility

* **1999-2007**: INEC’s voter registration was **manual**, leading to **inflated registers**, multiple registrations, and ghost voters.
* **2011**: Introduction of **biometric voter registration (fingerprint capturing)** improved accuracy.
* **2015**: PVCs (Permanent Voter Cards) and Smart Card Readers (SCRs) helped **reduce fraud**, but INEC struggled with **PVC collection delays**.
* **2019-2023**: Continuous Voter Registration (CVR) helped increase the voter register to **93.4 million**. However, INEC faced **logistical challenges in distributing PVCs**, with over **6.229 million PVCs uncollected before the 2023 elections**.[[38]](#footnote-37)

**Verdict: Improvement in voter registration quality, but access remains problematic due to PVC distribution issues.**

### B) Voter Turnout and Participation Trends



**Voter Registration vs. Turnout (1999 - 2023)**

This chart shows that while **registered voters have increased**, voter **turnout has steadily declined**, highlighting systemic disenfranchisement and apathy.

* **2003-2007:** High voter turnout (**52-69%**) but elections were heavily **manipulated**.
* **2011-2015:** Voter turnout declined (**53.7% in 2011 to 43.7% in 2015**), as electoral violence and distrust in INEC grew.
* **2019-2023:** The lowest voter turnout (**34.75% in 2019 and 29% in 2023**), indicating **voter apathy, suppression, and logistical failures**.[[39]](#footnote-38)

**Reasons for Declining Voter Turnout:**

* **Logistical failures** (late arrival of materials, PVC collection issues).
* **Electoral violence and intimidation**, especially in the South-East, Lagos, South-South and North-East.
* **Voter suppression**, such as thugs allegedly preventing voting in opposition strongholds.
* **Low confidence in INEC**, especially after the failure of BVAS/IReV in 2023.

**Verdict: INEC has not successfully converted high registration numbers into actual voter participation.**

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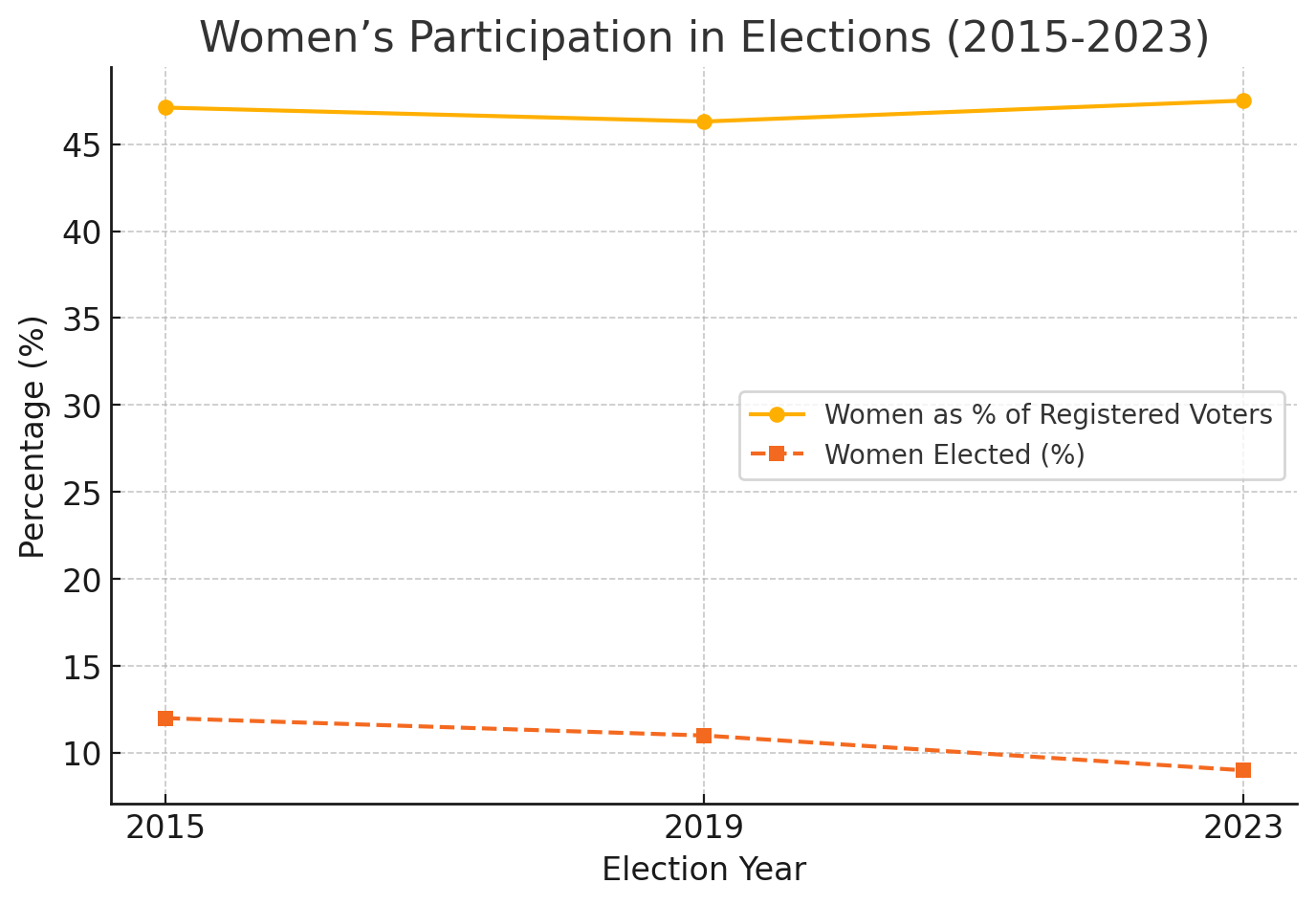
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### C) Inclusiveness of Women in Elections



**Women's Participation in Elections (2015 - 2023)**

Women make up **almost half of registered voters**, yet **very few get elected**, indicating continued barriers to political representation.

* **Women’s representation in voter registration is strong** (**47.5% of total voters in 2023**).[[40]](#footnote-39)
* **Women’s representation in elective positions remains poor**:

**2019:** Only **7 women elected to the Senate (out of 109 seats)** and **11 to the House of Reps (out of 360 seats)**.[[41]](#footnote-40)

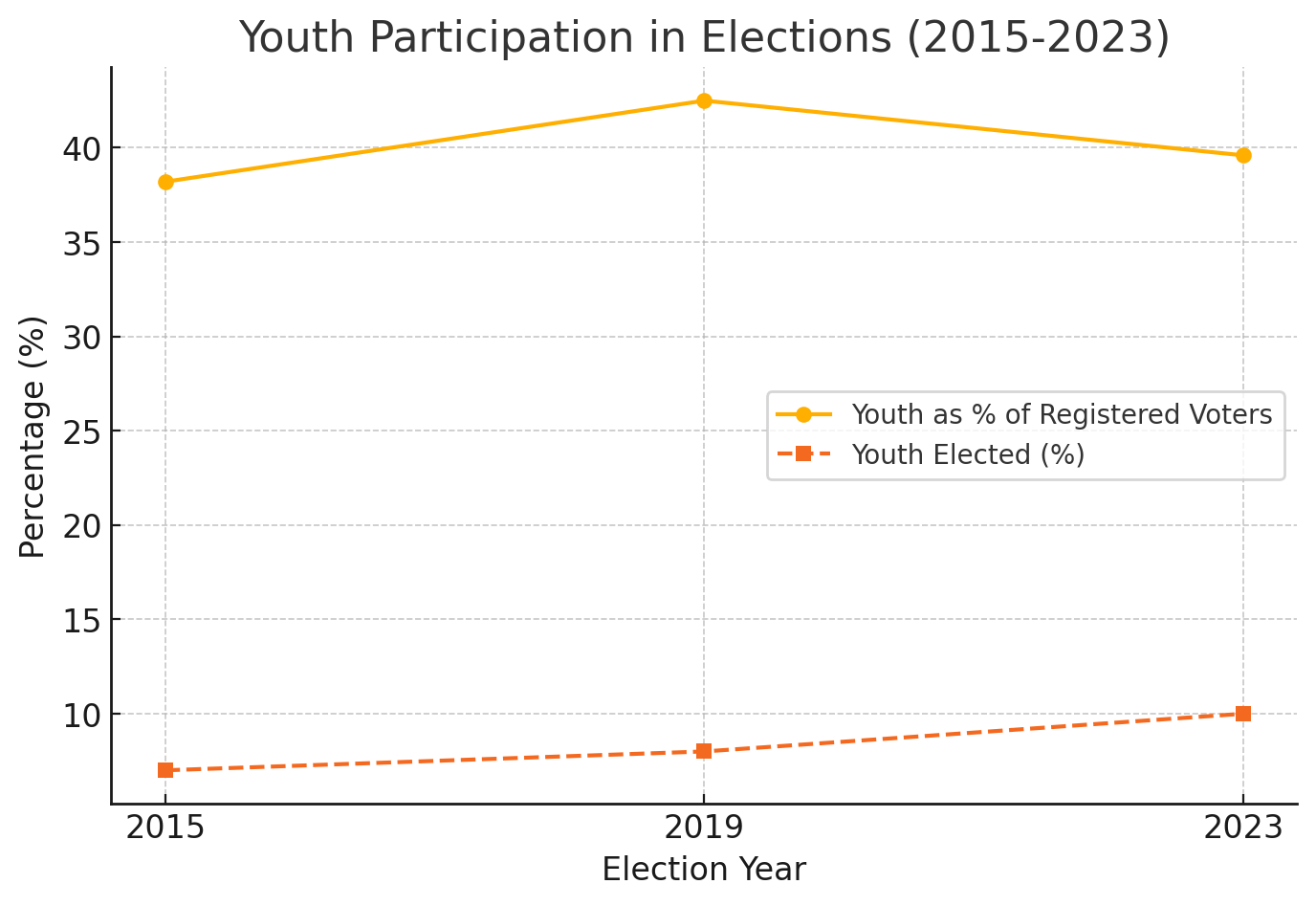
**2023:** Only **3 female senators** were elected, a decline from 2019.[[42]](#footnote-41)

**Challenges for Women in Elections:**

* **Cultural and religious barriers** discourage women from running for office.
* **Political violence and intimidation** against female candidates.
* **Lack of financial support from political parties.**

**Verdict:**  **INEC has increased women’s voter registration but has failed to address systemic barriers to female political participation.**

### D) Youth Participation and Inclusiveness



**Youth Participation in Elections (2015 - 2023)**

While **youth registration remains high**, their representation among elected candidates is **extremely low**, despite the *Not Too Young to Run* law.

* **Youth (ages 18-34) accounted for 39.65% of registered voters in 2023**.[[43]](#footnote-42)
* **However, youth voter turnout remains low**, with many disillusioned by **electoral malpractice and political corruption**.
* **The “Not Too Young to Run” law (2018) encouraged youth candidacy,** but young candidates still face **financial and party nomination barriers**.[[44]](#footnote-43)

**Verdict: More youth are registered, but low turnout and lack of youth representation remain challenges.**

### E) Accessibility for Persons with Disabilities (PWDs)

* **2015:** First significant effort to include PWDs (priority voting, braille ballot guides).
* **2019:** INEC committed to increasing PWD participation, but implementation was weak.
* **2023:** INEC piloted **sign language interpreters, accessible polling units, and priority queues for PWDs**, but implementation was inconsistent.

**Challenges:**

* **Polling units remain physically inaccessible** for wheelchair users.
* **Limited availability of braille ballots** for visually impaired voters.
* **PWDs face higher risks of intimidation or exclusion.**

**Verdict:**  **Some progress in policy, but poor implementation limits inclusiveness for PWDs.**

### 3.1.3. Major Barriers to Electoral Inclusiveness in Nigeria

Despite INEC's efforts to improve Nigeria’s electoral process, several factors continue to undermine **inclusiveness**, preventing large segments of the population from fully participating in elections. These challenges include **voter suppression, logistical** **inefficiencies, electoral violence, declining public trust in INEC, and the underrepresentation of women and youth in** **politics**. These issues contribute to **declining voter turnout and weak democratic participation**, ultimately affecting election legitimacy.

### a. Voter Suppression & Disenfranchisement

Voter suppression refers to **deliberate actions that prevent or discourage certain groups from voting**, often for political advantage. In Nigeria, suppression tactics are frequently deployed **in opposition strongholds**, reducing inclusiveness and distorting electoral outcomes.

#### Manifestations of Voter Suppression in Nigeria

* **Disruptions at Polling Units** – In **some opposition-dominated states**, there have been incidents where **INEC officials arrive late, election materials are insufficient, or security forces prevent access to polling stations**.
* **Destruction of Election Materials** – In previous elections, there have been cases of **thugs burning ballot papers, attacking polling stations, or intimidating voters in opposition areas**.
* **Ethnic & Religious Bias** – In some cases, specific ethnic or religious groups have been targeted with tactics that **restrict their ability to vote**.
* **Underage Voting in Strongholds of the Ruling Party** – There have been credible reports of **underage voters being registered in pro-government regions**, inflating turnout artificially.

#### Impact on Electoral Inclusiveness

* Reduces participation in **politically marginalised regions**.
* Creates **distrust in the electoral system**, leading to **voter apathy**.
* Can influence election outcomes unfairly, **damaging democracy**.

### b. INEC’s Logistical Failures

One of INEC’s most persistent challenges is **logistical inefficiency**, repeatedly leading to **millions of eligible voters being disenfranchised**.

#### Key Logistical Issues Affecting Elections

* **PVC Collection Challenges** – INEC has struggled to **efficiently distribute Permanent Voter Cards (PVCs)**, with **millions left uncollected before elections**. This prevents registered voters from participating.
* **Late Arrival of Election Materials** – In many parts of the country, **ballots, BVAS devices, and result sheets** arrive **hours late or not at all**, disrupting voting.
* **Poor Planning for Rural & Conflict Areas** – Many voters **in remote or conflict-prone areas** face **extra hurdles** due to **INEC’s poor logistics planning**, which makes **polling** **units inaccessible or understaffed**.
* **Last-Minute Election Postponements** – The **2019 general elections were postponed just hours before polling day**, causing confusion and discouraging voter participation.

#### Impact on Electoral Inclusiveness

* **Millions of eligible voters** can**not vote due to INEC’s operational inefficiencies**.
* **Frustration with the voting process leads to voter apathy**, especially among **young voters**.
* Logistical failures create opportunities for **manipulation of results in affected areas**.

### c. Electoral Violence & Intimidation

Nigeria’s elections are often marred by **violence, voter intimidation, and politically motivated attacks**. Electoral violence can take many forms, including **physical attacks on voters, destruction of polling stations, clashes between party supporters, and security forces preventing voting in certain areas**.

#### Forms of Electoral Violence

* **Pre-Election Violence** – Candidates and party supporters are often attacked in the months leading up to elections. **In 2023, multiple political rallies were disrupted by violence**.
* **Election-Day Violence** – Armed thugs have been known to **snatch ballot boxes, attack polling stations, or forcefully prevent voters from casting ballots**.
* **Security Force Intimidation** – In some cases, **police and military personnel have been accused of preventing voting in certain areas, particularly opposition strongholds**.

#### Impact on Electoral Inclusiveness

* **Many voters, especially women and youth, stay away from polling units for fear of violence**.
* Violence often **targets specific communities**, reducing their ability to participate in democracy.
* In extreme cases, entire election results **are cancelled or manipulated due to intimidation**.

### d. Declining Trust in INEC

One of the most damaging trends in Nigeria’s elections has been the **steady decline in public trust in INEC’s ability to conduct credible elections**.

#### Key Reasons for Trust Deficit

* **Failure of INEC’s Digital Reforms (2023)** – Despite **promising real-time election results transmission using the INEC Result Viewing Portal (IReV)**, INEC failed to upload results as expected, **creating widespread suspicion of result manipulation**.
* **Lack of Consequences for Electoral Fraud** – Political actors involved in **rigging, voter suppression, and violence** rarely face prosecution, leading to **public disillusionment**.
* **Unexplained Post-Election Delays:** When election results are delayed, **many believe they are being** **manipulated**, **reducing faith in the system**.

#### Impact on Electoral Inclusiveness

* **Voter turnout drops significantly** because people feel their votes **don’t count**.
* **Civil society and international observers lose confidence in Nigerian democracy**.
* **More post-election violence occurs** when results are disputed due to a lack of transparency.

### c. Low Representation of Women & Youth

Despite making up a **large portion of the electorate**, **women and young people remain underrepresented in Nigeria’s political landscape** due to **systemic barriers**.

#### Barriers Preventing Women & Youth Participation

* **Cultural and Institutional Barriers:** Women are often **discouraged from running for office** due to **cultural biases and a** **lack of party support**.
* **Violence Against Female Candidates** – Women in politics face **higher rates of intimidation and harassment**, preventing them from contesting elections.
* **High Cost of Running for Office** – Nigeria’s **expensive political system** makes it difficult for **young candidates to compete against wealthy political elites**.
* **Political Party Discrimination** – Most Nigerian political parties **do not prioritise youth and female candidates**, giving nominations to **established male politicians**.

#### Impact on Electoral Inclusiveness

* Women remain **underrepresented in governance** despite constituting **47.5% of registered voters**.
* Youth participation in **political leadership is low**, leading to policies that **do not reflect the interests of younger generations**.
* **Limited diversity in governance** weakens Nigeria’s democracy by excluding **large portions of society** from decision-making.

## 3.2 Analysis of INEC’s Performance on Integrity (Pillar Two of the Democratic Trilemma) from 1999 to Date

**Electoral integrity** refers to the extent to which elections are conducted **fairly, transparently, and credibly** without manipulation, fraud, or external interference. It encompasses **voter authentication, ballot security, result collation, and the impartiality of electoral institutions.** Since Nigeria’s return to democracy in **1999**, INEC has made several reforms to improve election integrity. However, challenges such as **vote rigging, electoral violence, voter suppression, and result manipulation** have remained persistent across election cycles.

### 3.2.1. Trends in INEC’s Performance on Electoral Integrity (1999–2023)

| **Election Year** | **Major Integrity Issues** | **Reforms Introduced** | **Overall Credibility** |
| --- | --- | --- | --- |
| **1999** | Widespread rigging, military interference, lack of transparency | None (Transition from military rule) | Very low |
| **2003** | Vote buying, ballot box snatching, violence | None | Very low |
| **2007** | Large-scale rigging, multiple voting, result falsification | None | Worst election in Nigeria’s recent history |
| **2011** | Post-election violence, logistical failures, voter suppression | **Introduction of Biometric Voter Registration (BVR)** | Moderate |
| **2015** | Attempted election postponement, fraud in strongholds | **Introduction of PVCs and Smart Card Readers** | Improved |
| **2019** | Election postponement, vote buying, result collation issues | **Pilot of INEC Result Viewing Portal (IReV)** | Mixed |
| **2023** | BVAS failure, IReV non-transmission, voter suppression | **Full deployment of BVAS & IReV** | Setback |

**Key Observation:** While **technological reforms improved integrity (2011-2015)**, **INEC's credibility dropped in 2023** due to **BVAS/IReV failures** and **alleged result manipulation**.

### 3.2.2. Assessment of INEC’s Performance on Key Electoral Integrity Indicators

### A) Vote Rigging and Ballot Manipulation

* **1999-2007:** Electoral fraud was **widespread**, with **pre-filled result sheets, over-voting, and multiple thumbprinting**. The **2007 election was so flawed** that even President Umaru Musa Yar’Adua admitted its illegitimacy.[[45]](#footnote-44)
* **2011-2015:** **Biometric voter registration (BVR), Permanent Voter Cards (PVCs), and Smart Card Readers (SCRs)** reduced fraud.
* **2019-2023:** **BVAS (Bimodal Voter Accreditation System)** was introduced, but its failure in 2023 **allowed result manipulation** at collation centres.

**Verdict:** Vote rigging has **reduced**, but **manipulation at collation centres remains a significant issue.**

### B) Electoral Violence and Security Failures

* **2003-2011:** **Widespread political violence**, with **over 800 killed in 2011** after post-election clashes.[[46]](#footnote-45)
* **2015:** Nigeria's **first peaceful power transition** (Jonathan to Buhari).[[47]](#footnote-46)
* **2019-2023:** Political thuggery, suppression of opposition strongholds, and violence in **Rivers, Lagos, and Kogi states**.[[48]](#footnote-47)

**Verdict:** Electoral violence has decreased **at the national level**, but **localised violence and intimidation remain a problem**.

### C) Voter Suppression and Disenfranchisement

* **Underage Voting in the North** – **2011-2023:** Reports of **underage voting in Kano, Jigawa, and Katsina.**
* **Voter Suppression in Opposition Strongholds** – **2023:** Disruptions in **South-East and South-South** regions, with INEC officials and security forces accused of **deliberate delays and intimidation.**

**Verdict:** INEC has failed to **prevent voter suppression and underage voting**, affecting election credibility.

### D) Vote Buying and Financial Influence in Elections

* **1999-2007:** Political elites engaged in **direct vote buying** with cash and food.
* **2011-2015:** Vote buying became **more structured**, with party agents distributing money at polling stations.
* **2019-2023:** **Vote buying became the most dominant election fraud method,** despite anti-corruption efforts.

**Verdict:** INEC has been **unable to curb vote buying** despite electoral laws banning it.

### E) Election Result Transparency and Digital Reforms

| **Technology** | **Year Introduced** | **Impact** |
| --- | --- | --- |
| **Biometric Voter Registration (BVR)** | 2011 | Improved voter database accuracy |
| **Permanent Voter Cards (PVCs)** | 2015 | Reduced multiple voting |
| **Smart Card Readers (SCRs)** | 2015 | Prevented over-voting but had glitches |
| **BVAS (Bimodal Voter Accreditation System)** | 2023 | Failed in transmission, causing credibility issues |
| **IReV (INEC Result Viewing Portal)** | 2023 | Meant for transparency but was not used as expected |

**Verdict:** INEC **failed to fully implement its own transparency mechanisms (BVAS, IReV) in 2023**, damaging trust.

### 3.2.3. Major Challenges Affecting Electoral Integrity in Nigeria

1. **Lack of Enforcement of Electoral Laws** – **Politicians and officials involved in fraud rarely face prosecution.**
2. **INEC’s Dependence on Government Appointments** – The **President appoints the INEC Chairman**, leading to **potential bias.**
3. **Weak Electoral Technology Implementation** – **BVAS and IReV failures** in 2023 raised concerns about the credibility of results.
4. **Security Agencies’ Partisan Role** – Police and military often **suppress opposition votes instead of ensuring neutrality.**

### 3.2.4. INEC’s Electoral Integrity Scorecard (1999-2023)

| **Indicator** | **1999-2007** | **2011-2015** | **2019-2023** | **Overall Trend** |
| --- | --- | --- | --- | --- |
| **Vote Rigging & Manipulation** | Very High | Moderate | Resurfaced | Persistent |
| **Electoral Violence** | High | Moderate | High | Ongoing Threat |
| **Voter Suppression** | High | Moderate | High | Still Present |
| **Vote Buying** | Moderate | High | Very High | Increasing |
| **Election Technology Use** | None | Improved | Poor Execution | Declining Credibility |
| **Public Trust in INEC** | Low | Improved | Declined | Declining |

**Final Verdict:** While INEC **made progress between 2011-2015**, **2023 marked a major setback** for electoral integrity due to **vote suppression, technology failures, and loss of public trust**.

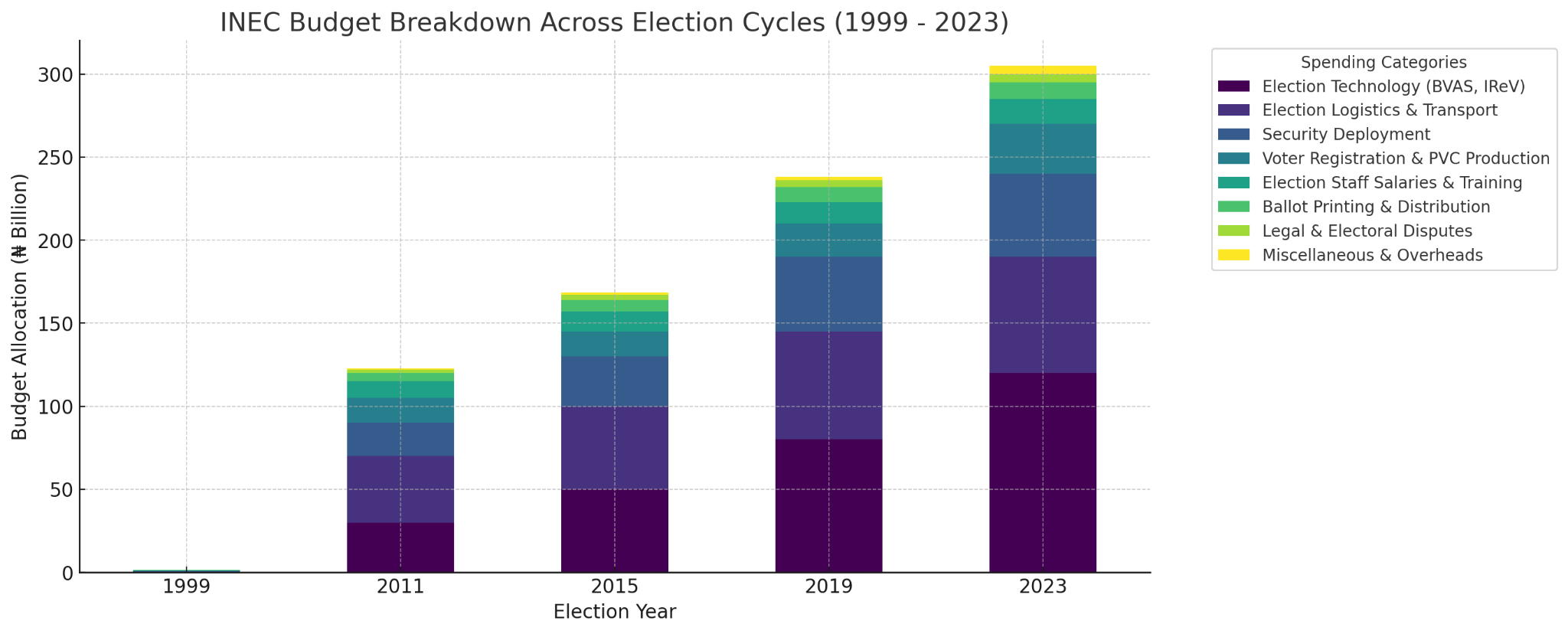
## 3.3 Analysis of INEC’s Performance on Cost Efficiency (Pillar Three of the Democratic Trilemma) from 1999 to Date

**Cost efficiency** in elections refers to **how effectively resources are allocated** to conduct elections **without waste, corruption, or financial mismanagement** while ensuring fairness and accessibility. Since Nigeria’s return to democracy in **1999**, INEC’s election costs have risen significantly, making Nigeria’s elections among the **most expensive in the world** relative to its GDP. This analysis evaluates how INEC has **managed election costs** and identified inefficiencies for more cost-effective electoral processes.

### 3.3.1. Trends in Election Costs: Key Observations (1999–2023)

Nigeria’s **election costs have increased nearly 200 times since 1999**, making it **one of the most expensive elections in Africa**. However, **voter turnout has declined**, meaning that the INEC is spending **more money per vote cast.**

| **Election Year** | **Number of Voters** | **Total INEC Budget (₦ Billion)** | **USD Equivalent**  **(At the time)[[49]](#footnote-48)** | **USD Equivalent (Adjusted for Inflation)[[50]](#footnote-49)** | **Cost Per Registered Voter (USD)[[51]](#footnote-50)** |
| --- | --- | --- | --- | --- | --- |
| **1999** | 30,280,052 | ₦1.5 billion | $15.31 million | $27.12 million | $0.90 |
| **2003** | 42,018,735 | ₦29 billion | $224.81 million | $358.94 million | $8.54 |
| **2007** | 35,397,517 | ₦45.5 billion | $364 million | $499.12 million | $14.10 |
| **2011** | 39,469,484 | ₦42 billion | $269.23 million | $354.89 million | $8.99 |
| **2015** | 29,432,083 | ₦108.8 billion | $552.28 million | $676.45 million | $22.98 |
| **2019** | 28,614,190 | ₦242.2 billion | $791.83 million | $878.12 million | $30.69 |
| **2023** | 24,965,218 | ₦305 billion | $663.04 million | $663.04 million | $26.56 |



1. **Election Technology Costs Have Skyrocketed:** From **₦0 billion in 1999** (no digital systems) to **₦120 billion in 2023** (BVAS & IReV). Despite this investment, **the 2023 election had significant credibility issues** due to **technological failures.**
2. **Logistics & Transport Costs Remain a Major Expense:** Increased from **₦0.5 billion in 1999** to **₦70 billion in 2023.** Nigeria’s **large landmass and security challenges** make **election material distribution expensive.**
3. **Security Costs Have Consistently Increased:** From **₦0.3 billion in 1999** to **₦50 billion in 2023.** Due to **election-related violence**, Nigeria spends **far more on security than many democracies.**
4. **Voter Registration & PVC Production Costs Are Too High:** Increased from **₦0.2 billion in 1999** to **₦30 billion in 2023.** Nigeria **re-registers voters every cycle**, unlike countries with **permanent digital voter databases.**
5. **Legal & Electoral Dispute Costs Have Increased: Election litigation and re-runs** cost INEC billions.

### 3.3.2. Assessment of INEC’s Performance on Key Cost Efficiency Indicators

### a) Rising Election Costs vs. Declining Voter Turnout

* **Election costs have increased from ₦1.5 billion (1999) to ₦305 billion (2023)**.[[52]](#footnote-51)
* Despite rising costs, **voter turnout has dropped from 52.3% in 1999 to 29% in 2023**.
* Nigeria spends **more per voter than India and South Africa** despite having lower per capita income.

**Verdict:** INEC has become **more expensive but less effective in increasing voter participation.**

### b) High Logistics and Security Costs

**INEC's budget is heavily spent on election logistics**, including:

* Printing of millions of ballot papers.
* Hiring security personnel for over **176,000 polling units**.
* Deploying vehicles, helicopters, and boats to transport election materials.
* **Security costs** have risen due to **election-related violence and the need for armed personnel in conflict zones.**

**Verdict:** Security remains a **significant cost driver**, and INEC has **not implemented cost-saving alternatives like digital voting**.

### c) Cost of Election Technology (BVAS, IReV, PVCs)

* **2011-2015:** The introduction of **biometric registration and PVCs** increased costs.
* **2019-2023:** Deployment of **BVAS (Bimodal Voter Accreditation System) and IReV (INEC Result Viewing Portal)** added billions to election spending.
* **2023 BVAS/IReV failure:** Despite heavy investment, **INEC’s technology did not function properly**, causing **election result delays and manual collation.**

**Verdict:** **High investment in technology has not translated into cost savings due to poor implementation.**

### d) Inefficient Voter Registration and PVC Distribution

* **PVC (Permanent Voter Card) distribution failures** resulted in **millions of uncollected voter cards** before elections.
* **INEC re-registers millions of voters each cycle** instead of maintaining a **permanent, continuously updated voter database.**
* **INEC spends billions printing new PVCs**, while other countries use **digital voter IDs** to cut costs.

**Verdict:** **INEC’s voter registration process is costly and inefficient**, requiring a shift to **digital voter IDs.**

### e) Cost of Election Re-Runs and Legal Disputes

* **Nigeria holds many supplementary elections** due to **logistical failures, cancelled votes, and court-ordered reruns**.
* **INEC spends additional money on re-conducting elections**, increasing costs unnecessarily.
* **2023:** Court cases forced INEC to **conduct new elections in multiple states**, adding millions to expenses.

**Verdict:** **Frequent election disputes and reruns inflate costs, highlighting INEC’s failure to conduct smooth elections.**

### 3.3.3. Major Challenges Affecting Cost Efficiency in Nigerian Elections

1. **Heavy reliance on manual processes** – Too much spending on **paper ballots, PVCs, and human resources**.
2. **Expensive election security** – Deployment of **thousands of security personnel** due to election violence.
3. **Poor technology implementation** – High **spending on BVAS and IReV**, but results **did not justify costs** in 2023.
4. **High litigation and re-run costs** – Election disputes lead to **unnecessary additional elections**.

### 3.3.4. INEC’s Cost Efficiency Scorecard (1999-2023)

| **Indicator** | **1999-2007** | **2011-2015** | **2019-2023** | **Overall Trend** |
| --- | --- | --- | --- | --- |
| **Election Costs** | Moderate | High | Very High | Increasing |
| **Logistics Spending** | High | Very High | Extremely High | Inefficient |
| **Security Costs** | High | Moderate | High | Rising |
| **Technology Efficiency** | None | Moderate | Poor Execution | Wasted Investment |
| **Legal and Rerun Costs** | Moderate | High | Very High | Unsustainable |

**Final Verdict:** **INEC has not controlled election costs effectively. Rising expenses have not led to better voter participation or smoother elections. Urgent reforms are needed to reduce waste and improve financial accountability.**

# 

# **Chapter 4.0 - Understanding the Problem - Thematic Areas in Nigeria’s Electoral process in need of Reform.**

The Independent National Electoral Commission (INEC) is the key institution responsible for conducting credible elections in Nigeria. However, over the years, INEC has faced significant criticism for failing in key thematic and strategic areas. These failures have been extensively highlighted in the Justice Uwais Report and corroborated by public opinion. Below are the thematic areas where reforms are needed:

## 4.1 Political Interference, Lack of Funding Independence, Inadequate Funding and Resource Constraints.

INEC’s independence has been severely compromised due to interference by the Executive arm of government. This includes:

**4.1.1 Appointment of Officials**: INEC’s mandate as an independent electoral body has been compromised by persistent political interference. The process of appointing INEC’s Chairman and Resident Electoral Commissioners is controlled by the President, leading to perceptions of bias.Although INEC is theoretically autonomous, in practice, it often operates under the influence of powerful political actors, particularly those affiliated with the ruling party. This interference is most visible in the appointment process of INEC leadership, which is controlled by the executive branch, raising concerns about potential biases. Political interference undermines INEC’s impartiality, leading to public scepticism about its ability to conduct fair elections. For example, decisions regarding election postponements or the deployment of voting materials have occasionally been perceived as favouring certain political interests, fuelling suspicions that INEC’s actions are influenced by external agendas rather than impartial governance. This lack of independence has been a persistent challenge.

The lack of autonomy erodes public confidence in ONE's ability to act as an impartial electoral umpire.

**4.1.12 Lack of Funding Independence, Inadequate Funding and Resource Constraints:** INEC’s financial dependence on the Executive has made it susceptible to manipulation and undue influence. INEC’s effectiveness is further constrained by inconsistent and often insufficient funding, which hampers its capacity to implement improvements and manage elections efficiently. Funding delays have affected INEC’s ability to procure essential materials, implement technological innovations, and adequately train election personnel. For instance, the introduction of biometric voter registration and card readers has required substantial financial investments, and funding gaps have led to issues such as inadequate distribution of equipment and malfunctioning devices. The reliance on government funding also exacerbates INEC’s vulnerability to political influence, as the allocation of funds is controlled by the executive and legislative branches. Budgetary uncertainties and delays hinder INEC’s planning and prevent it from implementing much-needed reforms, thereby perpetuating the logistical and operational issues that plague Nigerian elections.

## 4.2. Voter Registration and Electoral Roll Management

INEC has consistently faced significant challenges in producing and maintaining a credible voter register. The key issues include:

INEC's efforts to establish and maintain a credible voter register have been plagued by persistent and multifaceted challenges that significantly undermine the integrity of Nigeria's electoral process.

**3.2.1 Double Registration:** At the heart of these challenges lies the pervasive issue of Multiple registrations by single individuals, which has proven particularly difficult to combat. The absence of robust biometric deduplication systems, combined with poor coordination between registration centers and state offices, has created numerous opportunities for multiple registrations by single individuals. This problem is exacerbated by deliberate attempts at multiple registrations and the inadequate technological infrastructure for detecting such duplications.

**3.2.2 Exclusion of Eligible Voters:** The systematic exclusion of eligible voters represents another critical challenge in the registration process. Many potential voters, particularly in rural and remote areas, face significant barriers to registration. These obstacles include the scarcity of registration centers, inadequate public awareness about registration exercises, and substantial transportation challenges. The situation is further complicated by language barriers and insufficient accommodations for persons with disabilities. Moreover, the limited registration periods often fail to account for the schedules of working populations, effectively disenfranchising many eligible voters.

**3.2.3 Inaccuracy and Data Quality Issues :** Data quality and accuracy issues persistently undermine the reliability of the voter register. The system struggles with numerous challenges, including the retention of deceased persons' records due to poor death record management, the inclusion of underage registrants, and the presence of non-citizens in the register. These problems are compounded by outdated personal information, incomplete voter data, and substandard biometric data quality, including poor-quality photographs.

**3.2.4 Technical and Administrative Challenges:** The technical and administrative challenges facing INEC's voter registration system are equally significant. Chronic underfunding of registration exercises has led to limited technical capacity for database management and inadequate infrastructure for data storage and retrieval. Registration officials often receive insufficient training, and there is a notable lack of regular database maintenance and updating. The system also struggles with efficient data transfer between registration points and the central database.

These challenges have far-reaching implications for Nigeria's electoral process. The unreliability of the voter register fundamentally compromises the credibility of elections and leads to the disenfranchisement of legitimate voters. It creates opportunities for electoral fraud and erodes public confidence in the electoral system. The administrative burden of managing an inaccurate register results in higher election costs and complicates election logistics planning. Furthermore, these issues frequently give rise to electoral disputes, further undermining the integrity of the democratic process.

## 4.3. Logistics and Election Day Management

The management of election day logistics has consistently proven to be one of INEC's most significant challenges in conducting elections across Nigeria, a country with diverse geographic and infrastructural constraints. These logistical issues include the distribution of election materials, deployment of personnel, and coordination of security forces at polling stations. Nigeria’s complex landscape, with hard-to-reach rural areas, compounds the logistical burden, making it difficult to ensure timely and efficient delivery of materials. Operational setbacks, such as delayed arrival of election materials, malfunctioning card readers, and inadequate staff training, have been common across multiple election cycles. For example, in the 2019 general election, INEC faced significant logistical delays that forced it to postpone the election by a week just hours before voting was set to begin. This last-minute decision inconvenienced millions of Nigerians and eroded public confidence in INEC’s ability to manage elections effectively.

**3.3.1. Late Arrival of Materials**: Material distribution and supply chain management represent a critical weakness in INEC's electoral operations. The persistent late arrival of election materials at polling units has become a recurring problem that significantly disrupts the voting process. This tardiness often stems from poor transportation planning, inadequate tracking systems, and insufficient coordination between different levels of electoral administration. The situation is further complicated by Nigeria's challenging infrastructure and varying security conditions across different regions.

**3.3.2. Shortages of Materials**: The shortage of essential electoral materials presents another serious operational challenge. INEC has frequently struggled to ensure adequate supplies of critical items such as ballot papers, result sheets, and voting cubicles at polling units. These shortages often result from poor inventory management, flawed needs assessment, and delayed procurement processes. The impact of such shortages is particularly severe in remote areas where rapid resupply is difficult or impossible.

**3.3.3. Poor Deployment of Personnel**: Personnel management has emerged as another crucial area of concern. INEC's deployment of both permanent and ad hoc staff has been characterized by inadequate training, poor coordination, and insufficient support systems. The training programs for electoral personnel are often rushed and superficial, leaving staff ill-prepared for their responsibilities. This situation is exacerbated by late recruitment, poor communication channels, and inadequate provisions for staff welfare during deployment.

**3.3.4. Polling Unit Management:** The management of polling units on election day presents its own set of challenges. Many polling locations lack basic facilities and infrastructure, including adequate lighting, backup power supplies, and protection from adverse weather conditions. These deficiencies are compounded by problems with technological systems, such as malfunctioning card readers and poor internet connectivity, which can severely impede the voting process.

**3.3.5. Security Arrangements:** Security arrangements during elections have also proven problematic. The coordination between INEC and security agencies is often suboptimal, leading to inadequate protection for electoral materials and personnel. This vulnerability has frequently been exploited by bad actors, resulting in incidents of electoral violence and disruption of the voting process.

**3.3.1. Communication and Coordination:** Communication and coordination failures have further undermined INEC's election day operations. Information flow between different levels of the electoral administration is often poor, leading to delayed decision-making and inadequate responses to emerging problems. The lack of effective public information systems has also contributed to confusion and frustration among voters.

These logistical failures have serious implications for Nigeria's democratic process. Voters are frequently disenfranchised when they are unable to cast their ballots due to late starts, material shortages, or security concerns. The credibility of the entire electoral process is undermined when basic operational requirements cannot be met. Moreover, these problems often create opportunities for electoral malpractice and generate post-election disputes.

## 4.4. Technological Limitations and Implementation Challenges

The IReV system is intended to activate immediately after voting concludes. At polling units, ballots are first sorted, counted, and verified by an INEC official. The BVAS device is then used to capture images of the result sheets, which are meant to be transmitted to a real-time result-viewing portal. However, this process faced significant challenges and controversy during execution. In several instances, INEC officials reported being unable to access the IReV portal, claiming they had forgotten their passwords[[53]](#footnote-52). Others who managed to recall their credentials complained of login failures, which prevented the timely upload of polling unit results[[54]](#footnote-53). While such issues may have stemmed from inadequate training of ad hoc staff tasked with operating the BVAS, suspicions arose regarding potential intentional interference with the process.

Another major concern was the delay in uploading results to the INEC portal. Premium Times reported that, even 24 hours after voting ended, results from numerous polling units were still unavailable online[[55]](#footnote-54). INEC attributed these delays to common technical glitches affecting platforms like IReV. Yet, election observers such as the European Union Observer Mission (EOM) noted that the BVAS device’s offline functionality—which allows uploads despite weak internet connections—was either not utilized or failed to work properly. The EOM further observed that scanned copies of presidential results from various regions were not uploaded as expected. Ultimately, the INEC portal failed to display results from all 176,000 polling units across the country, as was initially promised. Only a limited number of scanned results were made accessible online. This shortfall severely undermined INEC's assurances of transparency and reliability regarding the IReV system leading up to election day.

## 4.5. Electoral Malpractices

Electoral malpractices have persistently undermined the integrity of Nigeria's electoral process, with INEC demonstrating a consistent inability to prevent or adequately address various forms of electoral fraud. These malpractices have become deeply entrenched in the electoral system, manifesting in multiple sophisticated and interconnected forms.

**4.5.1 Ballot Stuffing**: Ballot stuffing represents one of the most egregious forms of electoral malpractice, often executed through collusion between INEC officials and political actors. This practice typically involves the illegal insertion of pre-marked ballots into ballot boxes, artificially inflating vote counts for favored candidates. The problem is exacerbated by weak security measures at polling units and the complicity of some electoral officials who are either compromised through bribes or coerced through threats. This form of malpractice is particularly prevalent in remote areas where election monitoring is limited.

**4.5.2 Vote Buying**: Vote buying has emerged as another pervasive challenge that INEC has struggled to combat effectively. Despite existing legal prohibitions, the practice continues to flourish, often taking place openly on election days. Political parties and their agents frequently establish unofficial "cash points" near polling units, where voters are paid for supporting specific candidates. INEC's enforcement mechanisms have proven inadequate, with few successful prosecutions of vote-buying offenses. The practice has become more sophisticated over time, with some schemes involving electronic transfers and post-election payments to avoid detection.

**4.5.3 Manipulation at Collation Centers**: The manipulation of results at collation centers represents a particularly dangerous form of electoral malpractice. This typically occurs during the critical phase of vote counting and results compilation, where oversight is often weak or compromised. Political actors, sometimes in collaboration with corrupt INEC officials, exploit vulnerabilities in the collation process to alter vote totals. The absence of robust verification mechanisms and transparent processes at collation centers creates opportunities for result sheets to be modified, authentic results to be substituted with fraudulent ones, or valid votes to be invalidated on spurious grounds.

These malpractices are often facilitated by structural weaknesses in INEC's operational systems. Inadequate training of electoral officials, poor supervision, and weak internal control mechanisms create numerous opportunities for fraud. The situation is compounded by insufficient security measures and the absence of effective sanctions for electoral offenses. Furthermore, the complex nature of Nigeria's electoral geography makes it challenging to maintain consistent oversight across all polling and collation points.

**Electoral fraud undermines the will of the people and perpetuates bad governance:** The implications of these electoral malpractices are far-reaching and fundamentally undermine Nigeria's democratic process. When election results do not reflect the genuine will of the voters, the legitimacy of elected officials is compromised. This creates a cycle of poor governance, as leaders who assume office through fraudulent means feel little accountability to the electorate. The persistence of electoral fraud also erodes public confidence in the democratic process, leading to voter apathy and reduced participation in future elections.

The widespread nature of these malpractices also points to deeper systemic issues in Nigeria's political culture that need to be addressed through civic education, stronger institutional frameworks, and sustained efforts to build a more robust democratic culture. Only through such comprehensive reforms can Nigeria begin to conduct elections that truly reflect the will of its people.

## 4.6 Weak Enforcement of Electoral Laws

INEC's enforcement of electoral laws has proven equally inadequate. Despite having clear statutory responsibilities to ensure compliance with electoral regulations, the commission has demonstrated limited capacity or willingness to hold violators accountable. Common electoral offenses such as vote-buying, ballot box snatching, and voter intimidation are routinely documented but rarely result in successful prosecutions. This enforcement failure creates a culture of impunity where electoral offenders operate with the knowledge that they are unlikely to face consequences for their actions.

The weakness in enforcement stems from multiple factors, including poor coordination between INEC and law enforcement agencies, inadequate resources for investigations and prosecutions, and political interference in enforcement actions. The commission's enforcement mechanisms are often undermined by bureaucratic obstacles and a lack of institutional support. Even when clear violations are identified, the path to prosecution is frequently blocked by political considerations or administrative hurdles.

## 4.7. Campaign Finance Regulation

The regulation of campaign finance has emerged as one of INEC's most significant failures, with the commission demonstrating a persistent inability to enforce existing laws and regulations governing political funding. This regulatory weakness has created a political environment where money, rather than ideas or competence, often determines electoral outcomes.

**4.6.1 Exceeding Spending Limits**: The issue of excessive campaign spending stands out as a particularly problematic aspect of Nigeria's electoral landscape. Despite clear legal limits on campaign expenditure, political candidates and parties routinely exceed these thresholds with impunity. INEC has shown little capacity to track or verify campaign spending effectively, and even when violations are apparent, enforcement actions are rare. This has led to a situation where wealthy candidates can effectively buy their way into office, while qualified candidates with limited financial resources are disadvantaged.

**4.6.2 Use of Public Resources**: The misuse of public resources for campaign purposes represents another serious challenge that INEC has failed to address adequately. Incumbent politicians frequently exploit their positions to divert state resources – including government vehicles, facilities, and funds – for campaign activities. This practice creates a significant advantage for incumbents and undermines the principle of fair competition in elections. INEC's reluctance or inability to challenge such abuses, particularly when perpetrated by powerful incumbent officials, has effectively normalized this form of electoral malpractice.

**3.6.3 Opaque Financing**: The opacity of political party financing poses additional challenges for electoral integrity. Despite legal requirements for transparency in political funding, parties routinely fail to disclose their funding sources or provide accurate financial reports. This lack of transparency creates opportunities for illicit funding, including money laundering and the influence of criminal enterprises in the political process. INEC's weak oversight of party finances has allowed political parties to operate as virtual black boxes, with little public scrutiny of their financial operations.

**Lack of accountability in campaign finance creates an uneven playing field and entrenches corruption in the political process:** These failures in campaign finance regulation have profound implications for Nigeria's democratic process. The absence of effective oversight has created an environment where wealthy individuals and special interests can exert disproportionate influence over electoral outcomes. This situation perpetuates a cycle of corruption, as candidates who spend enormous sums to secure election often seek to recoup their "investment" through corrupt practices once in office.

The uneven playing field created by poor campaign finance regulation also discourages qualified individuals from participating in the political process. Potential candidates who lack access to substantial financial resources often find themselves unable to compete effectively, regardless of their qualifications or popular support. This dynamic contributes to the erosion of democratic quality and representation. Furthermore, the lack of transparency in political financing makes it difficult for voters to make informed decisions about candidates and parties. Without clear information about funding sources, voters cannot assess potential conflicts of interest or identify the special interests that may influence their representatives' decision-making once in office.

## 3.8. Handling of Election Disputes

The resolution of election disputes and enforcement of electoral laws represent critical areas where INEC's performance has fallen significantly short of its mandate. These failings have created a system where electoral justice is often delayed, denied, or rendered ineffective, substantially undermining the credibility of Nigeria's electoral process.

**3.7.1 Delayed Access to Election Documents**: The handling of election disputes has been particularly problematic, with INEC's procedures and practices often creating significant obstacles for petitioners seeking to challenge election results. A primary concern is the persistent difficulty petitioners face in accessing critical election materials necessary to build their cases. INEC's bureaucratic procedures, coupled with what often appears to be deliberate obstruction, frequently result in lengthy delays in releasing crucial documents such as ballot papers, result sheets, and other electoral materials. These delays significantly hamper petitioners' ability to meet strict judicial timelines and effectively present their cases.

**3.7.2 Legal Burden of Proof**: The legal framework governing election disputes presents additional challenges. The current system places an onerous burden of proof on petitioners, requiring them to demonstrate electoral malpractice even in cases where INEC's conduct is clearly questionable. This arrangement effectively shields INEC from accountability for its actions and creates an almost insurmountable barrier for many legitimate electoral challenges. The situation is particularly problematic given that petitioners must often rely on evidence that is in INEC's custody and control.

**3.7.3 Delays in resolving election disputes allow candidates with questionable mandates to remain in office, eroding public trust in the judiciary and the electoral process.**

These failures in dispute resolution and law enforcement have far-reaching implications for Nigeria's democratic process. When election disputes drag on indefinitely, candidates with questionable mandates remain in office, exercising authority without clear legitimate basis. This situation erodes public confidence in both the electoral system and the judiciary's ability to deliver electoral justice. The lack of effective enforcement also creates a permissive environment for electoral misconduct, as potential offenders calculate that the benefits of violation outweigh any possible consequences. Moreover, the systemic weakness in enforcement has contributed to the normalization of electoral malpractice in Nigerian politics. Political actors increasingly view electoral violations as acceptable tactical options, knowing that the likelihood of punishment is minimal. This has created a self-reinforcing cycle where each instance of unpunished violation encourages further misconduct in subsequent elections.

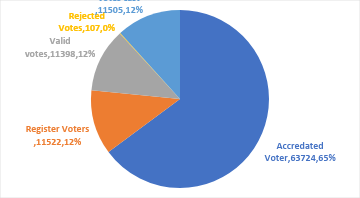
## 3.9 Legal Irregularities, Ambiguities and Lacuna

It is no longer hidden that INEC is not designed to be autonomous from political control and judiciary manipulations. The period between 2021 and 2022, marked by the enactment of the new Electoral Act, witnessed heated political debates between the legislature and the executive over what should constitute the new Act. There are sections of the 2022 Electoral Act that remain ambiguous and unclear. The Act comprises sections on which the commission relies on judicial interpretation to derive full meaning. This contradicts the legal maxim which states that “the law must be clear.” Section 134, Subsection 2, of the 1999 Constitution is particularly concerning. It states:

"A candidate for an election to the office of President shall be deemed to have been duly elected where, there being more than two candidates for the election, he has the highest number of votes cast at the election, and he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja.”

Judicial interpretations of this section have created significant uncertainty and room for manipulation. Also, in the section that grants the electorate the powers to recall their leaders. Section 129 stated the bases of recall. The act holds that the conditions for recall is based on two-thirds of registered. The truth of the facts is that in Nigeria, the total number of registered voters has never equaled the number of accredited voters making it difficult for a recall to take place. For example, political manoeuvring through the judiciary resulted in the selection of the governor of Imo State Uzodinma in Ihedioha & ors (2020) LPELR-50260 SC) on the basis of technical or procedural rulings, impacting the democratic process and the quality of leadership in the state. The same played out in the pre-election case between Ahmed Lawal and Bashir Mechina case (Ahmed v. Mechina (2023) LPELR-59953 SC) where the supreme court upheld a petition of a man who never contested elections base on technical grounds involving how the election petition was originated. The pie-chart below reveals the disparity between the number of registered voters and accredited voters in an election.

**Figure 7: Disparity between the number of Registered and Accredited Voters in FCT Area Council (Abaji) 2022 elections.**



**Source:** Adapted from INEC portal Result Analysis on FCT Area Council (Abaji) 2022 elections.

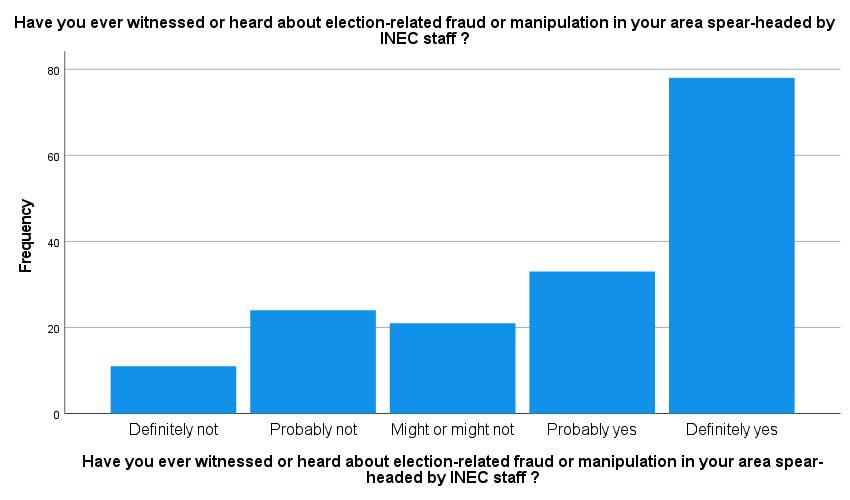
From the data above, the election had an 18.08% turnout rate. The law which prescribed 2/3 of the registered voters instead of the number of votes gotten made it difficult if not impossible for a recall to take place. Most elections in Nigeria have never witnessed 2/3 of the registered voters. Furthermore, Section 126 of the 2022 Act established the tribunal outside INEC. The tribunal and the court in general have been used to manipulate the INEC. The implication is that candidates did not vote for emerging leaders without popular support. In view, in the case of Ahmed Lawal v Bashir Mechia, Lawal who never participated in primaries emerged as the leader of the people. Finally, Section 126 of the 2022 Electoral Act: This section establishes election tribunals but does not grant INEC the power to prosecute offenders. No section provides for INEC's accountability to Nigerians except through judicial review.

## 3.10. Corruptions, Structural Deficiencies and Self-Induced Errors

Structurally, INEC was not designed to succeed. Institutionally, it functions as an instrument for revalidating legitimacy in the hands of the elite every four years[[56]](#footnote-55). These weak structures undermine the commission’s operations, development, and, more importantly, its independence from political control.

On the other hand, human-induced failures are characterized by corruption, lack of transparency, ineffective communication, and unprofessional conduct. Corruption among officials of Nigeria's Independent National Electoral Commission (INEC) has been a recurring issue, undermining the credibility of elections and democratic processes in the country. INEC officials have been accused of accepting bribes from political parties or candidates to manipulate election outcomes. This includes altering vote counts, favoring particular candidates, or turning a blind eye to electoral malpractices. Some INEC officials have been implicated in altering election results or colluding with political actors to inflate or reduce vote counts. Cases of falsified voter registers, including the inclusion of non-existent or underage voters, have also been reported. Evidence from primary data collected across Nigeria shows that the majority of the sampled population has either witnessed or heard about INEC officials compromising election results and the electoral process.

**Figure 8: Electorate who have Witnessed Election-Related Fraud by INEC Staff**



From the descriptive analysis displaced in the bar-chart above, 111 comprising 66.5% of the respondents either answered probably yes and definitely yes on the question of witnessing the involvement of INEC officials in vote manipulation. This confirms secondary evidence that corruption within the INEC could be the root of other infractions lacking logistic challenges, inability to upload results and other logistic challenges witnessed by the commission.

## 3.11. Civic and Voter Education

INEC's approach to civic and voter education has been markedly inadequate, representing a significant institutional failure that undermines the quality of Nigeria's electoral process. The commission's shortcomings in this crucial area have contributed to widespread voter ignorance, apathy, and vulnerability to political manipulation.

**3.10.1 In-adequate voter education campaigns that Inform citizens about their rights and responsibilities:** The fundamental weakness in INEC's voter education efforts lies in its inability to effectively inform citizens about their basic electoral rights and responsibilities. Many Nigerians remain unaware of crucial aspects of the electoral process, including voter registration procedures, voting requirements, and their rights as voters. This knowledge gap is particularly pronounced in rural areas and among marginalized populations, where access to information is often limited. INEC's outreach programs have typically been sporadic and concentrated in urban areas, leaving significant portions of the electorate uninformed about fundamental aspects of the democratic process.

**3.10.2. In-adequate voter education campaigns that Increase awareness of voting procedures and the importance of participation:**  INEC has also struggled to effectively communicate voting procedures to the electorate. The commission's efforts to explain new voting technologies, authentication processes, and ballot marking procedures have often been insufficient and poorly timed. This inadequate preparation of voters frequently leads to confusion at polling units, resulting in high rates of invalid votes and unnecessary delays in the voting process. The situation is exacerbated by INEC's tendency to introduce new voting procedures or technologies without adequate public education campaigns to prepare voters for these changes.

**3.10.3. In-ability to effectively counter misinformation and propaganda that undermine public confidence in elections:** The commission's failure to counter misinformation and electoral propaganda represents another critical shortcoming. In an era of widespread social media use and rapid information dissemination, INEC has shown limited capacity to effectively combat false narratives about the electoral process. This has allowed misinformation to flourish, leading to decreased public confidence in the electoral system and increased susceptibility to political manipulation. The commission's reactive rather than proactive approach to information management has left it constantly struggling to correct false narratives rather than preventing their spread.

**3.10.4. Falure to adequately emphasize the importance of democratic participation:** Furthermore, INEC has failed to adequately emphasize the importance of democratic participation. Voter education campaigns have often focused narrowly on technical aspects of voting while neglecting to communicate the broader significance of electoral participation in a democracy. This has contributed to a situation where many citizens view voting as a futile exercise rather than a fundamental democratic right and responsibility.

**Implication: Low levels of political awareness result in voter apathy, susceptibility to manipulation, and poor turnout.**

The implications of these failures are far-reaching. Low levels of political awareness have resulted in significant voter apathy, particularly among young people and first-time voters. This apathy is reflected in consistently low voter turnout rates, which undermine the legitimacy of elected officials and the democratic process as a whole. Additionally, poorly informed voters are more susceptible to manipulation through vote-buying, intimidation, and other forms of electoral malpractice.

## 3.12. Electoral Technology poor implementation

The integration of technology into Nigeria's electoral process by the Independent National Electoral Commission (INEC) has been marred by inconsistent and poor implementation.

**Electronic Voting and Transmission**: Efforts to introduce electronic voting and ensure real-time electronic transmission of results have largely failed, leaving significant gaps in the credibility of the process. A notable example is the failure of the INEC Result Viewing (IREV) portal during the 2023 general elections. Despite widespread expectations that the portal would ensure transparency by enabling real-time upload and access to polling unit results, the platform experienced significant delays and technical issues. This failure led to frustration among voters, raised questions about the transparency of the process, and cast doubts on the integrity of the election outcomes.

**Technical Failure of Biometric Devices**: The use of biometric voter authentication devices has often been fraught with technical failures, causing delays at polling stations and, in some cases, disenfranchising voters. These technological shortcomings, coupled with the 2023 IREV failure, have not only undermined public confidence in the electoral system but also frustrated the electorate, eroding trust in Nigeria’s democratic process. The inability to effectively implement these technological solutions highlights the need for INEC to address systemic issues and improve its technical capacity to conduct credible and transparent elections.

Poor implementation of technology undermines the credibility of the electoral process and frustrates voters.

## 3.13. Lack of Accountability

The lack of accountability within the Independent National Electoral Commission (INEC) has become a significant challenge undermining the integrity of Nigeria’s democratic process. Despite its constitutional mandate to act as an impartial and transparent electoral umpire, INEC has repeatedly failed to hold its officials accountable for misconduct, with examples of malpractice becoming more apparent in recent elections.

**3.12.1 Collusion with Political Actors:** In the 2023 general elections, there were numerous allegations of collusion between INEC officials and political actors to manipulate election results. For instance, reports from several polling units across the country indicated that INEC officials deliberately delayed uploading results to the INEC Result Viewing Portal (IREV), despite earlier assurances that the portal would ensure real-time transparency. This delay created opportunities for manipulation during the collation process, leading to accusations of altered results and disenfranchisement of voters. A striking case involved the presidential election results in Rivers State, where there were allegations of discrepancies between the results uploaded to IREV and those announced at the collation centers. Despite mounting evidence presented by opposition parties and observers, no meaningful investigation or sanctions were imposed on the officials involved.

**3.12.2 Tampering with Results or Voter Registration:** In the 2019 and 2023 elections, there were incidents of voter register tampering, including the inclusion of fictitious names and underage voters in some areas. Investigative reports revealed that some INEC officials collaborated with politicians to inflate voter numbers in strongholds of certain candidates. These irregularities were often flagged by civil society organizations and election observers, yet INEC took little or no action to address the fraudulent practices or punish those responsible. For example, during the governorship election in Kogi State in 2019, multiple reports highlighted irregularities, such as voter intimidation, ballot box snatching, and inflated results in some local government areas. However, despite the overwhelming evidence, no INEC official was held accountable for the malpractice, further eroding public trust.

**3.12.3 Failure to Ensure Fair and Transparent Elections:** In the 2023 general elections, INEC’s inability to enforce the provisions of the Electoral Act 2022, particularly regarding the use of technology, raised significant accountability concerns. Despite provisions mandating electronic transmission of results from polling units, INEC officials in many locations failed to comply, citing technical glitches as the reason. Critics argue that these failures were deliberate and enabled by the lack of oversight and accountability mechanisms within INEC. Another notable failure was the use of the Bimodal Voter Accreditation System (BVAS), which, although hailed as a game-changer for eliminating voter fraud, faced technical issues in several polling units. In some cases, the failure of BVAS machines led to the disenfranchisement of voters, while in others, it created opportunities for manual accreditation, which is prone to abuse. INEC’s inability to adequately train its officials on the use of these devices or to sanction those who failed to comply with operational guidelines exacerbated these issues. A culture of impunity within INEC undermines its credibility and the integrity of elections.

## 3.14. Inclusivity in Elections

The Independent National Electoral Commission (INEC) has consistently struggled to ensure inclusivity in Nigeria's electoral process, failing to adequately accommodate and engage marginalized groups.

**3.13.1 Women:** Women remain significantly underrepresented as candidates in elections. Despite constituting a substantial portion of the electorate, systemic barriers such as cultural norms, lack of financial resources, and inadequate support structures have limited their political participation.

**3.13.2 Persons with Disabilities (PWDs):** Electoral processes have been largely inaccessible to persons with disabilities. Many polling stations lack the necessary accommodations, such as wheelchair access, Braille ballot papers, or sign language interpreters, making it difficult for PWDs to exercise their voting rights.

**3.13.3 Youth:** Young people, who make up a considerable percentage of Nigeria's population, have been insufficiently engaged in the electoral process. Limited voter education, lack of youth-focused policies, and systemic barriers to running for office have left many youths disenchanted and disengaged.

**Implication:** The exclusion of these key demographics from full participation in elections undermines the representativeness and legitimacy of Nigeria's democracy. By failing to address the needs and aspirations of these groups, INEC and the broader political system risk alienating significant portions of the population, perpetuating inequality, and weakening public trust in the electoral process.

INEC’s failures in these thematic and strategic areas have significantly undermined Nigeria’s electoral integrity and public confidence in the democratic process. Addressing these challenges requires a comprehensive reform agenda, involving constitutional amendments, capacity building, technological investment, and stronger accountability mechanisms. Only by addressing these failures can Nigeria achieve credible, free, and fair elections that reflect the will of its people.

# **Chapter 5: FixINEC - An Overview of Recommendations**

## 

## 

## 4.1. Constitutional and Legal Framework for Electoral Management and INEC Independence

Amend the **1999 Constitution** and **Electoral Act** to:

* 1. Shift the **burden of proof** in election petitions from petitioners to INEC.
  2. Conclude all election disputes **before swearing-in elected officials**.
  3. Guarantee the rights of **independent candidates**.
  4. Introduce **thematic constitutional amendments** to expedite electoral reforms.
  5. Strengthen laws for **election-related violence**, corruption, and campaign financing.
  6. Ensure the **Independent National Electoral Commission (INEC) in independent :** 
     1. **Appointment processes** of INEC members and Resident Electoral Commissioners to eliminate executive interference.
     2. **Funding mechanisms**, making INEC's budget a first-line charge from the Consolidated Revenue Fund. Create a constitutionally guaranteed electoral fund directly allocated to INEC, bypassing executive and legislative delays. This fund should be managed transparently and audited regularly. Mandate timely and adequate budget approvals for INEC to ensure seamless election preparation, technological advancements, and training.
     3. **INEC structure and functions**, create new bodies and commissions and delegating some responsibilities to these bodies to reduce its burden.

## 4.2. Political Parties

1. Enforce internal democracy within political parties, including:
   1. Transparent **candidate nomination processes**.
   2. Promotion of **issue-based politics** over personality-based politics.
   3. Accountability in **political party financing**.
   4. Introduction of **proportional representation** to reduce the "winner-takes-all" approach.
2. Establish a **Political Parties Registration and Regulatory Commission** to oversee political parties' activities and finances.

## 

## 4.3. Campaign Finance and Election Spending

1. **Enforce Campaign Spending Limits:**
   1. Introduce a mandatory pre-election disclosure of funding sources and expenditure by candidates and parties, with strict penalties for non-compliance.
   2. Leverage technology to track and audit campaign expenditures in real-time.
2. **Monitor Misuse of Public Resources:**
   1. Collaborate with anti-corruption agencies to identify and penalise the diversion of state resources for political campaigns.
   2. Establish whistleblower protections and anonymous reporting channels for citizens and civil servants to report abuses.
3. **Increase Transparency:**
   1. Mandate annual public disclosure of political party finances, audited by independent bodies.
   2. Introduce publicly accessible campaign finance databases for voter scrutiny.
4. **Educate Voters:**
   1. Conduct awareness campaigns to highlight the importance of campaign finance transparency and its impact on electoral fairness.

## 4.4. Electoral Processes

1. **Ballot Security Measures:** Implement tamper-evident ballot boxes and robust chain-of-custody protocols for sensitive materials.
2. **Biometric System Upgrades**: Invest in robust biometric deduplication systems to eliminate multiple registrations. This includes periodic upgrades and independent audits of the voter database.
3. **Data Accuracy**: Collaborate with other agencies, such as the National Population Commission, to integrate birth and death records into the voter database to remove deceased voters and improve accuracy.
4. **Inclusion Initiatives**: Expand registration access in remote and underserved areas by increasing mobile registration units, extending registration periods, and providing language and disability-friendly resources.
5. **Capacity Building**: Train officials on database management and improve data transfer systems between registration centers and the central database.
6. Improve **voter registration** through continuous updates and proper management of voter rolls.
7. Enhance the **design, handling, and security of election materials** like ballots and boxes.
8. Streamline the **collation and declaration of results** for greater transparency and timely reporting.
9. **Vote-Buying Deterrents**: Establish dedicated anti-vote-buying teams within security agencies and encourage whistleblowing through protected channels.
10. **Collation Center Transparency**: Install CCTV cameras and **Bodycams** in collation centers and make live feeds publicly available to reduce result manipulation.

## 4.5. Technological Limitations

1. **Strengthen IReV and BVAS**: Address technical glitches by improving the robustness and offline functionality of the BVAS and IReV systems. Conduct regular stress testing before elections.
2. **Training for Technology Usage**: Conduct comprehensive training for ad hoc staff and officials on operating the BVAS and uploading results to the IReV portal.
3. **Third-party Audits**: Engage independent technology auditors to assess and certify the readiness of INEC’s tech systems before elections.
4. **Public Confidence Measures**: Increase transparency by publicly disclosing election result upload timelines and providing real-time updates on the IReV portal.

## 4.6 Create Deterrence for Malpractice, Enforce Electoral Laws

1. **Setup National Electoral Offenses Commission:**
   1. Setup the National Electoral Offenses Commission, a statutory authority to prosecute electoral offenses.
   2. Develop a specialised task force within NEOC, supported by law enforcement, for rapid investigation and prosecution of violations.
   3. Strengthen enforcement of laws on:
      1. Electoral violence.
      2. Vote-buying and bribery.
      3. Use of thugs and intimidation during campaigns and elections.
   4. Prosecute offenders through the proposed National **Electoral Offences Commission**.
2. **Improve Coordination with Law Enforcement:**
   1. Establish clear protocols for collaboration between INEC the National Electoral Offenses Commission and security agencies, ensuring joint responsibility for preventing and addressing violations.
   2. Create a centralised reporting and monitoring system to track electoral offenses and facilitate accountability.
3. **Increase Capacity for Enforcement:**
   1. Train INEC officials and law enforcement personnel on electoral laws and evidence collection to ensure effective prosecution.
   2. Allocate specific funds and resources for investigating and prosecuting electoral offenses.
4. **Promote Deterrence:**
   1. Publicise cases of successful prosecutions to deter potential offenders.
   2. Develop an electoral offender database to blacklist individuals or entities involved in electoral malpractice.

## 4.7. Electoral Disputes and Tribunal Processes

1. **Ensure Timely Access to Election Documents:**
2. Digitise all election-related documents and create a secure online portal for timely access by petitioners and legal representatives.
3. Simplify administrative processes for document requests and eliminate unnecessary bureaucratic hurdles.
4. **Review Legal Framework for Disputes:**
5. Shift the burden of proof in electoral disputes to INEC in cases of clear administrative lapses or questionable practices.
6. Provide legal aid to under-resourced petitioners to ensure equitable access to justice.
7. **Expedite Resolution of Disputes:**
8. Set strict deadlines for election tribunals and appeals to conclude cases within a reasonable timeframe.
9. Introduce performance evaluation metrics for judiciary officers handling electoral disputes to ensure accountability.
10. Reform the **election tribunal system** to ensure:
    1. Quick and fair adjudication of election disputes.
    2. Standardized and efficient **rules of evidence and procedure**.
    3. Protection of tribunal members from corruption and undue influence.
    4. Establish a dedicated **Electoral Offences Commission** to prosecute electoral malpractices.

## 4.8. Security During Elections

1. Clarify and enforce the roles of **security agencies** to ensure neutrality.
2. Train and deploy **adequate personnel** for election security.
3. Address election-related violence by punishing perpetrators and dismantling political thuggery.

## 4.9. Civic and Political Education

1. Adopt innovative approaches to promote **civic and voter education** to improve public understanding of electoral processes.

## 4.10. Inclusion and Accessibility

1. Guarantee the political rights of **persons with disabilities (PWDs)** to participate in elections.
2. Increase representation of **women, youth, and marginalized groups** in the political process.
3. Ensure equal **media access** for all candidates and parties.

## 4.11. Reform the Judiciary, address Legal Irregularities, Ambiguities, and Lacuna

1. Reform Judicial Processes:
   1. Review the role of the judiciary in electoral outcomes to ensure its decisions align with democratic principles and public interest.
2. Ensure the **judiciary**:
   1. Adjudicates election disputes promptly and impartially.
   2. Avoids reliance on technicalities in election-related judgments.
   3. Stays free from corruption and undue political influence.
3. Amend Ambiguous Legal Provisions:
   1. Clarify contentious sections of the Electoral Act, including Section 134(2) and voter recall provisions, to eliminate interpretational discrepancies.
   2. Collaborate with legal experts, legislators, and civil society groups to draft unambiguous amendments.

## 4.12. Corruption, Structural Deficiencies, and Self-Induced Errors

1. **Address Corruption Within INEC:**
   1. Activate ICPC and the EFCC to investigate misconduct allegations against INEC officials and ensure strict penalties for proven cases.
   2. Introduce ethics training and anti-corruption pledges for all INEC staff.
   3. Introduce performance evaluations for INEC staff to ensure adherence to operational standards and penalise lapses.
   4. Mandate public disclosure of election results at polling units and collation centers, with independent verification by civil society organisations.
   5. Provide real-time updates on technological and administrative processes to enhance public oversight.
2. **Impose Sanctions for Misconduct:**
   1. Develop a zero-tolerance policy for INEC officials found colluding with political actors, including dismissal and legal prosecution.
   2. Create mechanisms for voters to report malpractice anonymously, with guarantees of follow-up actions.
3. **Strengthen Institutional Structures:**
   1. Conduct periodic performance audits of INEC to identify systemic weaknesses and implement corrective measures.
   2. Decentralise key operations to reduce bottlenecks and improve efficiency.
4. **Improve Transparency:**
   1. Publish detailed reports of INEC’s financial and operational activities to enhance public trust.
   2. Employ third-party observers to monitor and evaluate critical election activities, such as results collation.

## 4.13. Civic and Voter Education

1. **Expand Voter Education Campaigns:**
   1. Partner with community-based organisations, religious institutions, and schools to reach underserved populations with voter education.
   2. Tailor voter education programs to rural areas, marginalised communities, and first-time voters.
2. **Leverage Technology for Awareness:**
   1. Use social media, mobile applications, and interactive platforms to disseminate information on voter rights, responsibilities, and procedures.
   2. Develop multilingual materials to ensure inclusivity across diverse linguistic groups.
3. **Combat Misinformation:**
   1. Create a dedicated team to monitor and counter electoral misinformation and propaganda on social media.
   2. Launch public awareness campaigns on identifying and reporting false narratives.
4. **Encourage Democratic Participation:**
   1. Focus voter education efforts on the broader importance of electoral participation in strengthening democracy.
   2. Introduce programs targeting youth engagement to reduce apathy among young and first-time voters.

## 4.14. Inclusivity in Elections

1. **Women:**
   1. Implement gender-sensitive policies to encourage the participation of women, including reduced nomination fees for female candidates and reserved quotas in political party structures.
   2. Partner with advocacy groups to address cultural barriers and raise awareness of women’s political rights.
2. **Persons with Disabilities (PWDs):**
   1. Ensure all polling units are wheelchair accessible and provide accommodations such as Braille ballot papers, sign language interpreters, and tactile voting devices.
   2. Collaborate with disability rights organisations to train INEC officials on engaging with PWDs.
3. **Youth:**
   1. Increase voter education targeting young people, emphasising the importance of electoral participation and how their votes influence governance.
   2. Support initiatives like “Not Too Young to Run” by reducing financial and systemic barriers for youth candidates.
4. **Inclusive Policies:**
   1. Adopt an inclusivity framework mandating equal access for all demographics and monitor compliance through independent audits.
   2. Establish electoral outreach programs in marginalised communities to boost participation.

## 4.15. Media Oversight

1. Ensure the media provides **equal access** and unbiased coverage to all parties.
2. Strengthen the role of regulatory bodies like the **National Broadcasting Commission** to enforce fair practices.

## 4.16. Local Government Elections

1. Reform **State Independent Electoral Commissions (SIECs)** to ensure fairness and autonomy.
2. Integrate SIECs into INEC to standardize processes across all levels of elections.

## 4.17. Post-Election Tension

1. Address the "winner-takes-all" mentality by:
   1. Encouraging coalition-building and dialogue.
   2. Introducing measures like **proportional representation** in legislative elections.
2. Promote a political culture of **tolerance, bargaining, and compromise** to reduce post-election conflict.

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