



## Electoral Reforms and the Introduction of BVAS in the Electoral Process: A Study of 2023 General Elections in Nigeria

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### ABSTRACT

*Since the inception of the Fourth Republic in Nigeria when democracy took the centre stage again after a long military rule, nothing seems to spur the nation's democratic agenda than the discourse on the appropriate electoral system for the country. We can lay credence to this much talked about reform when we put into consideration the fact that no election in Nigeria since 1959 has gone undisputed. The continuous attempt to reform the electoral process is borne out of the irregularities, malpractices and violence that characterized elections since its introduction into the Nigeria polity. In addressing this issue, Nigeria's new Electoral Act 2022 was introduced to legitimize the use of technology in different aspects of the electoral process. In the past, several efforts at reforming the Electoral Act has suffered huge setback hence, the main objective of this work is to examine the impacts of electoral reforms and the introduction of BVAS in the electoral process with focus on 2023 General elections in Nigeria. The work relied on secondary data sourced from books, journals, and the Internet thus, adopted an analytical research design in the process, while descriptive analysis was employed to analyze data gathered, which was presented in a narrative form. The study showed that the components of Nigeria electoral reforms include introduction of electronic processes; financial autonomy of the electoral umpire; exclusion of political appointees from acting as voting delegates or aspirants among others. The research however found out that low technology adaptation in an infrastructure-challenged environment, weak institutions and systemic peculiarities, ill activities of Nigeria's political elites ranging from greed for power, vote buying and non-adherence to electoral laws have undermined the country's chances for credible, free and fair elections. The study concludes that adoption of components of Nigeria electoral reforms will substantially enrich the electoral process and make it more credible and resilient however, it recommended that Nigeria's electoral system should be strengthened; there is need for INEC to find a lasting solution to address the perennial BVAS and IReV challenges and poor handling of the welfare of ad-hoc staff.*

**Keywords:** Election, Electoral Reforms, the BVAS, Electoral Process, Nigeria

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## INTRODUCTION

The centrality of election to democratic process cannot be over-emphasized. Conduct of election has become a major criterion through which countries are rated and categorized. Free and fair elections go a long way in determining the continuous cohabiting of different ethnic groupings in any country with diverse culture. Elections that are free, fair, and trustworthy are also the result of a solid election procedure that has been improved and developed over time (Udeoba & Alokwu, 2021; Ughulu & Ihaza, 2023). One of the preconditions for free, fair, and credible elections is a coherent, unambiguous legal framework. This is so because elections are predicated in the viability and potency of a legal architecture anchored on the principles of inclusion, integrity, justice and equity. While the elective principle was introduced in Nigeria almost a century ago, the country is not known to have conducted any election devoid of acrimony, anomaly, electoral maladies and gross rancor. Nigeria's experience with electoral politics has over the years been characterized by high incidence of electoral malaise manifesting in the prevalence of electoral rigging, violence and other forms of malpractices which tend to erode established electoral standards and defy the prospects of free, fair and credible elections in the country. Since the return to democracy, Nigeria has been restructuring its electoral process in an attempt to promote free, fair and credible elections, thereby deepening democracy.

However, the rationale for the electoral reforms in furtherance to the 2023 General elections cannot be fully grasped without a brief flashback on the country's historical experience. Such an approach helps to put in perspective the situations and circumstances that helps to put in place or inform the key provisions of the electoral reforms as well as the challenges of electoral competition that the law was designed to address. Although elective principle had been introduced in 1922, it was not until after the World War II that election became regular features of the politics of Nigeria. Nevertheless, the dust raised by the first General elections in December 1959 had hardly settled when the subsequent Federal elections in 1964 and 1965 ignited a chain of events that culminated in the coup d'état which brought civil rule to an abrupt end barely five (5) years after Independence. Since then, general elections had been held in 1979 and 1983 during the Second Republic, the annulled 1993 Presidential elections and the 1999, 2003, 2007, 2011, 2015, 2019 and 2023 elections (Ojukwu, Okoye, Okeke & Umeh, 2023). From 1999 until 2023, elections were plagued by anomalies, rendering INEC's declared victors not necessarily the people's choice (Berebon, 2023).

There is wide consensus in popular discourse and scholarly writings, that elections in Nigeria have lacked the minimum standards of free, fair and credible democratic elections, no thanks to electoral irregularities such as whole scale rigging, non-adherence to specified electoral law and inability to implement it. Also, the idea of adopting

same or particular experiment and expecting a different result is another huge factor bedeviling credible elections in Nigeria. According to Ibeanu, (2007, p.3) the electoral process as currently constituted in Nigeria is psychologically alienating for the vast majority of the people who are largely outsiders and are only periodically inserted in the process when they cast votes. At the same time this alienation is underscored by the fact that even when these vote casters have completed the ritual of voting, the outcome bears little semblance to what they chose in their ballots.

Since 1999, the country has made efforts to improve its electoral process by way of electoral reforms, including the Justice UWAIS Commission of 2007/2008, and the Electoral Act 2006, 2010, and 2015. After a few controversies and going back and forth on the Electoral Act 2022, it was eventually assented to by the president on February 25, 2022. Pertinent to add that these reforms were designed to address such electoral malfeasance like ballot snatching/stuffing, over-voting, multiple registration/voting, and lack of confidence in the election management body, among others, which frequently beset the electoral and democratic process in Nigeria (Sulaiman, 2022).

The 2022 Electoral Act has introduced some new measures that would guarantee a transparent election, among which is the use of the Bimodal Voter Accreditation System (BVAS) for voters' accreditation and real time transmission of results to the INEC Results Viewing (IReV) portal after counting the votes at the Poling Units (Ojukwu, Umeifekwem & Okeke, 2023). With INEC's assurances that it would adhere strictly to this provision, confidence was restored on the voters, political parties and their candidates that the election was not going to be business as usual.

According to Aghaegbuna and Nwobu (2023) before the 2023 General elections, the government of Nigeria together with the election Umpire (INEC) assured Nigerians that they will conduct the freest and fairest elections using the new device (BVAS). Nevertheless, the 2023 General elections were the worse election since Nigeria returned to democracy in 1999. Having said that, the Presidential and National Assembly elections witnessed poor physical arrangements, vote buying, rigging, burning of ballot papers, underage voting, killings, delays, disenfranchisements, cancellation of results, the inability of BVAS to upload results and widespread violence.

Sadly, INEC breached its pledges to Nigerians. The electoral laws have often not been conformed to, while openness and transparency in a manner as to give equal chances to all the contesting political party thereby aiding consolidation have been lacking at every stage of the electoral process. The research will go a long way to ascertain the positivity or otherwise of electoral reforms on the 2023 General elections in Nigeria.

## Conceptual Review

### Election

Generally, elections represent a means through which political expression is measured and the exercise of state power legitimized and accepted as being derived from the consent of the people. According to Gwinn and Norton, (1992), election is the formal process of selecting a person for public office or accepting a political position by voting. They added that an election is one of the means by which a society may organize itself and make specific formal decisions, adding that where voting is free, it acts simultaneously as a system for making certain decisions regarding the power relation in a society, and a method for seeking political obedience with a minimum of sacrifice of the individual's freedom. The essence of election is freedom of choice.

In the words of Ujah (2004, p.1) election can be described as a procedure that allows members of organization to choose representatives who will hold positions of authority within it. This conceptualization of election emphasizes the ideas of popular choice making and representation. Ideally, these constitute the essence of election in contemporary democracies today. On the other hand, Onyeka (2002, p.29) elucidates what characterizes an election. For him, the basic objective of election is to select the official decision makers who are supposed to represent citizen interest. He posits that it reinforces the concept of self-rule, celebrates it and legitimizes governmental power. Election according to Onyeka, extend and enhance the amount of popular participation in the political system. The basic constituents of the electoral process according to Onyeka include: political parties, political opinion, pressure groups and mass media. They all converge in the electoral process to determine who the leaders would be and ensure that the officials will represent their constituencies effectively.

Ninsin (2006) explains elections as a process of selecting leaders which also includes the rules, norms and attitudes that sprung from the belief of democracy and stipulates mass participation. Uwagboe (2009) opines that elections are the means by which the people choose and exercise some degree of control over their representatives. Aderibigbe (2006) corroborates the above scholarly assertions when he reiterates that elections are the acts of choosing or selecting candidates who will represent the people of a country in the parliament and in other positions in government. This definition offered by Aderibigbe (2006) is quite narrow because he fails to allude to the fact that there can be elections which does not produce national leaders but may occupy organizational positions as well as student leadership.

For Eya, (2003) election is seen as the selection of persons for offices by ballot and making choice between alternatives. Nevertheless, Eya (2003) refers to electoral process as the system adopted in the selection of persons for political offices. According to him, electoral frauds or

malpractices is improper, illegal, deceitful or immoral behaviour and conducts which vitiate free and fair electoral process. Electoral fraud or electoral malpractice includes "any wrongdoing affecting the electoral procedure, electorate, and electoral material which influences election outcomes to benefit individuals over the public interest" (Aliyu, et al., 2020, p. 64). It includes unlawful, wrong, and unfair conduct before, during, and after elections. Desperate politicians, security agents, electoral commission officials, political parties, party followers, thugs, etc. may do these unjust crimes to win an election. Election malpractice includes ballot box damage, underage voting, ballot box stuffing, vote manipulation, vote rigging, intimidation, disenfranchisement, electoral device manipulation, and vote-buying (Opeyemi, 2015). This definition is instructive in the context of this work. As a corollary to the above, election is the formal procedure by which public offices are filled or specific policy is decided. They also help to determine periodic test of parties and or candidate's acceptance and popularity. Besides, elections confer legitimacy on public office holders and subject public office holders and political parties to periodic assessment; by so doing, it enhances accountability and good governance. Thus election and voting are critical elements in a given democracy. As a process of choosing public and/or political office holders, election and the electoral process tend to confer legitimacy to the people's representatives and strengthen the validity of politics of participation. Nonetheless, participatory democracy becomes illusive when the electorates lose faith in the electoral system. In nascent democracies such as Nigeria's, elections have come to be in terms of selecting and imposing individuals on electorates. However, the traditional role of election as highlighted above can be realized where the electoral system is just, fair and provides a level playing ground for political actors.

### Electoral Reforms

The term "Electoral" connotes election, whereas "Reforms" revolves around the idea of improving a phenomenon by making effective changes to it. The concept of electoral reform describes the process of introducing fair electoral systems where they are not in place, or improving the fairness or effectiveness of existing system. The notion of what counts as 'electoral reforms' was also broadened by the professionalization of electoral management bodies, and a rapidly growing legal and administrative frameworks which regulates political finance and media campaign coverage among other things (Norris, 2010). The international community's engagement in electoral processes also renewed debate about standards of electoral integrity (Norris, 2010). In view of Odion (2012), electoral reforms describe the process of introducing fair electoral systems where they do not exist, or improving the fairness or effectiveness of an existing system. Butler (2004) viewed electoral reforms as changes in the electoral system to improve how public desires are

expressed in election results. Butler (2004) explains these can include reforms of the voting system and procedures, changes to election laws, ballot design and voting equipment, measures against bribery, coercion and conflict of interest as well as financing of political party or candidates.

For Dalton and Gray (2003, p.27), electoral reform represent “a change in the legislation (versus practice) that regulates the process of voting, which includes who can vote and how these votes are afterwards translated into seats.” To this end, Rafic (2012) reiterates that “because of the corrupt and dictatorial nature of democracy and its electoral system within it, it is often said that for good and healthy democracy, the electoral system must be in a state of reform on a permanent basis.” The core of what Rafic points out is quite impressive because in trends with the changing times, the electoral system needs reforms so as to avoid the decays that occur with an existing system. It is therefore imperative that any country which aspires to attain electoral integrity adopt processes aimed at ensuring a free, fair transparent and generally acceptable conduct of its elections.

According to Arowolo (2013), electoral reforms take the form of three main domains. Arowolo (2013) explains that the political domain which includes the need to ensure that the political arena of elections must be conducive with an open process that provides a level playing field for all competitors. This, he asserts will accommodate more citizens to participate without fear of intimidation. The legal domain, it is argued may include reforming the Acts and other laws which regulates the conduct of elections. The administrative domain, he explains; includes determining the nature of the conduct of election, issues as funding; logistics, election timetable, voter registration and technology based voting etc.

Scholars including Lijphart (1994) and Katz (2005) have conceptualized and defined electoral reforms into major, minor and technical reforms. According to Lijphart (1994, p.3), (major) electoral reforms refer to those changes that substantially affect the electoral formula, the district magnitude and/or the electoral threshold. But this definition has been criticized as limited by Katz (2005). His criticism was that if one applies Lijphart definition, findings will prove only a few major electoral reforms in established democracies. Jacobs and Leyenaar (2011, p.496) further show their disagreement to Lijphart’s assertion by opining that it may be “unproductive” not to identify types of reforms such as minor and technical electoral reforms. In an attempt to distinguish between reforms, Jacobs and Leyenaar (2011) reiterate that “whether a reform is major, minor or technical is based on a primarily qualitative assessment of the content and when possible on a quantitative measurement of the degree of reform”.

Since the mid-1980s, there have been substantial structural and procedural changes in the way elections are conducted around the world. These include the growing numbers of independent and permanent Electoral Management Bodies (EMBs), and the increasing use of

new technological to provide electoral services. Countries that have even had a long standing framework and style of electoral administration have also seen substantial reforms.

Electoral reform lies at the heart of political aspects of the on-going reforms in the Nigerian state. Essentially, its commitment is to overcome a growing ethos of vote deviation and breach of popular mandate. In recent times, instances of distorted electoral laws, problem of voting irregularities and failures of electoral management have sought to reduce the confidence the electorate place in the electoral process and this has affected popular participation in several countries (Birch, 2008, 2010; Norris, 2013). These challenges, the scholars emphasized have made electoral reforms the focus of current electoral studies.

### **History of Electoral Reforms in Nigeria**

Over the years, Nigeria has had plethora of electoral laws passed. The frequency of these reforms at each election turn and the geometrical decline in our election fortunes suggests a fundamental lacuna and a philosophical deficiency in our orientation especially as it relates to democratic governance.

The colonial, post-colonial, military and seemingly democratic Nigeria state of today has had a battery of electoral laws enacted by the successive governments that have held the reigns of political leadership in the country from the introduction of ‘elective principles’ in 1922 by the colonial administration superintended by Sir Clifford. The post independent Electoral Acts (1961, 1962, 1964), through the military electoral decrees (1977, 1987, 1991, 1993, 1996, 1998), to the electoral acts of 2001, 2006, 2010, 2011, 2015 and 2022 (as amended).

In 1958, the Nigerian electoral provisions order-in-council, provided for the appointment of an electoral commission by the Governor General from amongst persons of neutral views (Kurfi, 2005). In 1959 the out-going colonial administration inaugurated a special electoral body named the Electoral Commission of Nigeria (ECN) to conduct the 1959 elections; it was the first direct elections in the country (Ogbeidi, 2010).

After Nigeria gained independence, another electoral reform was made where the electoral umpire nomenclature was changed to Federal Electoral Commission (FEC), this was headed by a Nigerian and conducted the first post-independence federal and regional elections of 1964 and 1965 (Adibe, 2019).

The military government of General Olusegun Obasanjo in 1976, adopted a new reform of the electoral system in the country by establishing Federal Electoral Commission (FEDECO) which replaced the FEC. FEDECO conducted the elections of 1979 and 1983. Some of the guidelines set out were that a political party must have operational offices in 13 of the then-existing 19 states in order to meet the registration requirements because some of the rules governing political parties were designed to address the

faults of the First Republic. A second significant electoral change required that the candidate for president receive at least 25% of the votes cast in two-thirds of the 19 states in addition to having the most votes cast (Ogbeidi, 2010).

There was another electoral reform which established National Electoral Commission (NEC) by the General Ibrahim Babangida led military regime in 1987. NEC conducted the 1990, 1991 and 1993 elections for Local government chairmen and legislators, governors and presidential respectively. The major reform of NEC was the introduction of a two-party electoral system in Nigeria, adopted open ballot system of voting and the option A4 innovation, which required that any presidential aspirant had to contest elections from the ward, local government and state levels before getting to contest at the national level (Kurfi, 2005). Interestingly, the Nigerian Electoral Commission (NEC) is renowned for holding the election that was deemed to be the freest and fairest by domestic and foreign observers, but which also marked the first presidential election in Nigerian electoral history to be declared invalid (Nwaodu, 2011).

The National Electoral Commission of Nigeria (NECON) was established in 1995 by the military administration of General Abacha, was yet another electoral reform in Nigeria that was prompted by the annulment of the presidential elections and other issues. General Abdulsalami Abubakar disbanded the NECON and instituted the current Independent National Electoral Commission (INEC) in 1998 following the passing of General Abacha.

INEC which is the longest serving EMB in Nigeria history has conducted seven elections: the 1999 transition election, the 2003 election, the 2007 elections led to the first civilian regime change in the country; the 2011 election (Adele, 2011); the 2015 election, the 2019 election and the just concluded February 2023 General elections. INEC has also undergone several reforms over the years geared towards enhancing the democratic processes.

In the build up to 1993 General elections, processes embarked upon were geared towards breaking the jinx in the use of electoral process to elect ethnic and sectional leaders. After several cancellations of aspects of political transitional programme especially those dealing with the formation and registration of political parties, two parties- the Social Democratic Party (SDP) and the National Republican Convention (NRC) which were contraptions of the military government- finally emerged and contested the elections (Nnadozie, 2007, p.67).

Another highlight of the electoral process is the introduction of option A4 as it represented a great departure from the conventional voting procedure which has been in use not only in Nigeria but also in most liberal democracies in the world. This is a voting procedure which in spite of its shortcomings (such as exposing the identity of the voter) appeared to have taken care of the previously experienced electoral maladies which has marred elections in the country. The fundamental rationale behind the enactment of these electoral laws in the country has

been towards the entrenchment and consolidation of democratic ethos and processes in the governance of the country. Regrettably, the catalogue of the enacted electoral laws has failed to sufficiently entrench, deepen and consolidate democracy in the country. This is evident, considering the absence of some of the inherent characteristics associated with the concept of democracy and democratic consolidation in Nigeria. Preparatory to the return of governance from the military to civil rule, General Abdulsalami Abubakar's military regime adopted a new legal electoral framework that included:

- a) The transition to civil rule (political programme) Decree No. 34 of 1998.
- b) The National Assembly (basic constitutional and transitional provisions) Decree No. 5 of 1998.
- c) The Presidential election (basic constitutional provisions) Decree No. 6 of 1999.

These political and electoral frameworks brought about the restoration of the current democratic dispensation. Since then, there have been several amendments to the original Act in the form of the 2001 Electoral Act and 2010 Electoral Act which has been amended in 2011 and sparsely in 2015 and recently in 2022.

The first amendment of the 1999 constitution provided for the financial autonomy of INEC by charging its budget and salaries of its chair and members to the Consolidated Revenue Fund. The neutrality and non-partisanship of commission members, the timing of elections, the jurisdiction of the courts in determining election petitions, the composition of election petition tribunals and the time limits for determining election petitions, were also addressed in the amendments (Constitution (first alteration) Act, 2010). The second bill for amendment of the 1999 constitution included re-examining the new timelines for the conduct of national elections (Constitution (second alteration) Act, 2010). Prior to the passage of the 2006 Electoral Act and the 2010 amendment to the 1999 constitution, the chain of command between the commission and the RECs was unclear, and there was no clear legal framework on the procedures for their removal from office. This was a challenge because RECs were not answerable to the commission, but to the president who appointed them (Guobadia, 2009). This issue was addressed in the reform process by providing for the tenure of RECs and their accountability to the commission in addition to stipulating the procedures for removing RECs from office.

The 2010 Electoral act was passed to address the shortcomings of the 2006 act and harmonize the act with the amended constitution. Additionally, the act was revised once prior to the 2011 elections to extend the voter registration period, move the election date from January to April 2011, and further streamline the act's authority to control the activities of political parties, particularly the process of nominating candidates through party primaries

**Table 1:** Timeline of technological deployments in Nigeria.

1999	2003	2007	2015	2022
<b>Pen and Typewriter</b>	<b>Computerization</b>	<b>DDCM Introduced</b>	<b>SCR and Biometric Technology PVC replaced the TVC</b>	<b>BVAS Introduced</b>
Largely manual. No significant Computerization	INEC began computerization. Introduced Optical Mark Recognition (OMR) technology for the forms. Automatic Finger Identification System (AFIS) deployed. Temporary Voter Card (TVC) issued.	Direct Data Capture Machine (DDCM) procured. The DDCM unit consisted of a computer, fingerprint scanner, camera, backup batteries, external hard drives for data backup, and printer. Very Small Aperture Terminal (VSAT) installed in LGAs. computerization.	INEC Voters Identification System (IVAS) – that is, the Smart Card Reader (SCR) – was used in the Accreditation of voters.	Serve as INEC Voter Enrolment Device (IVED) during voter registration. Ability to transmit results to INEC Results Viewing portal (IREV) on the field.

Source: Sibe and Kaunert (2023). Technology, cyber security and the 2023 elections in Nigeria: Prospects, challenges and opportunities. Journal of African Elections (JAE), Vol.22(2).

(Electoral (amendment) Act 2010). The 2010 Act forbids parties from changing the names of individuals nominated as candidates, sets new limits on campaign spending, gives INEC the authority to deregister political parties in accordance with the law, and restricts the ability of an election petition tribunal to invalidate election results without also preventing tribunals from announcing candidates as election winners. The statute establishes criminal penalties for electoral offenses, requires the announcement and posting of election results at polling places, and gives INEC the authority to bring cases against offenders.

The 2015 elections provided an opportunity for Nigeria to consolidate the gains it made during the 2011 elections. Although, several amendments aimed at improving the legal framework for the 2015 General elections were proposed, the National Assembly could not complete the amendment process before the elections took place. The National Assembly only submitted the bills seeking to amend the Constitution and Electoral Act to President Goodluck Jonathan for his assent in mid-march 2015, a few days to election. By and large, the existing legal framework proved an adequate basis for the conduct of the elections in accordance with International instrument ratified by the Federal Republic of Nigeria.

The Smart Card Reader (SCR) introduced in the 2015 elections did record remarkable successes. However, as this study has shown, there were also many shortcomings. In addressing this, INEC introduced the Bimodal Voter Accreditation System (BVAS). It is an all-in-one multifunctional integrated device serving different functions in the electoral process (Munya, 2022; Sibe & Kaunert, 2023). It verifies the authenticity of the Personal Voter Cards (PVCs) and fingerprints and has facial recognition technology, which it uses during the accreditation process. Another important feature is the ability to transmit unit results to the INEC Results Viewing portal (IREV) on the field. It is also used as the INEC Voter Enrolment Device (IVED) during voter registration (Agiri &

Morka, 2022; Sibe & Kaunert, 2023). The two-factor (fingerprint and/or facial recognition) verification option of the BVAS is expected to eliminate the use of incident forms (Table 1).

**The New Electoral Act, 2022**

On 25<sup>th</sup> February 2022, President Muhammadu Buhari signed the 2022 Electoral Act Amendment Bill into law, after months of withholding assent (Adewole, 2022). The 2022 Electoral Act (“the new Act”) repeals the Electoral Act No. 6, 2010 (“the former Act”) and is intended to bring innovations to the regulation of Federal, State and Area Council elections in Nigeria (Ajibade, 2022) (Table 2).

**Bimodal Voter Accreditation System (BVAS)**

Bimodal Voter Accreditation (BVAS) is an electronic gadget programmed to verify the registration of voters through the authentication of the Permanent Voter Cards (PVCs). Section 18 of the Regulation and Guidelines for the Conduct of Election, 2022 and Section 47 of the Electoral Act, 2022 allows the commission to adopt the use of the technology, gives insight on the operations of the device, and the process of authentication during elections. According to Ojukwu, Umeifekwem and Okeke (2023) Bimodal Voter Accreditation System (BVAS) is an electronic device designed to read Permanent Voter Cards (PVCs) and authenticate voters – using the voters’ fingerprints and facial recognition – in order to prove that they are eligible to vote at a particular polling unit. BVAS usage entails either scanning the barcode/QR code on the PVC/Voter’s register or entering the last six digits of the Voter Identity Number or typing in the last name of the voter by the Assistant Presiding Officer (APO 1) to verify and authenticate the voter. “Secondly, to replace the Z-pad for uploading the polling unit results to the INEC Result Viewing portal (IREV) in real-time on election day”. BVAS also acts as the INEC Voter Enrolment Device (IVED)

Table 2: Major changes introduced by the Electoral Act 2022.

1	<p><b>Financial independence to Independent National Electoral Commission (INEC)</b></p> <p>The new Act establishes the Independent National Electoral Commission Fund, wherein payments from the Federal Government, investments made from the fund and other aids and grants shall be paid to enable the Independent National Electoral Commission ("the Commission") to perform its functions (Section 3(1), Electoral Act, 2022). Furthermore, Section 3(3) the 2022 Electoral Act stipulates that election funds due to the Commission for any general elections are to be released not later than one year before the next general election. This provision grants financial autonomy to the Commission, as it may now receive funds for the conduct of elections directly as opposed to getting funds subsequent to vetting by the Ministry of Finance as provided under the former Act (See, Section 5, Electoral Act, 2010).</p>
2	<p><b>Extension of Timeframe for Publication of Election Notice</b></p> <p>The new Act provides that the Commission shall, not later than 360 days before the day appointed for holding of an election under this Act, publish a notice in each State of the Federation and the Federal Capital Territory stating the date of the election and appointing the place at which nomination papers are to be delivered (Section 28(1), Electoral Act, 2022). Section 28(2) this notice is to be published in each constituency in respect of which an election is to be held. While according to Section 30(1) this is in contrast to the provisions of the erstwhile Electoral Act which provided that the Commission should publish this notice not later than 90 days before the date of election. The effect of this extension of time is to give the Commission more time to prepare for the election and also give the political parties no excuse as regards the candidacy and the partisan and propaganda politics that comes with choosing a candidate and preparing for a campaign. However, for by-elections, the new Act retains the same provision as the old Act, as the timeframe for publishing a notice stating the date of by-elections is 14 days (see Section 30(3), Electoral Act, 2010 and Section 28(3), Electoral Act, 2022).</p>
3	<p><b>Encouragement of Early Party Primaries</b></p> <p>Under the new Act, Section 29(1) political parties are mandated to submit the list of their sponsored candidates who have emerged from valid primaries conducted by the party, not later than 180 days before the date appointed for a general election. This is in contrast to the former Act which prescribed that this submission should be done not less than 60 days before the date of general elections (Section 31(1), Electoral Act, 2010). The change in the timeframe to submit the names of party candidates from 60 days to 180 days makes it compulsory for political parties to conduct their primaries early enough to meet up with submission of their list of candidates at least 180 days before the general elections.</p>
4	<p><b>Extension of Timeframe for Campaigns by Political Parties</b></p> <p>The new Act Section 94(1) provides that the period of campaigning in public by every political party shall commence 150 days before polling day and end 24 hours prior to that day. This is different from the provisions of the former Act which prescribe that campaigns shall commence 90 days prior to polling day and end 24 hours prior to that day (Section 99(1), Electoral Act, 2010). The impact of this provision is the extended time given to political parties to disseminate their campaign messages to the populace and the corresponding extended time for the electorate to decide what party and candidate would receive their votes.</p>
5	<p><b>Provision for Central Electronic Voter Database</b></p> <p>The new Act Section 9(2) provides that the Commission shall keep the Register of Voters at its National Headquarters and other locations, provided that the Register shall be kept in electronic format in its central database, in addition to being kept in manual or hardcopy format. Under the former Act, this Register was kept in manual or hardcopy format only (Section 9(2), Electoral Act, 2010). This provision is laudable as it will promote transparency and effectiveness in the Commission's record-keeping and in tracking the number of registered voters who will be voting in the upcoming elections, thereby curbing illegal voting by non-registered voters.</p>
6	<p><b>Revision of Definition of Over-voting</b></p> <p>Under the new Act Section 51(2), where the number of votes cast at an election in any polling unit exceeds the number of accredited voters in that polling unit, the Presiding officer shall cancel the result of the election in that polling unit. "Number of accredited voters" refers to the number of intending voters accredited to vote in an election on the election day (Section 153, Electoral Act, 2022). Under the former Act, it is when the number of votes cast at an election in any polling unit exceeds the number of registered voters in that polling unit, that the Presiding officer shall cancel the result of the election in that polling unit (Section 53(2), Electoral Act, 2010). Based on the provisions of the new Act, 'over-voting' would mean where votes cast at a polling unit exceeds the number of accredited voters and not the number of registered voters as provided in the former Act.</p>
7	<p><b>The Independent National Electoral Commission (INEC)'s Power of Review</b></p> <p>Under the new Act Section 65(1), the INEC has the power to review the final decision of the returning officer in respect of questions of unmarked ballot paper, rejected ballot paper, declaration of scores of candidates and the return of a candidate, within 7 days of the decision, and return where the declaration was not made voluntarily or was made contrary to the provisions of the law or the guidelines for the election. Under the provisions of the former Act, the decision of the returning officer was only subject to review by an election tribunal or court (Section 68(1), Electoral Act, 2022). However, it appears that under the new Act, the election tribunal or court can still review the returning officer's decision (Section 65(2), Electoral Act, 2022), but the Act is unclear as to whether this is to be done after INEC's review or can replace the INEC review process totally. It is the writer's view that this should be after the INEC's review.</p>
8	<p><b>Exclusion of Political Appointees from Acting as Voting Delegates or Aspirants</b></p> <p>Section 84 (12) of the new Act stipulates that no political appointee at any level shall be a voting delegate or be voted for at the Convention or Congress of any political party for the purpose of the nomination of candidates for any election. This means that political appointees must relinquish their positions before they can be eligible to participate in the electoral process either as a candidate or as a delegate. This writer considers this provision positive because it will bar political appointees from using their influence in contesting for elections and prevent them from remaining in the helms of power for longer than they are supposed to. This in turn leaves room for fresh candidates with no prior political appointments to take up appointments, instead of recycling the same old candidates. This provision has, however, proved very controversial, and has been the subject of criticism and denouncement, with even a Federal High Court declaring it unconstitutional and directing the Attorney General of the Federation to delete same from the new Act (The Nigerian Vanguard Newspapers, (18<sup>th</sup> March, 2022) 'Court nullifies Section 84(12) of amended Electoral Act'. The last has not been heard about the controversies on the constitutionality or otherwise of section 84(12), as the National Assembly has vowed to appeal the decision of the Federal High Court (The Nigerian Nation Newspapers, (24<sup>th</sup> March, 2022) 'National Assembly to Appeal Judgment Voiding Electoral Act Section 84(12)').</p>

9	<p><b>Death of Electoral Candidates</b></p> <p>The death of a candidate in elections had generated lots of bickering among political parties and politicians in the past under the former Act, leading to cases in our courts. To cure some of the mischief in the former Act, the new Act Section 34(3) provides that where before the commencement of polls a candidate dies, the election shall be postponed and shall commence within 14 days of the candidate's death. Where a candidate dies after polls, but before announcement of final winner/ announcement of final result; the implication is that the election will be suspended for not more than 21 days (Section 34(3) (a). Where the election is for a legislative house position, the election shall start afresh and the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 14 days of the death of its candidate and submit the name of a new candidate to the Commission to replace the dead candidate (see Section 34(3)(b), Electoral Act, 2022). For gubernatorial, presidential and FCT area council elections, the running mate shall continue with the election (as the new candidate) and nominate a new running mate.</p>
10	<p><b>Technological changes in electoral process</b></p> <p>Under the new Act Section 47(2), the use of electronic devices such as smart card readers, electronic voting machines and other technological devices is allowed in the accreditation process for voters and in the general conduct of elections. Furthermore, the new Act provides for electronic transmission of election results in accordance with the procedure determined by the Commission.</p>

Source: The Electoral Act, 2010 (as amended in 2015); The Electoral Act, 2022, Abuja: Federal Republic of Nigeria; Adewole, (2022) 'Buhari signs Electoral Act Amendment Bill into law', The Punch (Lagos: 25<sup>th</sup> February 2022).

during voter registration. Its usage has also eliminated the use of incident forms during accreditation on an election day.

**Interplay between the Electoral Act, INEC Regulations, and the BVAS**

Elections in Nigeria are currently regulated by the 1999 constitution (as amended), the Electoral Act of 2010 (as amended) and 2022 respectively. The 1999 Constitution of the Federal Republic of Nigeria (as amended) by Chapter IV states the fundamental rights of a citizen of Nigeria. Section 39 of the Constitution provides that “every person shall be entitled to freedom of expression...”, implying the right of a citizen to vote, and to be voted for during an election. A combined reading of Sections 38, 39, and 40 of the 1999 Constitution and the Electoral Act 2022, implies the rights of the Nigerian Citizen to exercise their franchise in voting for their preferred candidate within the time of election and by the means provided by the Electoral Commission (INEC).

Elections are conducted by the Federal agency known as the Independent National Electoral Commission (INEC) which is empowered by the Electoral Act, 2022. The Act repeals the Electoral Act of 2010, and the Independent National Electoral Commission Act, Cap 15, Laws of the Federal Republic of Nigeria 2004. One of the major additions of the Electoral Act, 2022 is the use of advanced technology in conducting credible election within the State. The Electoral Act, 2022 allows the Independent National Electoral Commission to make laws, and implement possible solutions to aid the success of an election. Section 47(2) of the Electoral Act permits the Commission to resolve independently the preferred mode of voting, the transmission of results, review and approve the results within time. Thus, INEC introduced new technologies to improve administration of the 2023 polls, including BVAS and IReV. The BVAS was used to biometrically verify voters as part of the accreditation process and to electronically transmit a photo of polling

unit-level results at the end of the Election Day to the IReV online portal. The use of BVAS creates an avenue for transparency and credibility of the elections as, only verified voters are allowed to vote on the Election Day, and votes are made available to the public to monitor on the IReV portal. Publishing polling unit-level results through IReV was widely anticipated to be a significant improvement to election transparency from the 2019 polls. However, the success of these technologies is dependent on their administration, functionality on a national scale, and public confidence in the systems (IRI/NDI report, 2023).

While INEC successfully piloted both systems during three off-cycle elections, it never conducted a full nationwide stress test in advance of the February elections 2023. In January 2023, after the procurement of BVAS machines for the 2023 elections was completed, the BVAS hardware and software was field tested at INEC state offices. Citizen observers Yiaga-Africa were able to observe the field tests in some, but not all locations, as the exercise was reportedly not intended to be open to the public (IRI/NDI report, 2023). Positively, INEC conducted a public mock accreditation exercise on February 4 during which time results and accreditation data were also transmitted to the IReV using the BVAS machines. However, the exercise involved only 436, or less than one-third of one percent, of the polling units in the country and public participation was low.

The introduction of BVAS has not been without its challenges. For instance, Odalonu and Ogu (2022) noted that there were ‘severe challenges’ with the new BVAS in the Anambra Governorship elections. Poor network and quality service within rural areas in the country is one of the major issues with the effective use of BVAS. This is because service is either unavailable or reception is very poor. The BVAS software requires a minimum of a 4G network to function properly. Thus, failure to have excellent network service led to glitch on the functionality of the system. Again, difficulties in capturing the faces of people have been reported from the previous use of the

BVAS. Individuals categorized as elderly people also experienced some hardship with the facial recognition feature of the device. The 2023 General elections were of utmost importance to Nigerians, given the 2020 End-SARS protest, which resulted to a large awakening within the youths on the area of good governance.

### Review of 2023 General Elections in Nigeria

On 1 March, INEC declared that Bola Tinubu (APC) obtained 8,794,726(36.61%) votes, Atiku Abubakar (PDP) came in second with 6,984,520(29.07%) votes, and Peter Obi (LP) came third with 6,101,533(25.40%) votes. Rabiun Kwankwaso (NNPP) was declared to have obtained 1,496,687(6.23%) votes (Table 3). The results showed that among some 93.5 million registered PVC card holders, only some 25 million (27%) had cast their vote. Based on its parallel vote tabulation, YIAGA Africa (2023) averred that presidential results for Imo and Rivers states were not consistent with its findings. The results process leading to the declaration of Bola Tinubu as winner was disputed by the opposition Peoples Democratic Party (PDP), the Labour Party (LP) and the New Nigeria Peoples Party (NNPP). PDP and LP headed to the Court of Appeal (CoA).

The 25 February post-election environment was largely peaceful, with parties appealing to supporters for calm. However, a few days before the 18 March elections, violence abruptly increased with more than a dozen attacks and abductions of candidates by thugs and unidentified gunmen, some of which resulted in fatalities. Violence shortly before and on Election Day appeared to strategically suppress voter participation.

On 7 March, the INEC published the lists with winners of 428 out of 469 National Assembly seats on its Twitter account. Results in seven Senatorial districts and 32 House of Representatives (HoR) constituencies were declared inconclusive and supplementary elections were held after the state-level polls (Table 4). Following the killing of the LP senatorial candidate in Enugu-East on 22 February, INEC postponed the elections in this district to coincide with the state-level polls (Ojukwu, Umeifekwem & Okeke, 2023).

The 2023 Nigerian House of Representatives elections were held on 25 February 2023 where voters elected members of the House of Representatives using first-past-the-post voting in all 360 federal constituencies (Table 5). The last regular House elections for all districts were in 2019. The winners of these House elections will serve beginning in the 10<sup>th</sup> Nigerian National Assembly. The APC have held a majority in the House of Representatives since the 2015 elections and solidified that majority in 2019.

Announced results showed that APC were returned with a majority 59 Senate seats and 176 House of Representatives. PDP obtained 36 and 118, respectively, LP was returned with 8 Senate and 35 House of Representatives seats, while the NNPP won two senatorial

and 19 House of Representatives seats. In total, eight parties are now represented in the National Assembly. Only three senatorial and 14 House of Representatives seats were won by women, the lowest female representation in the National Assembly since Nigeria's return to democracy in 1999.

The 2023 Nigerian Gubernatorial elections were held for state governors in 28 out of 36 Nigerian states. Out of the nation's 36 states, eight, namely Anambra, Bayelsa, Edo, Ekiti, Imo, Kogi, Ondo and Osun, hold off cycle governorship elections due to litigations and court judgments. Eighteen political parties participated in the governorship election across the 28 states with 416 candidates showing interest in the position. Despite over 74 million voters registered and more than 69 million PVCs collected in the 28 states, 19.3 million voters voted during the gubernatorial polls in those states (Table 6).

Overall, the March election results were noted for few changes as state's governing parties generally retained control of governorships. Like in the federal elections, Independent National Electoral Commission performance dominated post-election discussion as dozens of candidates claimed irregularities had impacted their elections. Additionally, the March gubernatorial elections had significantly more reports of violence and vote-buying than during the federal elections, especially in the states of Lagos and Kano.

Nigerians were relieved that the presidential election date was respected without a last-minute postponement as happened in the past; nevertheless, many complained that polling stations opened late across the country on account of the late deployment of staff and materials. These challenges were not experienced equally across the country, and disproportionately impacted voters in the South-East and South-South geo-political zones. While this pattern had been experienced in past elections, the regional difference in delays was more glaring during the 2023 elections, and INEC's lack of transparency and communication regarding the cause and extent of these problems undermined confidence in the process, especially in those zones and among parties that considered those areas their strongholds. Because of the delayed openings, many voters had to wait for long hours and in overcrowded conditions before casting their ballots. There was no consistent, coordinated effort to extend voting hours, and long wait times exacerbated tensions at many polling units (Ojukwu, Umeifekwem & Okeke, 2023). The Bimodal Voter Accreditation System (BVAS) generally facilitated the accreditation process of voters, although observers noted that devices sometimes malfunctioned with regards to thumbprint recognition. In a number of cases, the BVAS could not successfully transmit the results of all three electoral contests at the polling unit, and polling staff cited network issues. Citizen observers noted significant administrative improvements in BVAS functionality during the subsequent gubernatorial and state elections.

The first incident that showed that the elections may not

**Table 3:** 2023 Presidential Election Results (as announced by INEC).

Candidate	Party	No. of Valid Votes	%
Bola Tinubu	All Progressives Congress (APC)	8,794,726	36.6
Atiku Abubakar	People's Democratic Party (PDP)	6,984,520	29.1
Peter Obi	Labour Party (LP)	6,101,533	25.4
Rabiu Kwankwaso	New Nigeria People's Party (NNPP)	1,496,687	6.2
Others	-	648,474	2.7
<b>Total</b>		<b>24,025,940</b>	<b>100</b>

Source: BBC News Online, 30th March, 2023, "Nigeria election results 2023: Up-to-date results of presidential and parliamentary races.

**Table 4:** Result of 2023 National Assembly Elections (Senate and House of Representatives) as Declared by INEC.

Party	Seats (Senate)	Percentage
All Progressive Congress	59	54.1
Peoples Democratic Party	36	33.2
Labour Party	8	7.3
New Nigeria Peoples Party	2	1.8
Social Democratic Party	2	1.8
All Progressive Grand Alliance	1	0.9
Young Progressive Party	1	0.9
<b>Total</b>	<b>109</b>	<b>100</b>

Source: INEC, 2023; Ojukwu, Umeifekwem and Okeke (2023).

**Table 5:** House of Representatives.

Party	Seats (House of Reps.)	Percentage
All Progressive Congress	176	48.8
Peoples Democratic Party	118	32.7
Labour Party	35	9.7
New Nigeria Peoples Party	19	5.3
All Progressive Grand Alliance (APGA)	5	1.4
African Democratic Congress (ADC)	2	0.6
Social Democratic Party	2	0.6
Young Progressive Party (YPP)	1	0.3
Vacant	2	0.6
<b>Total</b>	<b>360</b>	<b>100</b>

Source: INEC, 2023; Ojukwu, Umeifekwem & Okeke (2023).

**Table 6:** Result of 2023 Governorship Election (as announced by INEC)

Party	Seats	Percentage
All Progressive Congress	16	57.1
Peoples Democratic Party	10	35.7
Labour Party	1	3.6
New Nigeria Peoples Party	1	3.6
<b>Total</b>	<b>28</b>	<b>100</b>

Source: INEC, 2023; Ojukwu, Umeifekwem & Okeke (2023).

be conducted in accordance with the law was when the President, Major General Muhammadu Buhari (Rtd.) voted in his Daura home in Katsina state and publicly displayed his ballot paper to show the world the candidate of his choice. The media reports that this precedent was followed by the Attorney General of the Federation who is Nigeria's chief law officer. By the provision of 122 (1) of the Electoral Act 2022 (Act): "Every person in attendance at a polling unit including every officer charged with the conduct of an election and his or her assistants and every polling agent and candidate in attendance at a polling station or at the collation centre, as the case may be, shall maintain and aid in maintaining the secrecy of the voting. By subsection (4) of this section: "Any person acting contrary to the provisions of this section commits an offence and is liable on conviction to a maximum fine of N100,000 or

imprisonment for a term of three months or both." Thus, both the president and the Attorney General committed offences. If the President enjoys immunity from suit and legal process, the Attorney General has no such immunity. The second issue was the late arrival of materials and electoral personnel at polling units. Virtually all latecomers pleaded logistics challenges. Generally, voting which was to start by 8.30am did not commence until 10.30 am and in some instances as late as 2pm and 6pm. In others, the people were disenfranchised. The Act in Section 120 provides for dereliction of duty. It states in (1) and (2) as follows. "(1) Any officer appointed for the purpose of this Act who without lawful excuse commits any act or omits to act in breach of his or her official duty commits an offence and is liable on conviction to a maximum fine of N500,000 or imprisonment for a term of 12 months or both. (2) Any

polling official who fails to report promptly at his or her polling unit on an election day without lawful excuse commits an offence of dereliction of duty and is liable on conviction to maximum fine of N500,000 or imprisonment for a term of 12 months or both". The late arrival of officials of INEC is an offence attracting sanctions. INEC assured and reassured that it was ready and even got special cash dispensation from the Central Bank of Nigeria amidst the currency/cash crisis. Again, offences have been committed.

To the third and biggest issue that has raised fundamental but unanswered questions on the credibility of the presidential election. By Section 160 of the 1999 Constitution which is the fundamental law of the land, INEC may by rules or otherwise regulate its own procedure or confer powers and impose duties on any officer or authority for the purpose of discharging its functions. Again, by Section 148 of the Act: "The Commission may, subject to the provisions of this Act, issue regulations, guidelines, or manuals for the purpose of giving effect to the provisions of this Act and for its administration". Thus, both the Constitution and the Act empower INEC to make rules, regulations and issue manuals to regulate elections in Nigeria. It is the power to make subsidiary legislation. Specifically, Section 60 (5) of the Act provides that the presiding officer shall transfer the results including total number of accredited voters and the results of the ballot in a manner as prescribed by the Commission. By subsection (6) of the same section: "A presiding officer who willfully contravenes any provision of this section commits an offence and is liable on conviction to a fine not more than N500,000 or imprisonment for a term of at least six months".

In pursuance of these powers, INEC made the rules and regulations to regulate the 2023 elections and specifically provided that results shall be transmitted electronically through the BVAS machine. The words used in the regulation were mandatory and left nothing to the discretion of the polling officers. An agency such as INEC, created by law and given powers to make subsidiary legislation cannot depart from the rules it had made to govern specific circumstances. If INEC had not intended the rules to be followed, it would have expressly stated so in the guidelines. "Thus, a "subsidiary legislation or enactment is one that was subsequently made or enacted under or pursuant to the power conferred by the principal legislation or enactment. It derives its force of efficacy from the principal legislation to which it is therefore secondary or complimentary."

The first position of the INEC chairman and his team was to lie that there was a glitch with the presidential election transmission facilities. When that was debunked through the fact that the results for the House of Representatives and Senate conducted simultaneously with the presidency were being transmitted without hitch, INEC immediately changed its position. A lie needs further lies to cover the track. INEC started postulating that uploading of results was not a precondition for announcement of results.

The chairman of INEC forgot the long controversy about electronic transmission of results during the enactment phase of the Act in the National Assembly. INEC acted as if they did not know the mischief in existing law which the provision was meant to cure. Manipulation of votes takes place mainly at the point of collation. Thus, before the votes are set for collation, Nigerians will have the opportunity to see them and when the final results are being announced, everyone can cross check through the election results portal. INEC regulations are subsidiary legislation and as such are law strictly so called. INEC deliberately violated binding rules of engagement for organizing presidential elections. The rules were made to fill a gap left by the legislature and there is nothing in the body of the principal legislation which states a procedure for transmission of results contrary to the regulations made by INEC. Finally, the result of the presidential election has been vitiated by the deliberate mischief of the leadership of INEC. After being given the latitude to spend hundreds of billions of taxpayers' money, this fundamental departure from a rule-based procedure to the whims and caprices of the leadership of INEC is not within the contemplation of the letter and spirit of the law.

### **The Challenges of the 2023 General Elections in Nigeria**

Some of the major challenges faced in preparation and conduct of the 2023 General elections relate to those associated with the use of technology in our infrastructure-challenged environment; the constraints imposed by the extant legal framework; the cynicism and skepticism of the Nigerian voters and citizens; the peculiar attitudes and mindset of the typical Nigerian politician; and those emanating from the prevalence of the phenomenon of weak institutions and other systematic peculiarities of the Nigerian polity.

### **Independence of the electoral umpire and the new Electoral Act:**

The independence of the Nigerian electoral institution-INEC has long been contested. Incidents like the burning or stealing of some of the commission's materials, fake names on the electoral register and under-age registrations in some parts of the country raised questions about its possible connivance. The 2022 Electoral Act introduced innovations like the electronic transmission of results from the polling units and the Bimodal Voter Accreditation System. These were intended to curb rigging. But some political forces were believed to be opposed to their use.

### **Technology adaptation in an infrastructure-challenged environment**

The Electoral Management Body recognized, quite early,

the need to increasingly use technology to improve the conduct of elections in Nigeria. However, one key challenge is, associated with the virtual absence of Original Equipment Manufacturers (OEMs). Virtually everything has to be sourced through vendors, and imported from abroad, who impose extortionate conditions, arbitrarily review upwards licensing fees on account of 'proprietor' rights. As most technology relies on electricity, inadequacy of power supply requires additional expenses on batteries, spare parts and redundancies. INEC tried to appropriate technology, albeit through vendors, but with effort to curtail their total control, by signing on to contracts with detailed specifications and use of Open Source Software. But doing this also has its own challenges. The answers lie within...BVAS as data repository, even without transmission. In the wake of its inability to upload election results in a timely manner, INEC canvassed the problem of server downtime. This would still not explain complaints made about discrepancies between the results recorded at the polling units, and those collated at the collating centres. However, even if server downtime is conceded as a legitimate issue, the BVAS should still be capable of serving as an offline storage unit for the original results counted and uploaded at the polling units. Much like an email account stores draft messages. Importantly, the BVAS itself can thus be requested and used as evidence by the petitioner in an election petition. These simple innovations of the Act and Regulations became an uphill battle at most polling units across the country, as many presiding officers decried their inability to either electronically transmit the election results to the collation centres, or upload the result sheets to IReV. In many cases, sole reliance was therefore returned to the physical records manually recorded and transported to collation centres – representing a reversion to the status quo, prior to the commendable innovations of the Act. Suffice it to say, INEC's failure to ensure the electronic transmission of voter information has again reignited the flames of distrust in the electoral process.

### **Weak institutions and systemic peculiarities**

As a developing Third World Country, Nigeria is bedeviled by institutional weaknesses and systematic challenges, which all impact negatively upon the preparations and conduct of elections. Some of the characteristics of a weak institution include, inefficient and personality driven business process; lack of good record-keeping and institutional memory; and susceptibility to pettiness conflicts by primordial vested interests and cleavages. It is very challenging to routinize work and achieve efficiency and effectiveness in such an organization, because it requires change of attitudes through serious efforts at change management. Significantly, there is the complicated matter of the impact/influence of other weak institutions, on an institution being reformed. General systemic challenges and peculiarities also impose constraints on electoral reforms. For example, Nigeria has

a very serious systemic security challenge. There is an upsurge in criminality, committed with impunity and unrestrained by the remarkable weakness of the police as an institution; political thuggery, kidnapping, armed robbery, assassinations, militancy and insurgency, all combined to make the political and electoral terrain very unstable and insecure.

### **Electoral violence and insecurity**

Election violence and insecurity significantly affected the 2023 elections, particularly in the pre-election period. Much of the violence was targeted political violence seemingly organized by, or at least conducted with the support of, politicians and/or party officials. Election violence was exacerbated by intra-party disputes during some of the primaries, shifting political alliances, the rise in armed groups, the emergence of new informal security elements, and a persistent failure to hold perpetrators of such acts to account.

Targeted incidents of violence also impacted the polling process and likely disenfranchised voters. According to civil society violence monitors, news reports, and statements from INEC and security forces, Election Day violence and disruption of the electoral process occurred in at least 22 states and the FCT, including an attack on a collation center in Lagos. Of serious concern was the high incidence of deaths recorded during this period which according to many observers surpassed the number of death recorded in previous elections (Ojukwu, Okeke & Mbah, 2022). Peace accords and other peace-building initiatives appeared to have very limited impact, and the impunity of violent offenders continues to hamper a constructive path forward. Without significant reforms and greater accountability, many Nigerians are fearful that political operatives may see political violence as a viable and low-cost electoral strategy in future elections.

### **Ethno-regional cum religious divide**

For one, the manipulation of ethno-regional identity reached new heights in the march towards the elections, making the election to appear like a form of warfare between the North and the South. In the build up to the election, there were campaigns by local PDP activists urging voters in the South East not to support the APC, describing the party as a reincarnation of the Northern-Yoruba alliance that defeated Biafra in the civil war of 1967-1970.

Following the APC victory, there was a growing perception that the APC government would alienate the South-East and South-South, in the same way the two regions were marginalized in the aftermath of the civil war. For another, the seemingly unprecedented level of elite fragmentation, also along ethno-regional and religious lines was another source of serious concern.

## **Vote buying**

are now centred on wealth, making them a “do or die affair”. Money politics are widespread in Africa. Due to skilled and incorrupt leaders, Nigeria remains unfortunate (Alaye, 2023). Most Nigerian politicians still purchase votes, which renders election outcomes unrepresentative of the people. Vote buying was revealed in the 2022 APC primaries. This helped most primary candidates win. We failed to abolish vote-buying in the 2023 General elections. The more government tries to limit it, the more politicians find ways to encourage it. The exorbitant cost of nomination forms is blamed for vote-buying. After spending so much on nomination paperwork and campaigning, no one wants to lose an election. Vote-buying is another way political elites stay in power because they would do everything to stay there.

## **High cost of nomination fees**

Then there is the mercantilist factor in the sale and purchase of the expression of interest and nomination forms of the major political parties in the country. In this regard, Itodo (2022) reports that for the 2023 General elections “the ruling All Progressives Congress (APC) fixed the cost of nomination forms for President at N100 million (\$240,884), Governorship at N50 million (\$85,470), Senate at N20 million (\$34,188), House of Representatives at N10 million (\$17,094) and State Assembly at N2 million (\$3,418)”. Then “the leading opposition party, the People’s Democratic Party (PDP) pegged N40 million (\$68,376) as the cost for presidential nomination forms, N21 million (\$35,897) for governorship, N3.5 million (\$5,982) for senate, N2.5 million (\$4,273) for the House of Representatives and N1.5 million (\$2,564) for state house of assembly” (Itodo, 2022). This only translates to competitiveness in the purchase of the forms, not in the elections. The nation’s power elite uses such excessive charges to debar credible but non-members of their class from standing for election. The resultant scenario rather smacks of exclusivity in place of competitiveness in general elections. Howbeit, Nigerian elections have become more expensive without any effort to reduce them. This enormous cost offers unfit politicians the motivation to rise to top positions and stay in power (Cheeseman & Klaas, 2018). This implies that when these individuals take power, they will first hunt for methods to pilfer public money to replace election spending, and at the end of their term, they will have done nothing.

## **Election rigging**

Credible periodic elections are a crucial factor in the survival of any political system and the conduct of free and fair election is the beauty of a democratic structure. This is because it makes electoral activities meaningful and the interest of the electorates represented. But in Nigeria especially in this Fourth Republic, elections have become

a tool for promoting the interest of the aristocrat rather than the electorates. The philosophical basis and fundamental ethos of democracy are being swept under the carpet making the Nigerian electorates to lose faith in the electoral process and the government. Analytically, the 2023 General elections were adjudged to be worst elections in the history of Fourth Republic. This is because the elections were characterized by; massive rigging, monetization factor, assassination, political thuggery, sentiments, corrupt practices of electoral officers, judicial injustice, deliberate disfranchisement of the populace, discountenancing of the electorate’s vote, outright disregard for the rule of law etc. Electoral practices that are antithetical to democracy are often promoted in Nigeria, calling to question the basic tenets of democracy including free, fair and credible elections in Nigeria. Elections are regarded as fair only when the umpire, the electoral body treats all contestants with equality and also provide a level – playing ground for all to compete. However, experiences in Nigeria have shown that election credibility has no correlation with legitimacy. Election rigging has dealt a huge blow to democratic consolidation in Nigeria. It has promoted the imposition of unqualified and corrupt individuals on Nigerians who have no regard and respect for the principle of democracy.

## **Conclusion and Recommendations**

This study concludes that the role of electoral reform in a country in need of consolidating democracy cannot be overemphasized. There is no gainsaying that electoral processes offer a safe, predictable, rule bound method for arbitrating political and social conflicts through the selection of representatives. When elections are credibly conducted, they imbue the government with legitimacy garnered by the consent of the people, improving the capacity of the state to ensure community security through legitimate authority under the rule of law. Although comprehensive and seemingly all embracing, the Electoral Act 2022 (as amended) is adequate as a magic wand solution to the several maladies of the Nigeria electoral system. The identified loopholes noticed in the concluded 2023 election are capable of being exploited to subvert popular will by any government that is bent on manipulating the electoral process.

The study also concludes that the activities of Nigeria’s political elite ranging from its greed for power to its non-adherence to Electoral laws have undermined the country’s chances for democratic sustenance. The 2023 General elections have strengthened electoral procedures and democracy in Nigeria. The elections consolidated the progress made during the 2019 General elections. However a number of reforms and improvements are required to ensure that future elections in Nigeria strengthen the achievements of the last few years. Also taking into cognizance the importance of elections in the survival of democracy, democracy requires a strong ethical foundation. In view of these, the research

recommended below, some of the measures and viable means to fine-tune the imperfections and anomalies that have derailed electoral process in Nigeria.

1) Nigeria's electoral system should be strengthened. In order to reassure voters that their votes will count and that they will be willing to participate, the electoral administrators should be men and women with a track record of integrity. Citizens should be allowed to elect leaders of their choice. Elections should be free, fair and credible. Also, INEC should take into consideration, the idea of creating a platform for Nigerians in Diaspora to be eligible to vote.

2) The number of voters who have been accredited should also be electronically transmitted by INEC and published on the results viewing portal, in addition to the results at the polling unit level. Although the number of accredited voters is maintained in the BVAS, it is not published on the IReV portal or sent electronically. The number of accredited voters recorded and transmitted straight from the polling place shall be taken into consideration in the collation and announcement of results, as stated in Section 64(4)(5)(6) of the Electoral Act 2022, which governs the electronic transmission of the accredited voter count. At the conclusion of ward-level collation, the Form EC8B, Ward Collation Result Sheet, should be uploaded on the IReV portal in order to further enhance the transparency of the collation process. As the weakest link in the election results value chain, ward collation is overseen by this. Uploading the combined results sheet would make it easier for stakeholders and citizens to keep track of and monitor the results collation process. Sanction for electoral fraud must be robust and consistently applied. We implore INEC to find a lasting solution to address the perennial BVAS and IReV challenges and poor handling of the welfare of ad-hoc staff.

3) There is need to address 'on-field' issues like the underage voting, quagmire in voters register, missing PVCs, flawed computerized voting system, delayed collation of results and other shortcomings. Improvements should be on top gear with a view to ensuring public and political confidence at all stages of the process. An electoral sensitization programme must be undertaken across board with a view to create a serene environment devoid of pre/post electoral maladies.

4) Government at all levels should deal with issues of mass poverty and unemployment. As long as people remain poor and lack access to basic means of livelihood, they will remain susceptible to all kinds of manipulations by politicians, including being used to ferment violence during and after elections which pose challenges to credible, free and fair elections in the country.

5) The political players have an obligation to abide by the laws and regulations that govern politics. Politicians should avoid rigging of election, abide by its parties' rules and regulations and seek the welfare of others. Politicians should also shun every act of betrayal of one another, eradicate killing one another, promote love and unity and encourage development in our states and nation. Those who broke the nation's election regulations ought to face harsh penalties.

6) The Government must have the political will to use modern security strategies in dealing with the menace of insecurity in the country and funds meant for security must be given to the Military and other security agencies for purchase of modern equipment, training and welfare. Finally, the various political institutions should be strengthened to act as agent of change.

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