

**LJE NIGERIA**  
**(LEADERSHIP HUB, JUSTICE AND ECONOMIC  
ADVANCEMENT)**

**TITLE: BEYOND THE BALLOT: THE URGENT NEED FOR  
ELECTORAL REFORM IN NIGERIA.**

*A Policy Document on the 2023 General Elections, Judicial Verdicts, Use of  
Technology and the Future of Nigeria's Democracy*

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**Published by:**  
**LJE Nigeria Headquarters**  
Abuja, Nigeria

**Date:** May 2025

*"To conquer corruption, we must shape minds early, education is the weapon that  
empowers our youth to break the cycle and build a future anchored in integrity."*

LJE Nigeria

## **Executive Summary**

**The 2023 general elections in Nigeria, while pivotal, have once again revealed the deep and persistent cracks in the nation's electoral framework. From technological lapses and procedural inconsistencies to judicial controversies and voter suppression, the elections have underscored a pressing need for comprehensive reform. This policy document by LJE Nigeria presents a critical, data-informed evaluation of Nigeria's electoral system and proposes bold reforms to restore public trust, institutional integrity, and democratic accountability.**

**Drawing from field research, expert analysis, and citizen testimonies, the report explores the failure of key electoral technologies like IReV and BVAS, the judicial handling of election disputes, and the broader implications for electoral transparency. It highlights systemic issues such as weak enforcement of electoral laws, the politicization of security agencies, poor civic education, and the manipulation of election outcomes through both analog and digital means.**

**The document sets forth a roadmap for reform, advocating for constitutional amendments, electoral law revisions, institutional independence, and the adoption of transparent, verifiable technologies. It emphasizes the role of the Independent National Electoral Commission (INEC), the judiciary, civil society, political parties, and the Nigerian people in rebuilding a credible electoral system.**

**Key recommendations include:**

- Full technological audit and restructuring of INEC's digital infrastructure (BVAS, IReV).**
- Legal timelines for adjudicating electoral cases before inaugurations.**
- Establishment of an Electoral Offences Commission.**
- Stronger civic education and citizen engagement.**
- Strengthening the independence and funding of INEC.**
- Mandatory transparency and publication of polling unit-level results in real time.**

**Ultimately, this document is both a warning and a guide: without urgent, structural reform, Nigeria risks eroding the last remaining trust in its democratic processes. With the 2027 elections approaching, the time to act is now.**



## **Preface**

*Nigeria stands at a defining crossroads in its democratic journey. The 2023 general elections, while pivotal, exposed deep-rooted structural and institutional weaknesses in our electoral system weaknesses that continue to undermine public trust, judicial credibility, and the foundational ideals of democracy. This policy document, "Beyond the Ballot: An Urgent Need for Deep Electoral Reform in Nigeria," is born out of an urgent necessity to confront these realities with bold, evidence-based solutions.*

*At **LJE Nigeria**, our commitment to justice, institutional accountability, and citizen empowerment compels us to act. This document represents months of rigorous research, policy analysis, and field consultations carried out by the LJE Nigeria Economic Research Team, in collaboration with legal minds, civil society actors, electoral observers, and community stakeholders.*

*We do not merely diagnose problems; we propose pathways. From the challenges surrounding IReV and BVAS to the credibility of judicial arbitration in electoral disputes, this report presents not only a critique but a call to action. We believe electoral reform is not just a legal or political task it is a national duty.*

*This publication is intended for policymakers, legislators, the judiciary, electoral bodies, civil society organizations, and, most importantly, the Nigerian people. It is our hope that the recommendations herein serve as a blueprint for institutional transformation and democratic renewal ahead of 2027 and beyond.*

*We dedicate this work to every Nigerian who still believes that democracy must mean more than voting it must mean justice, fairness, and truth.*

**LJE Nigeria**

Abuja, Nigeria

May

## ACKNOWLEDGMENT

*This policy document is the result of the dedication and collaborative efforts of the LJE Nigeria team, led by the Economic Research Team. Special recognition goes to Munirat Adama, Chizaram Lilian Onyeike, and Samuel M. Memeh, whose leadership and research played a central role in shaping this work.*

*We also thank our legal experts, grassroots organizers, media unit, and all unnamed contributors whose insights and commitment enriched this publication. Appreciation goes to our civil society partners and citizens who shared valuable experiences that informed our analysis.*

*To everyone who believes in a transparent and accountable electoral system this work is for you.*

*LJE Nigeria*

*May 2025*

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## **PART ONE: INTRODUCTION – SETTING THE STAGE**

### **1.1 Nigeria's Democratic Evolution: 1999 to 2023**

Nigeria's journey to democracy, which began in 1999, has been marked by significant milestones, turbulent setbacks, and fragile triumphs. Prior to the return to civilian rule, Nigeria had experienced prolonged periods of military dictatorship, with a series of coup d'états and authoritarian regimes stifling any semblance of democratic governance. The death of General Sani Abacha in 1998, coupled with mounting domestic and international pressure, led to the restoration of a civilian government in 1999 under President Olusegun Obasanjo, who had previously ruled Nigeria as a military leader.<sup>1</sup>

The 1999 elections marked a crucial turning point in Nigeria's political landscape, as they were the first fully contested civilian elections in over 15 years. Despite concerns over transparency and the fairness of the process, Obasanjo's victory signaled the beginning of Nigeria's democratic experiment. However, from 1999 through to 2023, elections continued to be marred by numerous challenges, including widespread allegations of voter suppression, electoral violence, and fraud. Each election cycle seemed to reveal a new set of problems rather than provide solutions to the old ones.

Key milestones during this period include the peaceful transition of power between civilian governments in 2007, when Obasanjo handed over to Umaru Musa Yar'Adua, and in 2015, when the opposition party, the All Progressives Congress (APC), triumphed in the presidential election, ending 16 years of dominance by the People's Democratic Party (PDP). These transitions, though significant, were not without controversy. In 2007,

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<sup>1</sup> Akinyele, R. T. (2001). Nigeria's Democratic Transition and the Challenges of Good Governance. *African Journal of Political Science*, 6(2), 45–58.

President Yar'Adua's election was widely regarded as fraudulent, with local and international observers condemning the process as one of the worst in Nigeria's history.<sup>2</sup>

The 2015 elections, however, marked a moment of hope, as it was the first time an incumbent president was peacefully defeated by the opposition. This victory for the APC, under President Muhammadu Buhari, was seen as a triumph for democracy and was lauded internationally for its relative transparency and credibility. However, the 2019 and 2023 elections demonstrated that the promises of electoral reform were not fully realized, and the systemic issues plaguing the electoral process remained largely unchanged.

## **1.2 Historical Failures and Persistent Electoral Flaws**

Despite the formal transition to democratic rule in 1999, Nigeria's electoral system has consistently failed to meet the minimum standards expected of a functioning democracy. Throughout the years, the system has been beset by flaws that have undermined the credibility of each election. These failures stem from a variety of factors, including institutional weaknesses, political interference, and technological limitations.<sup>3</sup>

The Electoral Act, which governs the conduct of elections, has often been criticized for its inconsistencies and gaps, which have allowed for widespread manipulation of the electoral process. Political parties and candidates, particularly in the ruling party, have been accused of using state resources to influence the outcome of elections, making it difficult for opposition parties to compete on an equal footing. Election observers have consistently raised concerns about the integrity of the voter registration process, the distribution of voter cards, and the accreditation of voters at polling stations. Moreover, the persistent challenge

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<sup>2</sup> Human Rights Watch (2007). Nigeria: Failed Elections, Failing Democracy. HRW Report on the 2007 general elections.

<sup>3</sup> Ojo, E. O. (2006). Challenges of Sustainable Democracy in Nigeria. *International Journal of Politics and Good Governance*, 7(2), 34–52.

of voter suppression, particularly in opposition strongholds, has remained a feature of Nigeria's electoral landscape.

Additionally, violence at polling stations, often perpetrated by political thugs, has led to voter disenfranchisement, with citizens being intimidated or physically prevented from voting. The occurrence of ballot box snatching, along with the destruction of election materials, has further exacerbated the situation. In many instances, these actions have been perpetrated with the complicity or ineffectiveness of security forces, who have failed to protect the electoral process. The 2023 elections, in particular, were marred by a new wave of electoral malpractices, further illustrating the deeply embedded flaws in the system.

In addition to these challenges, the technical infrastructure of the electoral process, particularly the Independent National Electoral Commission's (INEC) capacity to deliver free and fair elections, has often been called into question. INEC, while constitutionally mandated to conduct elections, has faced consistent criticisms regarding its preparedness and ability to manage election logistics. Failures in technology, such as the inability to effectively deploy the Bimodal Voter Accreditation System (BVAS) and delays in the real-time transmission of results, have raised questions about the organization's competence and independence. These historical failures have led to a lack of confidence in the electoral system, perpetuating the cycle of skepticism and political apathy among the electorate.

### **1.3. The Role of Elections in Democratic Consolidation**

Elections are the cornerstone of any democracy, serving as the primary means through which citizens exercise their political rights and choose their representatives. In a developing democracy like Nigeria, elections play a particularly crucial role in consolidating democratic gains and fostering political legitimacy. Free, fair, and credible

elections are integral to the smooth functioning of democratic institutions and the maintenance of the rule of law.<sup>4</sup>

However, in the case of Nigeria, the role of elections has been somewhat paradoxical. While the country has conducted several elections since 1999, the process has often fallen short of the expectations needed to consolidate democracy. The integrity of the electoral process is the foundation upon which the legitimacy of the government rests, but in Nigeria, the repeated failure of elections to reflect the will of the people has resulted in widespread disillusionment. Consequently, the lack of faith in the electoral process undermines not only the legitimacy of the government but also the entire democratic framework.

In a democratic system, the power of the people to choose their leaders is fundamental to ensuring accountability. In the case of Nigeria, however, the electoral process has been hijacked by elites, often at the expense of the broader electorate. Electoral fraud and voter manipulation are the most evident threats to democratic consolidation. Without reforms to restore credibility and trust, Nigeria risks perpetuating a political system where power remains in the hands of a few, undermining the democratic rights of the people.

#### 1.4 Overview of the 2023 Elections: A Missed Opportunity?

The 2023 general elections represented a critical moment in Nigeria's democratic journey. It was the first election since the signing of the Electoral Act 2022, which was touted as a significant step toward electoral reform. The introduction of new technological tools, such as the Bimodal Voter Accreditation System (BVAS) and the Integrated Results Viewing Portal (IReV), was intended to address issues of voter accreditation, result manipulation, and transparency. Additionally, the reduction of

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<sup>4</sup> Diamond, L. (1999). *Developing Democracy: Toward Consolidation*. Baltimore: Johns Hopkins University Press.

election-related violence, as promised by the security agencies, was seen as a positive development.<sup>5</sup>

However, the 2023 elections ultimately revealed that many of the hopes and expectations for meaningful reform had not materialized. The elections were marred by technical failures, delays in result transmission, and logistical challenges that disenfranchised voters, particularly in opposition strongholds. The failure of BVAS to fully function as intended, and the delayed or incomplete upload of results to the IReV portal, further undermined the integrity of the electoral process. Moreover, allegations of vote-buying, political violence, and the manipulation of results persisted throughout the election cycle, signaling that the reforms had not been enough to resolve the deep-rooted issues facing Nigeria's electoral system.

Many viewed the 2023 elections as a missed opportunity to usher in a new era of electoral credibility. Despite the efforts of civil society groups and the media to monitor and expose electoral malpractices, the electoral process continued to reflect the systemic failures of the past. The 2023 elections, therefore, served as a harsh reminder that without genuine reform, the aspirations of Nigerians for a truly democratic society will remain elusive.

### **1.5. Purpose, Scope, and Methodology of the Article**

This article aims to critically analyze the current state of Nigeria's electoral system, with particular emphasis on the 2023 general elections and the lessons learned from this experience. It seeks to explore the systemic failures that continue to plague Nigeria's electoral process and propose a comprehensive blueprint for reform that can restore public trust and confidence in the system.

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<sup>5</sup> Transparency International (2023). Nigeria's 2023 Elections: A Step Forward or a Setback? Election Observation Summary.



The scope of the article encompasses the historical context of Nigeria's democratic evolution, an in-depth analysis of the 2023 elections, legal challenges, and judicial responses, as well as a comparative examination of electoral systems in other African countries. Through this analysis, the article will propose actionable reforms for strengthening Nigeria's electoral infrastructure, enhancing judicial independence, and improving citizen engagement in the democratic process.

The methodology employed in this article includes a review of election reports, legal documents, scholarly articles, and interviews with key stakeholders involved in the electoral process. The analysis also draws on comparative studies of other African democracies to provide insights into best practices that Nigeria can adopt. Ultimately, the goal of the article is to provide a comprehensive and well-reasoned roadmap for electoral reform in Nigeria.



## **PART TWO: THE 2023 GENERAL ELECTION – HOPES, HURDLES & HARSH REALITIES**

### **2.1. Expectations vs. Execution: INEC's Role**

The 2023 general elections were projected as a pivotal moment in Nigeria's democratic evolution. Buoyed by the passage of the Electoral Act 2022, which for the first time codified provisions for technological innovation in accreditation and result transmission, and the deployment of the Bimodal Voter Accreditation System (BVAS) and INEC Result Viewing (IREV) Portal, expectations were high. Both domestic and international stakeholders, including the European Union and ECOWAS, anticipated an electoral process that could finally mark a break from Nigeria's troubled history of electoral malpractice.

INEC, as the constitutionally empowered electoral umpire under Section 153(f)<sup>6</sup>, was duty bound to ensure transparency, neutrality, and fairness. Unfortunately, the Commission's execution of the 2023 general elections did not align with its pre-election assurances. The failure of BVAS devices in several polling units, the widespread delay and logistical inefficiencies in material distribution, and the controversial non-transmission of presidential results to the IREV portal in real-time all combined to erode public trust.

Rather than serving as the guarantor of electoral integrity, INEC found itself at the centre of legitimacy crises. While its legal mandate remained intact, the operational integrity and neutrality expected of it were substantially questioned. The Electoral Act 2022, though progressive in intention, was insufficiently implemented, leaving loopholes for manipulation and elite capture.

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<sup>6</sup> Constitution of the Federal Republic of Nigeria 1999(as Amended)

## 2.2. BVAS & IReV: Technology in Theory vs. Practice

The BVAS was introduced as a dual-functional tool biometric accreditation and instant digital transmission of results. It promised to eliminate incidents of over-voting and multiple voting, two historical plagues of Nigerian elections. Similarly, the IReV portal was designed to allow real-time viewing of polling unit results, thus enabling transparency and public oversight.

However, in practice, these technologies faltered, particularly during the presidential elections. Many polling units reported technical failures, including devices that either could not authenticate voters or upload results due to alleged server issues. The most consequential failure occurred when INEC failed to upload presidential election results in real time, despite successfully doing so for the National Assembly elections held on the same day. This raised critical legal and credibility questions: Was the failure due to systemic incompetence or calculated sabotage?

INEC's subsequent explanation “**technical glitches**” as they said, did little to calm suspicions. Legal practitioners and civil society actors pointed to **Section 64(4)–(6)**<sup>7</sup> which emphasizes result verification using electronically transmitted data. That this provision was disregarded in key contests weakens the legal and democratic value of the entire process and exposes a dangerous gap between law and execution.

## 2.3. Disenfranchisement, Logistics Failures & Voter Suppression

The hallmark of any free and fair election lies in the unimpeded participation of eligible voters. In 2023, however, the elections were riddled with systemic disenfranchisement and voter suppression. From the outset, INEC struggled with logistics ballot materials arrived late or not at all in numerous polling units across Lagos, Rivers, Imo, and parts of the North

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<sup>7</sup> ELECTOAL ACT 2022

Central. These logistical setbacks were not only inconvenient; they disenfranchised thousands, especially in areas perceived to be opposition strongholds.

Further compounding this were incidents of ethnic voter suppression, where individuals were intimidated based on linguistic or ethnic profiling. Social media was awash with videos of thugs threatening voters, particularly non-indigenous populations, warning them against voting for specific candidates. Law enforcement agencies, despite being present, often stood by in silence, an omission that verges on criminal complicity under **Sections 128–130 of the Electoral Act**.

In some cases, entire polling units were attacked, and voting materials were either destroyed or hijacked. The scale of voter suppression challenges the legitimacy of the eventual outcomes, as significant portions of the electorate were systematically denied their right to vote, undermining the constitutional guarantees enshrined in **Section 77(2) of the 1999 Constitution of the Federal Republic of Nigeria**.

#### **2.4. The Role of Political Parties and Campaign Conduct**

While institutional actors like INEC have rightly been scrutinized, political parties themselves were not mere bystanders in the degradation of the 2023 electoral process. Parties, particularly the two dominant ones the All Progressives Congress (APC) and the People's Democratic Party (PDP) relied on tried and tested instruments of electoral manipulation: vote-buying, violence, and disinformation.

There were widespread reports of financial inducements at polling units. In flagrant violation of **Section 121 of the Electoral Act**, party agents were seen distributing money, food items, and gifts to voters. Though arrests were made, no significant prosecutions followed, reinforcing a culture of impunity.

Campaign rhetoric also descended into ethnocentric propaganda and hate speech, violating Section 97 of the Electoral Act. The campaigns failed to focus on policy, instead weaponizing identity to polarize the electorate. This toxic atmosphere undermined democratic discourse and further deepened Nigeria's socio-political divides.

Moreover, the lack of internal party democracy, particularly in the selection of candidates, contributed to the perception of elitism and alienation. Primaries were often manipulated, leading to legal disputes and last-minute disqualifications. This disconnect between political parties and the electorate weakened political legitimacy.

## **2.5 Impact on Voter Turnout, Trust, and Democratic Participation**

Despite the high level of political awareness leading up to the elections especially among youths galvanized by the emergence of third-force candidates like Peter Obi of the Labour Party voter turnout was a mere 27%, the lowest since 1999. This shocking figure is not merely a statistic but an indictment on the credibility and accessibility of the electoral process.

The reason is clear, the widespread of disenfranchisement, logistical chaos, violence, and the perceived futility of voting in a rigged system. Citizens who queued for hours were often told the BVAS machines had malfunctioned or that polling had been postponed. Many who did vote saw their polling unit results altered or not uploaded, leading to a crisis of legitimacy.

Post-election surveys showed a dramatic decline in trust not just in INEC, but also in the entire democratic process. Citizens increasingly question whether their votes matter or whether elections are simply elaborate rituals of elite affirmation. This disillusionment is corrosive it discourages political participation, delegitimizes democratic institutions, and creates a vacuum that authoritarianism could exploit.

If democracy is to be sustained, electoral processes must command the confidence of the electorate. The 2023 elections, instead of reaffirming Nigeria's democratic trajectory, have served as a stark warning: without urgent and genuine reform, the democratic project is at risk of total erosion.

The 2023 general elections were a litmus test for Nigeria's commitment to electoral integrity and democratic consolidation. Unfortunately, the test was not passed. While technology held promise, its misapplication or deliberate subversion revealed the structural rot that continues to plague Nigeria's electoral system. The complicity of institutional actors, the brazen conduct of political parties, and the palpable disenfranchisement of the electorate all combine to underscore the urgent need for reform.



## **PART 3: PETER OBI, ELECTION LITIGATION & JUDICIAL VERDICTS**

### **3.1. Summary of Petitions Filed: Peter Obi & Others**

The 2023 Presidential Election in Nigeria, held on February 25th, sparked widespread legal contention, primarily due to the declaration of Bola Ahmed Tinubu of the All Progressives Congress (APC) as President-elect by the Independent National Electoral Commission (INEC). The announcement was met with resistance from opposition candidates and parties who cited serious irregularities, technical breaches, and constitutional violations.

#### **Peter Obi and the Labour Party (LP) Petition**

Peter Obi, the presidential candidate of the Labour Party (LP), filed a petition at the Presidential Election Petition Tribunal (PEPT) challenging the outcome of the election. The LP, having secured over six million votes and winning in 12 states and the Federal Capital Territory (FCT), argued that the election was marred by non-compliance with the Electoral Act 2022, especially regarding the electronic transmission of results.

Obi's petition requested:

- The **nullification of Tinubu's victory** based on substantial non-compliance with electoral laws.
- A **declaration of Peter Obi as the rightful winner**, arguing that he won the majority of lawful votes cast.
- Alternatively, a **cancellation of the election** and a call for fresh elections excluding Tinubu and Shettima on the grounds of alleged ineligibility.

Obi also argued that Tinubu was **not qualified to contest** due to alleged past forfeiture linked to drug trafficking in the United States, and the **double nomination** of his running mate, Senator Kashim Shettima.



## **Atiku Abubakar and the People's Democratic Party (PDP) Petition**

Atiku Abubakar, candidate of the PDP and a former Vice President, similarly filed a petition challenging the legitimacy of the declared winner. His petition raised issues including:

- **INEC's failure to adhere to its guidelines**, particularly the real-time transmission of polling unit results via the Bimodal Voter Accreditation System (BVAS).
- The **ineligibility of Tinubu** based on the US forfeiture and alleged discrepancies in academic records.
- Alleged **electoral malpractices and vote suppression**, particularly in strongholds of opposition parties.

Atiku asked the tribunal to either declare him winner or annul the election.

## **Allied People's Movement (APM) Petition**

The APM petition, though not as prominent, focused mainly on the **alleged improper nomination** of Senator Kashim Shettima as APC's vice-presidential candidate, claiming a breach of electoral law due to simultaneous nomination for two offices.

## **Legal Grounds and Common Themes Across Petitions**

1. **Non-compliance with Electoral Act and INEC Guidelines** – All major petitioners argued that INEC failed to transmit results electronically from polling units in accordance with Section 60 and 64 of the Electoral Act 2022.
2. **Qualification Issues** – Both Obi and Atiku raised questions about Tinubu's eligibility to contest, citing:
  - **US drug-related forfeiture case** (1993).



- **Forgery allegations** related to academic records.
  - **Double nomination of Shettima**, which would violate Section 35 of the Electoral Act.
3. **25% Requirement in the FCT** – Peter Obi’s legal team emphasized that, constitutionally, no candidate can be declared winner without at least 25% of the votes in the FCT (Section 134(2)(b)), which Tinubu did not secure.

These petitions collectively reflect a growing demand for electoral integrity, transparency, and constitutional adherence in Nigeria’s democratic process. The legal arguments employed were novel and ambitious, especially the **FCT 25% rule** and **forfeiture-based disqualification**, which pushed the judiciary to interpret constitutional and legal principles in new ways. However, they also underscored the structural limitations of Nigeria’s electoral adjudication system, where the **burden of proof** remains heavily on petitioners, and **INEC's discretion** in electoral procedures enjoys broad judicial deference.

### **3.2. Key Legal Arguments: FCT 25%, US Forfeiture, and Electronic Transmission of Results**

The legal challenges mounted by Peter Obi and Atiku Abubakar before the Presidential Election Petition Tribunal (PEPT) were centered around three key pillars: **the constitutional requirement of 25% votes in the Federal Capital Territory (FCT), the alleged criminal forfeiture involving Bola Tinubu in the United States, and INEC’s failure to transmit results electronically**, in line with the Electoral Act 2022. Each of these arguments sought to challenge the legitimacy of the election outcome from both procedural and substantive standpoints.

## 1. The FCT 25% Requirement Argument

One of the most controversial and widely debated legal arguments advanced by Peter Obi's legal team was the interpretation of Section 134(2)(b) of the 1999 Constitution (as amended), which states:

*"...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."*

Obi's lawyers argued that this provision places **a separate and mandatory requirement** for a presidential candidate to secure at least **25% of the votes in the FCT** making Abuja a **sui generis** territory with special electoral significance. Since Tinubu did not meet this threshold in Abuja, the LP team insisted that he could not be validly declared winner.

Opponents, including the defence lawyers and the INEC team, countered that the FCT should be treated as a "37th state" for electoral purposes. According to them, the word **"and"** in the Constitution does not imply a mandatory separate condition, but merely a conjunctive phrase. They stressed that imposing a unique voting requirement on the FCT would elevate it above the 36 states, which runs counter to the constitutional principle of federal equality.

This argument tested the judiciary's interpretive fidelity to constitutional grammar and set a precedent for future electoral disputes.

## 2. The U.S. Forfeiture Argument: Tinubu's Alleged Criminal History

Peter Obi and Atiku both contended that Bola Ahmed Tinubu **was not qualified to contest** the 2023 election under Section 137(1)(d) of the Constitution, which bars anyone from contesting if they have been **convicted or fined** for offenses involving dishonesty or fraud.

The crux of the disqualification argument was based on Tinubu's **1993 forfeiture of \$460,000 to the United States Government** as proceeds from alleged narcotics trafficking. The petitioners argued that even though there was no formal conviction, the **civil forfeiture** was indicative of a criminal past, thus breaching the constitutional qualification requirements.

Tinubu's legal team, however, insisted that the forfeiture was **not a criminal conviction**, nor did it amount to an admission of guilt. They described it as a **civil process** based on the U.S. legal principle of "no contest" and claimed that it could not legally bar Tinubu from contesting the presidency in Nigeria.

This argument raised a significant jurisprudential question in Nigerian electoral law: **Can a foreign civil forfeiture be equated to a criminal conviction under Nigerian constitutional standards?** The Tribunal and later the Supreme Court ruled in the negative, asserting that the absence of a formal conviction or criminal indictment rendered the argument moot.

### **3. INEC's Failure to Electronically Transmit Results**

Both Obi and Atiku based a major part of their legal strategy on the **alleged non-compliance with the Electoral Act 2022**, especially **Sections 47(2), 60(5), and 64(4)**, which outline the use of **BVAS (Bimodal Voter Accreditation System)** and **IREV (INEC Result Viewing Portal)** for real-time upload of polling unit results.

Their petitions argued that INEC:

- **Promised Nigerians** in official guidelines and public statements that results would be uploaded live to IREV.

- **Failed to adhere** to this promise on election day, especially during the presidential election, while results for the National Assembly elections were uploaded as expected.
- **Enabled manipulation** by collating results manually at ward and LGA levels, which undermined transparency and violated the principle of free and fair elections.

INEC, in its defence, argued that **result transmission was not mandatory** and that the law did not **stipulate electronic transmission as a condition precedent** for election validity. INEC maintained that the **manual collation of results** remained the primary method, and any technological failure (as it claimed happened on February 25th) did not constitute a ground to nullify an election.

The Tribunal accepted INEC's defence, stating that there was **no statutory obligation** for INEC to transmit results electronically, and that **failure to do so** did not automatically amount to electoral malpractice or substantial non-compliance

### **Synthesis of the Legal Arguments**

These legal arguments highlight three important tensions in Nigeria's constitutional and electoral law:

- **Textual ambiguity** versus **purposive interpretation** (FCT 25%).
- **Domestic legal standards** versus **foreign judicial decisions** (U.S. forfeiture).
- **Electoral commission discretion** versus **public expectation and transparency** (result transmission).

While these issues were ultimately dismissed by the Tribunal and upheld by the Supreme Court, they remain central to discussions on electoral reform and constitutional

amendment. They also exposed **judicial conservatism**, a trend where courts adopt a narrow interpretive approach even in the face of

### **3.3. The Presidential Election Petition Tribunal (PEPT) Ruling**

The Presidential Election Petition Tribunal (PEPT), sitting in Abuja, delivered its much-anticipated ruling on **September 6, 2023**, following months of legal arguments and evidence tendered by the petitioners – **Peter Obi of the Labour Party (LP)** and **Atiku Abubakar of the People’s Democratic Party (PDP)** – against the victory of **Bola Ahmed Tinubu of the All Progressives Congress (APC)** in the February 25 presidential election. The ruling ran into **hundreds of pages** and was broadcast live on national television, making it a historic and highly scrutinized moment in Nigeria’s democratic evolution.

The Tribunal, presided over by Justice Haruna Tsammani, delivered a **unanimous judgment** dismissing all the petitions filed by the opposition candidates and affirming Tinubu’s election as “**validly conducted and substantially compliant**” with the provisions of the Constitution and the Electoral Act 2022.

#### **1. On the FCT 25% Threshold Argument**

The PEPT firmly rejected the argument that Tinubu’s failure to secure **25% of the votes in the Federal Capital Territory (FCT)** invalidated his election. The Tribunal ruled that **Abuja does not enjoy any special electoral status** distinct from the 36 states.

Justice Tsammani held that:

“The FCT is not accorded any special status under the Constitution. It is treated as if it were one of the states... the 25% threshold must be interpreted within the general spirit of federal equality.”

This interpretation neutralized the claim that Abuja must be won with a quarter of the votes in addition to two-thirds of the states. The Tribunal viewed the inclusion of "and the FCT" as **non-exclusive and not a mandatory separate threshold**, laying to rest a decades-old constitutional ambiguity.

## **2. On the U.S. Forfeiture and Qualification to Contest**

The petitioners argued that Tinubu's **\$460,000 forfeiture in the United States** disqualified him under **Section 137(1)(d)** of the 1999 Constitution. However, the Tribunal dismissed this on the grounds that **no criminal conviction was established**, and that **civil forfeiture does not amount to guilt or criminal liability**.

The judgment stated:

“There is no evidence before this court that the 2nd respondent (Tinubu) was convicted of any offence or that the forfeiture order was a result of a criminal conviction.”

The court also noted that **foreign court rulings or proceedings cannot be directly used to disqualify a candidate under Nigerian law**, especially where **no certified judgment of conviction** exists.

## **3. On INEC's Failure to Transmit Results Electronically**

A core grievance in the petitions was INEC's **failure to electronically transmit polling unit results via IReV** in real-time, contrary to what the commission promised. However, the Tribunal ruled that **electronic transmission is not mandatory**, and that **manual collation remains legally valid** under the Electoral Act.



The court held:

*“The law does not require that electronic transmission must occur for the results to be valid. Section 60(5) of the Electoral Act is directory, not mandatory.”*

The Tribunal also observed that **technical glitches**, even if proven, did not automatically render the election invalid, unless the petitioners could demonstrate that such failures **substantially affected the outcome** a burden they failed to discharge

#### **4. On Allegations of Electoral Fraud, Suppression, and Irregularities**

Both Obi and Atiku presented witnesses and documents to show that the election was marred by:

- Violence and voter suppression,
- Omission of Labour Party logo in some polling units,
- Over-voting and falsified results,
- Disenfranchisement in strongholds.

However, the Tribunal ruled that the petitioners **failed to prove these allegations beyond reasonable doubt**. The justices criticized the reliance on **hearsay evidence, uncertified documents**, and the failure to call **polling unit agents** as witnesses for many of the claims made.

Justice Tsammani remarked:

*“The petitioners merely dumped documents on the court without linking them properly to their case. A court of law does not act on speculation or assumptions.”*



The Tribunal emphasized that **electoral irregularities must be specific, proved, and linked to the results**, not based on general accusations or media narratives.

### 5. On Qualification and Double Nomination of APC Vice Presidential Candidate

The claim that **Kashim Shettima's nomination** as vice president violated the Electoral Act due to alleged “double nomination” was dismissed as **misconceived**. The Tribunal held that Shettima had **properly withdrawn** his Senate nomination before accepting the VP slot, and there was **no evidence** of simultaneous nominations.

### 6. Unanimous Verdict and Affirmation of Tinubu’s Victory

All five justices unanimously dismissed the petitions and affirmed **Bola Tinubu as duly elected**. The ruling reinforced:

- The **presumption of regularity** in elections,
- The **burden of proof** on petitioners,
- The need for petitioners to present **compelling, credible, and direct evidence**.

### Implications of the Ruling

The PEPT ruling was a **watershed moment** in Nigerian jurisprudence, but also drew criticism for being **overly technical** and **detached from public perception**. Legal scholars, civil society, and opposition supporters lamented that the judgment **avored form over substance**, and that it set a high bar for proving election malpractice.

Nonetheless, the Tribunal’s ruling served to:

- Clarify **constitutional ambiguities** (e.g., FCT 25%),
- Reinforce INEC's **discretionary powers**, and

- Signal the judiciary's **reluctance to overturn elections** unless overwhelming evidence is provided.

The decision also shaped the outcome of subsequent **Supreme Court appeals**, which upheld the Tribunal's findings. While the judgment may have been legally defensible, it was politically and morally controversial. Many Nigerians viewed the ruling as an endorsement of impunity and a missed opportunity for judicial activism in defense of democratic integrity.

### 3.4. Supreme Court Judgment: Legal Soundness vs. Popular Perception

On **October 26, 2023**, the **Supreme Court of Nigeria** delivered its final judgment on the appeals filed by **Peter Obi** of the Labour Party (LP) and **Atiku Abubakar** of the People's Democratic Party (PDP) against the decision of the **Presidential Election Petition Tribunal (PEPT)**, which had upheld the election of **Bola Ahmed Tinubu** as President. In a unanimous decision, the Supreme Court dismissed the appeals for lacking merit and affirmed Tinubu's victory in the **February 25, 2023** presidential election.

While the judgment brought an end to all legal contestations of the election, it reignited intense national debate about the **role of the judiciary**, the **standard of proof** required in election litigation, and the **growing gap between legal reasoning and public expectation**.

#### 1. The Apex Court's Core Position

The Supreme Court maintained that the **petitioners failed to meet the legal threshold** required to overturn a presidential election. The Court held that:

- **Failure of INEC to transmit results electronically** (IReV malfunction or non-use) did **not amount to non-compliance** with the Electoral Act.

- **The 25% vote threshold in the FCT** was not a mandatory or special condition unique to Abuja.
- The **civil forfeiture in the U.S.** by Tinubu was **not a criminal conviction** and therefore not grounds for disqualification.
- **Alleged irregularities** and **violence** cited by the petitioners were **not proved beyond reasonable doubt** and had no **demonstrable effect on the election outcome**.

Justice Inyang Okoro, who read the lead judgment, stated:

“The law is clear. The burden of proof is on the petitioners. Allegations must be proven by cogent, credible, and admissible evidence. This they have failed to do.”

## **2. On Fresh Evidence Tendered by Atiku Abubakar**

One of the most controversial aspects of the appeal was Atiku’s **last-minute effort to tender evidence** allegedly linking Bola Tinubu to **identity irregularities** and **a certificate from Chicago State University (CSU)** with discrepancies.

Atiku's legal team sought to present documents obtained under subpoena from CSU in the United States, claiming that:

- Tinubu’s **gender was listed as female** on some forms,
- The **certificate submitted to INEC differed** from the one issued by CSU,
- There were discrepancies in **dates and identification**.

However, the Supreme Court dismissed the attempt, ruling that:

- The **fresh evidence** did not comply with the **rules of admissibility** at the appellate stage,

- The documents had **no bearing on the outcome** of the election,
- The attempt amounted to an abuse of court process and **forum shopping**.

This position triggered criticism from sections of the public, who felt that the Court was more concerned with **procedural orthodoxy** than **substantive justice**.

### 3. The Court's Defense of INEC and Electoral Process

The Supreme Court echoed the Tribunal's judgment in defending **INEC's conduct**. It ruled that **INEC had the discretion** to adopt any method of result transmission, so long as the **manual process was not illegal**.

It further stated that the **failure of electronic transmission** was not sufficient ground to void an election unless there was **clear proof that the failure led to manipulation** something the appellants did not establish.

The judgment reiterated that:

“INEC's guidelines do not override the Electoral Act. Where there is a conflict, the law takes precedence. Failure to transmit electronically is not enough to invalidate an election.”

### 4. Public Perception: Legal Rulings vs. Moral Judgment

While the Supreme Court's ruling was celebrated by APC supporters and described by some legal analysts as **technically sound**, it generated **deep disillusionment** among large segments of the Nigerian population.

Social media platforms, civil society groups, and opposition voices described the ruling as:

- A **betrayal of public confidence** in the judiciary,
- A **legitimization of electoral malpractice**,

- A missed opportunity to **restore electoral integrity**.

There was a perception that the **courts prioritized legal technicalities** over democratic fairness. Many citizens felt that the judiciary had effectively **abdicated its role as the guardian of democratic accountability**, by placing nearly **impossible burdens of proof** on petitioners.

The “**evidence dumping**” doctrine, which requires petitioners to call specific polling unit agents to testify to irregularities, was widely criticized as **impractical in a country with over 176,000 polling units**.

## **5. Questions of Judicial Independence and Reform**

The Supreme Court ruling renewed calls for **comprehensive judicial reform**, especially in relation to:

- The **rules of evidence** in election matters,
- The **timelines and burden of proof** in petition cases,
- The need for a **special constitutional court** to handle election disputes more transparently and equitably.

Critics also questioned whether the judiciary, especially in election cases involving incumbents or ruling parties, is **truly independent** or increasingly influenced by **political pressure**.

## **6. Finality of the Judgment and Its Democratic Impact**

The Supreme Court ruling brought the 2023 presidential election disputes to a formal legal end. However, it left behind **deep political scars** and a lingering **crisis of legitimacy** for the Tinubu administration among opposition supporters.

The implication of the judgment was not merely legal, but sociopolitical. It illustrated a growing tension between:

- The **rule of law as interpreted by courts**, and
- The **popular will as perceived by citizens**.

As one analyst observed: “The judiciary may have spoken, but the street is still deliberating.”

This ruling, while valid in law, left open the broader question of whether the **legal architecture of Nigeria’s electoral system** truly serves the **spirit of democracy**, or whether it merely protects its formalities. the Supreme Court’s judgment closed the door on legal challenge, it opened a deeper national conversation on the role of courts in electoral democracy. Critics argue that the court failed to seize a historical moment to set new judicial standards for electoral credibility. The decision may have been technically sound, but it lacked the moral courage to affirm democratic values. the judgment widened the gulf between law and legitimacy a dangerous development in a democracy already teetering on the edge of citizen disillusionment.

### **3.5. Public Reaction, Democratic Legitimacy & The Courts**

The conclusion of the 2023 presidential election litigation process culminating in the Supreme Court’s affirmation of Bola Ahmed Tinubu’s victory sparked one of the most intense public reactions in Nigeria’s recent political history. While the courts maintained the legal sanctity of the election outcome, the broader public response revealed deep-seated frustrations with Nigeria’s democratic architecture, judicial credibility, and the perceived widening gap between **lawful outcomes** and **legitimate expectations**.



## 1. Divided Public Sentiment and Lingering Distrust

Across Nigeria and within the diaspora, the reactions to the judgment were polarized:

- **Supporters of the APC** and some mainstream media outlets hailed the Supreme Court's verdict as a **victory for democracy, due process, and legal finality**.
- **Supporters of Peter Obi and Atiku Abubakar**, civil society organizations, and many non-partisan Nigerians expressed dismay, alleging that the courts failed to uphold justice and **validated a tainted electoral process**.

Social media was awash with criticism, satire, and protest narratives, especially from **young Nigerians** who had actively mobilized around the "Obidient" movement. A common sentiment was that the **2023 judicial process mirrored political interests more than democratic ideals**, leaving many Nigerians feeling **disenfranchised and cynical about future elections**.

## 2. Democratic Legitimacy vs. Electoral Legality

Legal experts distinguish between **electoral legality** (compliance with statutes and procedure) and **democratic legitimacy** (broad public confidence in the integrity of the process and outcome). In this context, while the judiciary may have ruled that Tinubu's victory was **legally valid**, large sections of the populace refused to accept that it was **democratically legitimate**.

This raises foundational questions:

- Can democracy thrive where **public trust in institutions is low**, even when legal frameworks are followed?



- Does **electoral justice** require more than just legal correctness it must also ensure **public buy-in, moral fairness, and procedural transparency**?

Many believe that Nigeria's courts **missed a historic opportunity** to reset the standards of electoral accountability and instead entrenched **a high bar of proof** that renders it virtually impossible to reverse a flawed election.

### 3. The Judiciary in the Court of Public Opinion

The judiciary, though empowered by the Constitution to be the arbiter of electoral disputes, found itself **on trial in the court of public opinion**. Allegations ranging from undue technicalities to political interference abounded, reflecting long-standing concerns about the **credibility and independence** of Nigeria's judiciary.

The Peter Obi case, in particular, became a rallying point for national introspection. The **symbolism of his candidacy, the broad youth support, and his clean reputation** elevated public expectations for justice.

When the courts rejected his petition, many Nigerians especially first-time voters and young people felt that **their political awakening had been invalidated by judicial conservatism**. Consequently, trust in the electoral and judicial systems may have **deteriorated even further**.

### 4. Electoral Cynicism and Voter Apathy

One of the most consequential outcomes of the judicial process has been a surge in **voter apathy and electoral cynicism**. When the legal system appears to **reward procedural form over substantive accountability**, citizens are less inclined to believe that their votes or voices matter.

This could have profound implications for:

- Future **voter turnout**, particularly among young Nigerians,
- **Public cooperation with electoral institutions**,
- The rise of **anti-system populism** and **non-institutional political expression**, including protests and alternative advocacy movements.

The challenge now is how to **rebuild public faith** in democratic systems when the courts are seen as part of the problem rather than the solution.

## 5. The Call for Systemic Reform

The aftermath of the 2023 election litigation has sparked renewed advocacy for **constitutional, institutional, and procedural reforms**:

- **Simplifying the burden of proof** in election petitions by adopting more investigative models;
- **Making INEC's guidelines legally binding**, particularly on result transmission;
- **Establishing independent election courts or panels**, separate from the regular judiciary;
- Ensuring real-time, **technology-based transparency** to reduce disputes at source.

Groups like the Nigerian Bar Association, civil society organizations, and policy think tanks have called for a **national dialogue** on electoral justice. Their message is clear: **the survival of democracy depends not only on legal finality but also on moral legitimacy and public trust**.

## 6. Final Reflections: The 2023 Verdict and the Future of Electoral Justice

The Supreme Court judgment in the Peter Obi case was not just a legal endpoint it became a mirror reflecting the **fragility of Nigeria's democratic compact**. The dissonance between judicial pronouncements and popular sentiment revealed a society **struggling with institutional mistrust, rising political awareness, and a yearning for genuine change**.

While courts must adhere to evidence and law, they must also be mindful that **justice is not merely a legal transaction it is a democratic obligation**. Where the people perceive the system to be rigged, unresponsive, or overly technical, democracy loses its essence.

The 2023 cycle has therefore become both a cautionary tale and a potential turning point. If its lessons are taken seriously, Nigeria could evolve a more transparent, participatory, and accountable electoral culture. If ignored, it may further erode the faith of citizens in their own power and in the institutions meant to serve them.

The reaction to the judiciary's handling of the 2023 election petitions was one of deep disappointment and public cynicism. For many Nigerians, especially the youth, the court's decision was not just a legal determination it was a political statement that the judiciary is either unwilling or incapable of defending democracy.

There were protests in diaspora communities, open letters from retired judges and lawyers, and scathing editorials from civil society. The #AllEyesOnTheJudiciary movement became a symbolic expression of public demand for accountability.

This erosion of judicial credibility is not merely a perception problem it is a democratic emergency. When citizens lose faith in the courts, the entire architecture of electoral dispute resolution collapses. The finality of judicial pronouncements does not equate to

democratic justice. Courts must recognize that in election matters, legitimacy is as vital as legality.

The Nigerian judiciary, long seen as the last hope of the common man, faces an existential test: Will it rise as the guardian of the Constitution, or retreat into technical literalism divorced from public conscience?



## **PART 4: DEMOCRACY ON TRIAL: INEC, THE JUDICIARY & THE CRISIS OF TRUST**

### **4.1. INEC: Constitutional Mandate vs. Public Accountability**

The Independent National Electoral Commission (INEC) occupies a foundational position in Nigeria's democratic architecture. Enshrined under Section 153(f) and Schedule III of the 1999 Constitution, and further empowered by the Electoral Act 2022, INEC's dual responsibility is the administration of elections and the preservation of public confidence in those elections.

In theory, INEC is independent. In practice, however, its independence is often compromised structurally, operationally, and politically. The 2023 elections brought this contradiction into sharp focus. Despite the promise of transparency through innovations like BVAS and IReV, INEC's inability or unwillingness to ensure the full deployment and consistency of these tools raised serious doubts about its neutrality.

Moreover, INEC's accountability mechanisms are insufficient. There is no institutionalized system of post-election audit, independent investigation, or public reckoning. The Commission's repeated failures are often met with silence, deflection, or vague technical excuses. Public accountability is neither optional nor discretionary—it is constitutional. An electoral body that cannot command public trust undermines the legitimacy of every mandate it confers.

### **4.2. Judicial Interpretation of Electoral Law: Static or Evolving?**

A recurring criticism of Nigeria's electoral jurisprudence is the static, hyper-literal approach adopted by the judiciary, particularly in election petitions. Courts have increasingly demonstrated an aversion to innovative constitutional reasoning, opting

instead for procedural conservatism. While this might appeal to legal formalists, it leaves democracy impoverished.

For instance, in the 2023 cycle, rather than interrogate the spirit and purpose of the Electoral Act's provisions on electronic transmission and accreditation, the courts confined themselves to literal interpretations. In doing so, they missed an opportunity to set transformative precedents. In countries like Kenya and Ghana, courts have played a more dynamic role interpreting electoral laws to strengthen public trust and democratic participation.

A rigid jurisprudence is ill-suited for a volatile political environment. Judicial doctrine must evolve, especially where electoral justice is at stake. Courts must begin to embrace substantive justice, prioritizing the electoral will over mere technicalities. As the final arbiter, the judiciary must not only apply the law but defend democracy.

#### **4.3. The Crisis of Confidence in Nigeria's Electoral Justice System**

Confidence in electoral justice is the cornerstone of a legitimate democracy. The 2023 election cycle, particularly the handling of presidential petitions, further entrenched a dangerous perception: that the judiciary is either politically compromised or institutionally impotent.

This crisis is not speculative it is empirical. Surveys conducted by international observers and domestic watchdogs, such as Yiaga Africa and the Centre for Democracy and Development (CDD), show a sharp decline in public trust in both INEC and the courts post-election. Many citizens now believe that elections are decided not at the ballot box, but in courtrooms where outcomes appear predetermined, and legal arguments are reduced to ritual.



Even more damaging is the sense of inevitability that now accompanies electoral litigation. When a legal system becomes predictable in its unwillingness to challenge power, it ceases to be an arbiter and becomes a tool. The long term cost of this erosion is steep: civic disengagement, election apathy, and the delegitimization of democratic institutions.

#### **4.4 Transparency, Neutrality & the Politicization of Institutions**

The decline in institutional credibility is not limited to INEC or the judiciary. It reflects a broader trend of politicization across state institutions. From the Nigeria Police Force to the Department of State Services (DSS), security agencies often act in ways that suggest partisan bias, particularly during election cycles.

Moreover, the appointments into INEC itself have raised serious questions. When electoral commissioners are closely affiliated with political figures or ruling parties, the principle of neutrality is undermined at inception. In the 2023 cycle, public outcry trailed the nomination of individuals with overt political ties. Though legal, such appointments are politically and morally untenable in a democracy striving for credibility.

Transparency demands institutional integrity, not just procedural compliance. It is not enough for institutions to claim neutrality they must be seen to be neutral. This requires clear appointment processes, financial independence, and insulation from executive overreach.

#### **4.5 Rebuilding Credibility: Lessons from Institutional Failures**

To begin the long process of rebuilding public confidence, Nigeria must confront the institutional failures laid bare by the 2023 elections. This involves more than policy tweaks; it requires systemic overhaul:

- a. **Legal Reform:** The Electoral Act must be further amended to close loopholes, especially around the mandatory nature of technological tools, timelines for litigation, and clear sanctions for INEC breaches.
- b. **Structural Reform:** INEC must be restructured to ensure genuine independence, including its funding, appointments, and internal accountability mechanisms. The National Assembly must resist the temptation to manipulate INEC for partisan gain.
- c. **Judicial Reform:** Specialized Electoral Courts should be established, with judges trained in comparative electoral jurisprudence. Electoral litigation must not be rushed, but neither should it drag on, timelines must balance speed with justice.
- d. **Public Oversight:** Civil society and independent observers must be legally empowered to audit elections, access data, and participate in electoral reform processes. The culture of secrecy around INEC's internal workings must end.

## **PART 5: CITIZENS, CIVIL SOCIETY & MEDIA FORCES FOR REFORM**

### **5.1. The Rise of the Obedient and Youth Political Engagement**

One of the most striking features of the 2023 Nigerian elections was the mobilization of youth, particularly under the banner of Peter Obi's presidential campaign. The group of young supporters, often referred to as the Obedient, emerged as a powerful force, not just as political followers, but as active agents of change in Nigeria's electoral landscape.

The youth, for the first time in recent history, demonstrated a sustained commitment to political participation. They did not merely vote; they organized, campaigned, and agitated for reform. The rise of the Obedient was emblematic of a larger shift in political consciousness a clear rejection of the status quo. Social media platforms, particularly Twitter, Facebook, and TikTok, became their battleground for influence, ideas, and strategies.

However, their activism also highlighted deep structural challenges. Youth engagement alone does not guarantee electoral success, nor does it necessarily translate into sustainable reform unless accompanied by institutional support and legal safeguards. For the Obedient to transcend mere protest politics and evolve into a powerful movement for systemic change, they must organize beyond elections, channeling their energy into long-term political education and policy advocacy.

The central lesson here is clear: youth mobilization is no longer optional; it is imperative. However, political engagement must evolve beyond personality-driven campaigns to issue-based activism that directly challenges structural inequalities in Nigeria's electoral system.

## **5.2. Civil Society's Role in Electoral Monitoring & Accountability**

Nigerian civil society organizations (CSOs) have long been stalwarts in pushing for electoral transparency and accountability. Their role in election observation, voter education, and post-election advocacy cannot be overstated. Throughout the 2023 election cycle, Yiaga Africa, The Centre for Democracy and Development (CDD), and others were at the forefront of monitoring electoral processes, particularly the deployment of BVAS and IReV.

Civil society organizations were instrumental in exposing issues such as voter suppression, ballot box snatching, and INEC's failure to fully implement electronic transmission of results. By providing real-time data, they offered Nigerians the opportunity to scrutinize the conduct of elections independently of INEC. This independent oversight functioned as a crucial check on the electoral process.

However, while the contributions of CSOs are valuable, there remains the critical issue of political interference. Civil society's capacity to operate independently has often been stifled by government overreach, threats of violence, and legal restrictions on funding. Legal reforms that ensure greater protection for CSOs and allow them to play a more prominent role in the electoral process are vital.

Moving forward, the institutionalization of civil society as a permanent partner in Nigeria's election management framework is necessary. CSOs must not be seen as peripheral or marginal actors, but as core components of electoral integrity. A strengthened partnership between civil society, INEC, and the judiciary could significantly enhance transparency and public confidence in future election

### **5.3. The Media's Power in Shaping Narratives & Exposing Flaws**

In modern democracies, the media serves as a crucial pillar of electoral transparency and accountability. Throughout the 2023 election season, the media became a battleground for competing political narratives. Traditional media, including television and radio, alongside social media platforms, played key roles in disseminating information and shaping public perception of the election process.

However, the Nigerian media landscape is far from perfect. While there are several independent outlets, many others are politically aligned or heavily reliant on advertising revenues, often leading to biased reporting. The role of fake news and misinformation also played a significant part in undermining public trust. As with many democracies, the media's ability to provide unbiased, accurate, and timely information is often compromised by political pressures and economic incentives.

That said, the media also emerged as an instrumental force for exposing electoral flaws. From reports of voter intimidation to the unreliable functioning of technology like BVAS, the media helped highlight INEC's failures, pushing for greater accountability. The coverage of the Obedient Movement, the “#EndSARS” protests, and Peter Obi's campaign also showcased the growing power of media in shaping public opinion and forcing political change.

For reform to occur, the media must not only be unshackled from political and economic pressures but must also engage in more proactive investigative journalism. This means focusing not just on post-election coverage, but on pre-election transparency, such as the monitoring of party finances, campaign conduct, and electoral commissions' operations.

The media must also be empowered to combat misinformation by strengthening digital literacy initiatives that ensure citizens can distinguish between legitimate information and

partisan propaganda. Regulation, however, should be kept at a minimum to avoid stifling free speech, as often happens in other countries with less press freedom.

#### **5.4. Social Media: Catalyst or Chaos Agent?**

The role of social media in the 2023 elections was both transformative and contentious. Platforms like Twitter, Facebook, and Instagram were pivotal in facilitating political discourse, creating political awareness, and organizing grassroots movements like the Obedient Movement. Social media provided spaces for youth activism, allowing people to organize rallies, share manifestos, and engage directly with political leaders.

However, social media's role also presented significant challenges. In the age of fake news, social media can rapidly spread misinformation, hate speech, and incendiary narratives. During the elections, both traditional media and social media were accused of disseminating unverified claims, especially regarding election rigging and fraud, creating a credibility crisis. These platforms also became tools for division, exacerbating ethnic, regional, and political cleavages.

While social media certainly acted as a catalyst for engagement, its lack of regulation and vulnerability to manipulation meant it often acted as a chaos agent. The lack of accountability for social media platforms and their users means that false narratives can spread with impunity, undermining the integrity of public discourse.

For social media to serve as a force for good, self-regulation must be strengthened. Platforms should be held to account for disseminating false or misleading information. Furthermore, citizens need digital literacy training to enable them to critically evaluate content, while the government and electoral bodies must explore partnerships with social media companies to ensure electoral integrity.



## **5.5. Sustaining Civic Pressure beyond Election Day**

While the period leading up to and immediately after the elections is often filled with intense civic activism, the challenge for Nigerian civil society is sustaining pressure beyond Election Day. Too often, civic engagement wanes once the elections are over, leaving only political elites to define the terms of national discourse.

To ensure that reform is not just reactive but also proactive, civil society and youth groups must work to create long-term coalitions for reform. These coalitions should advocate for systemic changes and electoral accountability year-round, not just during election cycles. This means engaging in policy dialogue, conducting election post-mortems, and advocating for judicial reform.

Civil society must also work towards building broad-based alliances, including with labour movements, religious groups, and academia, to create a sustainable reform movement. Such a movement must push for electoral reforms, institutional autonomy, and greater civic participation in governance.

## **PART 6: COMPARATIVE PERSPECTIVES; ELECTORAL SYSTEMS ACROSS AFRICA**

As Nigeria grapples with the systemic challenges plaguing its electoral system, it becomes increasingly important to examine the experiences of other African democracies that have undertaken meaningful electoral reforms. Comparative analysis does not serve the purpose of mimicry, but rather allows Nigeria to learn from tested models, avoid familiar pitfalls, and contextualize reforms within similar socio-political realities.

### **6.1. Ghana, Kenya, South Africa: Models of Reform**

Ghana has consistently been cited as a model of electoral integrity in West Africa. The Electoral Commission of Ghana (ECG) has enjoyed a relatively high degree of independence, with well-structured voter registration systems, transparent results collation processes, and effective deployment of electoral technology. The 2016 and 2020 elections, while not perfect, demonstrated the country's capacity for peaceful transfers of power, which remains elusive in Nigeria.

In Kenya, after the violent fallout of the 2007 elections, the country implemented far reaching electoral reforms, culminating in the creation of the Independent Electoral and Boundaries Commission (IEBC) under the 2010 Constitution. The introduction of biometric voter registration (BVR) and the Kenyan Integrated Election Management System (KIEMS), though not without controversy, signaled a clear institutional commitment to technological innovation, electoral transparency, and dispute resolution. Moreover, Kenya's Supreme Court, in 2017, nullified a presidential election an unprecedented decision in Africa demonstrating a judiciary willing to act as a true guardian of the Constitution.

South Africa's model is equally instructive. The Independent Electoral Commission (IEC) operates with constitutional autonomy and a high degree of professional competence.

Unlike Nigeria, South Africa conducts elections under a proportional representation system, which has encouraged greater political inclusivity and issue-based politics. The emphasis on electoral justice, backed by active courts and a strong civil society, has helped maintain public trust in the electoral process.

Each of these countries reflects distinct democratic experiences, but a common thread runs through their reforms: institutional strengthening, judicial courage, and technological adaptation balanced by human accountability.

## **6.2. Electoral Commissions: Independence and Functionality:**

A comparative look at electoral commissions across Africa reveals that independence is not only legal it must also be operational and perceived. While many countries, like Nigeria, have constitutional provisions establishing an “independent” electoral body, the practical autonomy of these institutions varies.

Ghana’s ECG has been relatively insulated from executive interference, due in part to transparent appointment processes and parliamentary oversight. Kenya’s IEBC was subjected to restructuring after each major electoral crisis, with civil society and the judiciary playing active roles in restoring its credibility.

In contrast, INEC’s perception as a neutral umpire in Nigeria is severely diminished, largely due to the executive-dominated appointment process, lack of fiscal autonomy, and opaque internal practices. To function effectively, electoral commissions must be equipped with statutory protection, budgetary independence, and mechanisms for internal accountability. Institutional independence must be matched by competence, transparency, and public engagement.

### **6.3. Use of Technology and Electoral Innovation**

Many African democracies have embraced technology as a safeguard for credibility, albeit with varying degrees of success. Biometric verification, electronic result transmission, and digital voter registers have become common in countries like Kenya, Namibia, Rwanda, and Ghana.

In Kenya, despite challenges, KIEMS was used to identify and verify voters electronically, while also transmitting results directly from polling units to central servers. Ghana's use of biometric technology has been praised for reducing multiple registrations and ghost voting. South Africa, although using a manual system for voting, maintains an advanced digital results collation framework and real-time transparency through its IEC portal.

Nigeria's introduction of BVAS (Bimodal Voter Accreditation System) and IReV (INEC Result Viewing Portal) was a step in the right direction, but their failure during the 2023 elections revealed a critical flaw not in the technology itself, but in human deployment and accountability. Technology cannot substitute for trust; rather, it must complement an institutional culture of transparency.

Technology also raises questions of accessibility, infrastructure, and data integrity, which must be addressed through investment, legal frameworks, and public buy in. Without robust cyber security protocols and enforcement mechanisms, technological reforms may serve as mere window dressing.

### **6.4. Legal Frameworks for Accountability and Transparency**

A major differentiator between successful and faltering electoral systems in Africa lies in the robustness of their legal frameworks. In South Africa and Kenya, clear constitutional and statutory provisions regulate the electoral timeline, dispute resolution mechanisms, funding, and campaign finance laws.

Kenya's 2010 Constitution, for instance, enshrines specific timelines for election petitions, empowering the judiciary to deliver prompt and binding decisions. South Africa's electoral laws provide strict reporting obligations for political parties, curbing undue influence of money in politics.

In Nigeria, by contrast, ambiguities in the Electoral Act, delays in the dispensation of electoral justice, and inconsistent interpretations by the courts have undermined confidence in legal accountability. The 2022 Electoral Act, though a laudable step, lacked enforceable sanctions for critical breaches such as the failure to electronically transmit results.

A coherent legal framework must provide not only clarity and structure, but also deterrence. Sanctions must be swift, proportionate, and binding. Legal reform, as seen in other African nations, must be viewed as an ongoing process, not a one-time legislative exercise.

### **6.5. Lessons Nigeria Can Learn**

a) The experiences of Ghana, Kenya, and South Africa offer valuable lessons for Nigeria's electoral reform agenda:

1. **Institutional Reengineering:** Nigeria must restructure INEC to ensure true independence legal, financial, and operational. Appointment processes should be depoliticized.
2. **Judicial Courage:** The Kenyan experience shows that courts can uphold the Constitution even in politically sensitive cases. The judiciary must see itself as a neutral interpreter, not a stabilizer of elite interests.
3. **Technology with Accountability:** Nigeria must ensure that electoral technology is backed by operational capacity and enforceable legal guarantees. Technology alone is not a silver bullet.

4. Voter Inclusivity: South Africa's proportional representation system encourages broader participation. Nigeria should consider electoral reforms that encourage minority inclusion, youth participation, and gender balance.
5. Civil Society Partnership: Reform must include formal mechanisms for civil society to engage with INEC and the judiciary, as is common in Ghana and Kenya.
6. Constitutional Reform: Where statutory reform fails, constitutional amendments may be required particularly in relation to timelines, appointment processes, and dispute resolution.



## **PART 7: A BLUEPRINT FOR ELECTORAL REFORM IN NIGERIA**



Nigeria's recurrent electoral crises manifested in disputed outcomes, inconsistent judicial decisions, institutional distrust, and voter apathy underscore an urgent need for deep, structural reform. This blueprint proposes a multi-pronged strategy that addresses the legal, institutional, technological, and civic dimensions of Nigeria's electoral system. It is neither utopian nor partisan; rather, it reflects a constitutional imperative to safeguard democracy and give full effect to the sovereign will of the people.

### **7.1. Electoral Act Reforms: Clarity, Sanctions & Compliance**

The Electoral Act 2022, though an improvement on previous versions, still contains ambiguous provisions, unenforceable clauses, and loopholes that invite manipulation. For reform to have effect, the Act must undergo targeted amendments that reflect:

- I. Clarity on electronic transmission: Section 64(4)-(6) must be revised to mandate, not merely permit, real-time transmission of results using BVAS and IReV. The language must be unambiguous, with failure to comply attracting specific legal consequences.
- II. Sanctions for non-compliance: There must be criminal penalties and electoral disqualifications for INEC officials, party agents, or candidates who subvert due process or tamper with technological systems.
- III. Campaign finance enforcement: Despite existing limits, candidates routinely flout campaign finance rules with impunity. The Act must empower INEC to audit campaign expenditures, publish findings, and enforce penalties.
- IV. Procedural timelines: Deadlines for voter registration, party primaries, and litigation must be realistic, fixed, and strictly enforceable to prevent last-minute judicial surprises or logistical failures.

### **7.2. INEC Reform: Structural, Legal & Financial Independence:**

The Independent National Electoral Commission (INEC) must be made truly independent not only in name but in function. This requires:

- 1) Decentralization and professionalization: State offices must be insulated from local political actors. Appointments should be merit-based, transparent, and subject to civil society oversight.
- 2) Reform of appointment process: Section 154 of the Constitution, which gives the President powers to appoint INEC commissioners, must be amended. Appointments should be subject to nonpartisan committees, with public hearings and vetting mechanisms.
- 3) Guaranteed funding: INEC should receive its funding directly from the Consolidated Revenue Fund not via ministries thus removing executive bottlenecks and interference.
- 4) Internal audit mechanisms: INEC must be statutorily obligated to maintain internal anti-corruption and audit units, reportable to the National Assembly and the public.

### **7.3. Judicial Reform: Electoral Courts, Timelines & Precedent**

No electoral reform is complete without judicial reform, particularly with respect to the resolution of electoral disputes.

- a. Establishment of Electoral Courts: A separate arm of the judiciary dedicated solely to electoral matters will enhance expertise, speed, and consistency in decisions. These courts should have exclusive jurisdiction over electoral petitions.
- b. Time-bound litigation: Though the Constitution currently prescribes timelines, the courts must adhere strictly to them. There should be no extension or circumvention via preliminary objections or interlocutory appeals.

- c. Doctrine of precedent: Electoral jurisprudence must be governed by coherent and binding precedents, rather than ad hoc interpretations. Courts should be obligated to explain any departure from settled decisions.
- d. Public access to judgments: All rulings and dissenting opinions should be published immediately to ensure transparency, academic scrutiny, and public trust.

#### **7.4. Electoral Offences Commission: Prosecution & Deterrence**

Despite widespread malpractice, electoral offences are rarely prosecuted. The proposed National Electoral Offences Commission (NEOC) must be operationalized with:

- 1) Prosecutorial powers: Empowered to investigate and prosecute electoral crimes, independently of INEC.
- 2) Specialized investigators and prosecutors: Staffed with trained personnel drawn from the EFCC, ICPC, and DSS, but under its own autonomous administration.
- 3) Electoral crime tribunal: A fast-track court system for electoral offences, ensuring timely punishment before the perpetrators can benefit from stolen mandates.
- 4) Witness protection: Strong legal safeguards to protect whistleblowers and electoral officers who report malpractice.

#### **7.5. Voter Education, Diaspora Voting & Inclusion of Marginalized Groups**

Beyond laws and institutions, reform must prioritize citizen participation and education. A democratic culture must be nurtured through:

- a. National civic education programs: INEC, the National Orientation Agency, and civil society must drive ongoing civic education in schools, rural areas, and digital spaces.

- b. Diaspora voting: Nigerians abroad contribute significantly to the economy and must not be politically disenfranchised. Constitutional amendments must provide for external voting, with biometric and embassy-based registration systems.
- c. Inclusion of women, youth, and persons with disabilities: Quotas, funding support, and accessible infrastructure should be institutionalized to promote the participation of underrepresented demographics.



## **PART 8: 2027 AND BEYOND: A ROADMAP FOR ACTION**

The future of Nigeria's democracy rests not in rhetoric but in the concrete steps taken today to rebuild public trust, restore institutional integrity, and ensure that elections truly reflect the sovereign will of the people. The 2023 general elections have exposed deep fault lines not just in procedure, but in principle, legitimacy, and governance. Yet, it is from this crucible that a new democratic order can emerge if there is vision, courage, and commitment to reform.

### **8.1. Institutional Responsibility: National Assembly, INEC, Judiciary**

The National Assembly remains the most important gatekeeper of reform. Constitutional amendments, electoral law updates, and oversight responsibilities lie squarely within its remit. It must:

1. Prioritize electoral reform bills before the 2027 cycle.
2. Facilitate constitutional amendments to guarantee INEC's independence.
3. Enact and operationalize the National Electoral Offences Commission.

#### **INEC must initiate an internal reform process by:**

- a. Publishing a post-election audit report on the 2023 general elections.
  - b. Developing a national electoral reform strategy in collaboration with civil society.
  - c. Training staff, modernizing systems, and ensuring full digital integration.
2. The Judiciary, the final arbiter of electoral disputes, must:
- a. Recommit to impartiality and the Constitution over political convenience.
  - b. Support the establishment of specialized electoral courts.
  - c. Embrace transparency by making judgments easily accessible and reasoned.

## **8.2. Constitutional Amendments for Electoral Integrity**

A stable democracy cannot exist on the back of ambiguous or outdated laws. Nigeria's 1999 Constitution already heavily amended requires targeted reforms, including:

- a. Amending Section 153 and Paragraph 15(a) of the Third Schedule to shield INEC appointments from executive manipulation.
- b. Clarifying Section 134 on the requirement for 25% of votes in the FCT to avoid unnecessary constitutional disputes.
- c. Empowering INEC to enforce campaign finance regulations and disqualify candidates for breaches.
- d. Providing for diaspora voting, with clear legislative and procedural frameworks.
- e. Recognizing electoral courts and timelines as distinct from regular courts.

These amendments must be driven not by partisanship, but by a non-negotiable commitment to the rule of law and electoral justice.

## **8.3. Strategic Alliances: Youth, Labour Movements & CSOs**

Change will not occur in the chambers of power alone. It must be demanded, sustained, and enforced by a mobilized citizenry. The Obedient movement, EndSARS, and other civil uprisings have shown the power of youth and grassroots action. Going forward:

- a. Youth movements must transition from protests to sustained political engagement running for office, joining political parties, and demanding accountability.
- b. Civil Society Organizations (CSOs) must deepen their partnerships with institutions, offer policy alternatives, and monitor reform implementation.
- c. Labour unions and professional associations must use their influence to push for transparency, especially around campaign finance, judicial appointments, and policy promises.



Nigeria must build a coalition for democracy that transcends electoral cycles and resists regression into authoritarianism.

#### **8.4. Policy Recommendations to the National Assembly**

To facilitate reform before 2027, the National Assembly should:

1. Enact a new Electoral Reform Bill, incorporating lessons from 2023.
2. Establish the National Electoral Offences Commission without delay.
3. Amend relevant sections of the Constitution to:
  - a. Strengthen INEC's independence.
  - b. Guarantee diaspora voting.
  - c. Clarify electoral thresholds and jurisdictional ambiguities.
4. Fund INEC through direct statutory transfers from the Consolidated Revenue Fund.
5. Mandate open hearings and civil society input in the appointment of electoral officials and judges handling election matters.

These are not aspirational reforms they are structural imperatives to protect democracy.

#### **8.5. The Future of Nigeria's Democracy: Between Hope and Action**

As Nigeria looks beyond the 2023 elections and toward the next major electoral cycle in 2027, the nation's democracy stands at a crossroads one defined by a delicate balance between persistent public disillusionment and the urgent demand for genuine democratic renewal. The last election cycle revealed deep fractures in the country's electoral, judicial, and institutional frameworks, but it also awakened a renewed spirit of civic engagement among Nigerians, particularly youth. This moment presents both a challenge and an opportunity: to either slide into deeper democratic decay or take bold, collective steps toward reform and renewal.

## **A Democracy Under Strain**

The 2023 general elections exposed serious deficits in Nigeria's democratic processes. From the controversy surrounding the interpretation of constitutional requirements like the FCT “25% clause,” to INEC's failure to meet transparency expectations in result transmission, and the legal outcomes that followed, many citizens feel betrayed by institutions meant to protect their votes. The gap between the expectations of electoral justice and the reality of legal adjudication widened public mistrust in both the electoral commission and the judiciary.

This strain has led to a democratic environment where the legitimacy of electoral outcomes is no longer universally accepted. The danger here is twofold: increased voter apathy and potential recourse to undemocratic means of expressing dissatisfaction. Without credible and inclusive reform, the 2027 elections risk being held in a context of even deeper civic skepticism.

## **The Hope in Democratic Awakening**

Yet, amid the tension, there is reason for hope. The 2023 elections marked the highest level of youth political participation in modern Nigerian history. The rise of third-force candidates, civic tech platforms for election monitoring, and community-level voter education projects reflect a maturing political consciousness. Social media has become a potent vehicle for political expression, mobilization, and accountability.

Civil society organizations, faith-based movements, professional associations, and student groups have begun to realign around democratic values. Their challenge now is to sustain this energy and focus it toward institutional change. Political hope in Nigeria will not survive another cycle of betrayal it must be grounded in visible action and structural transformation.

## Action: The Bridge Between Possibility and Progress

Transforming Nigeria's democratic prospects requires moving beyond electoral reform in isolation. The country needs a holistic rebuilding of its democratic architecture. This includes:

- Ensuring **transparency in electoral funding**, especially from public and foreign sources.
- **Reconstituting INEC** to reflect true independence and capacity, including the appointment process and operational autonomy.
- Mandating **pre-election judicial timelines** to resolve disputes before voting day.
- Introducing **civic education** as a national development priority in both formal and informal sectors.
- Establishing a **citizens' observatory body** legally backed to monitor electoral promises and policy implementation by elected officials.

The goal is not just to “fix” elections but to create a culture of democratic accountability that transcends voting seasons. The people must feel that democracy delivers not just at the ballot box, but in their everyday lives.

## **Conclusion: The Path Forward**

The future of Nigerian democracy depends on collective courage from lawmakers, judges, electoral officials, civil society actors, the media, and most importantly, citizens. Hope without action leads to disappointment, but action without hope leads to fatigue. Both are needed. By harnessing the lessons of 2023 and activating the strategic reforms outlined in this roadmap, Nigeria can approach 2027 with more than optimism it can approach it with conviction.

The legitimacy of any government flows not from incumbency or electoral arithmetic but from popular consent freely and fairly expressed. If Nigeria fails to reform its electoral process, it risks entrenching authoritarian tendencies, deepening public cynicism, and pushing democratic participation to the fringes.

But if reform is embraced comprehensively, courageously, and constitutionally Nigeria can inspire a generation. It can signal to its citizens and to the world that Africa's largest democracy is finally ready to fulfill its promise.

Democracy is not a destination. It is a journey of constant vigilance, legal innovation, and citizen participation. The road to 2027 must be paved with laws, strengthened by institutions, and traveled by a people who believe that their voice counts.

The time for electoral reform is not after 2027. It is now.

## **Part 9: Technology and Transparency – Fixing IReV, BVAS, and the Future of Election Integrity.**

As Nigeria marches towards the 2027 general elections, two technological innovations the Bimodal Voter Accreditation System (BVAS) and the INEC Result Viewing Portal (IReV) remain at the center of national discourse on electoral credibility. Heralded as transformative tools in the fight against vote rigging and electoral malpractice, their actual deployment in the 2023 general elections exposed significant lapses, operational setbacks, and trust deficits. While both systems were designed to strengthen transparency and voter confidence, their failures particularly the IReV's downtime and the BVAS inconsistencies sparked widespread outcry, legal challenges, and deepened electoral cynicism.

This part of the policy document seeks to analyze the structural and operational flaws in the use of IReV and BVAS, while offering bold, actionable recommendations to ensure these innovations fulfill their original promise in future elections. It also explores the legislative, institutional, and technical reforms necessary to secure Nigeria's democratic future through a more transparent and reliable electoral process.

### **9.1 IReV: Transparency Undermined**

The Independent National Electoral Commission (INEC) introduced the INEC Result Viewing Portal (IReV) with the intention of enhancing transparency in the collation of election results. The IReV portal allows scanned copies of polling unit result sheets (Form EC8A) to be uploaded in real time, enabling public access and independent verification of election outcomes. This innovation was initially hailed as a transformative tool to combat electoral fraud and foster public trust in Nigeria's electoral process. However, the 2023 general elections revealed systemic and operational flaws that severely undermined its effectiveness.

During the presidential election, there was a significant delay in the upload of results from polling units across the country onto the IReV portal, particularly for the presidential vote. While National Assembly election results were uploaded swiftly, the presidential results were either missing, partially uploaded, or delayed for several days casting a shadow on the credibility of the process. The delay gave rise to allegations of result manipulation, institutional compromise, and voter disenfranchisement. Multiple observer missions, including those from the European Union and local civil society organizations, reported that the failure to consistently upload results as promised by INEC damaged public confidence and transparency in the process<sup>8</sup>.

In an electoral environment marked by widespread suspicion and previous irregularities, technology must not only function efficiently but also uphold the integrity of the democratic process. IReV's failure to deliver on its transparency promise fueled public outrage and litigation. The situation was exacerbated by INEC's shifting explanations, including claims of technical glitches without providing robust evidence or an independent forensic audit<sup>9</sup>.

## **Strategic Recommendations**

1. **Legal Mandate for Real-Time Uploads:** Amend the Electoral Act to include binding legal provisions that compel INEC to upload all results from polling units to IReV in real time. This would prevent delays and eliminate discretion in uploading critical data.
2. **Independent Technology Audit:** Commission a credible third-party audit of the IReV system before every general election cycle. The audit must be made public and

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<sup>8</sup> European Union Election Observation Mission, *Final Report on the 2023 General Elections in Nigeria*, June 2023.

<sup>9</sup> Premium Times, "INEC Explains Why It Couldn't Upload Presidential Results to IReV," March 2023



include stress-testing of servers, cybersecurity assessments, and real-time monitoring systems.

3. **Blockchain Integration:** Introduce blockchain technology into the result collation architecture to ensure immutability, transparency, and resistance to manipulation. Once results are entered, they cannot be altered, even by system administrators.
4. **Backup Protocols and Redundancy:** INEC must develop and disclose its contingency plans for system failures. This should include redundant servers, offline upload options, and cloud-based real-time backup systems to guarantee data integrity.
5. **Public Access and Verification Tools:** Enhance the IReV platform with AI-powered verification tools that allow users to flag anomalies in uploaded results. Citizens and observers should be empowered to report discrepancies in real time, promoting participatory monitoring.
6. **Severe Penalties for Sabotage:** Introduce stringent legal consequences for officials or third-party contractors who compromise the integrity of the IReV system. This includes criminal penalties, loss of license or appointment, and public blacklisting.

## **9.2 BVAS: Accreditation Disputes and Voter Frustration**

The Bimodal Voter Accreditation System (BVAS) was another innovation deployed to guarantee one-person-one-vote and to eliminate over-voting by linking voter accreditation to facial and fingerprint biometric capture. While the technology proved effective in many polling units, it also encountered significant operational challenges that triggered disputes and disenfranchisement.

Numerous cases emerged where the BVAS devices failed to authenticate eligible voters due to connectivity problems, software freezes, or technical inadequacies in biometric data. In some locations, electoral officers reverted to manual accreditation or delayed the voting process altogether, contributing to voter suppression. These operational lapses frustrated voters, many of whom waited for hours only to be turned away without voting.

Furthermore, post-election tribunals raised concerns about disparities between accredited voter figures on BVAS and declared results in official Form EC8A. This legal contradiction weakened public trust and served as a basis for numerous legal contests. The lack of clarity on the admissibility and legal primacy of BVAS data over manual records created a dangerous ambiguity that needs urgent legislative and operational resolution<sup>10</sup>.

## **9.3 Solid Recommendations for INEC and Stakeholders**

In light of the above challenges, the following recommendations are proposed to rebuild public confidence in Nigeria's electoral process:

1. Mandate real-time IReV uploads with legal penalties for non-compliance. This must include constitutional provisions ensuring that electronically transmitted results are recognized as primary evidence of electoral outcomes.

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<sup>10</sup> Electoral Tribunal Proceedings, Presidential Election Petition Court, Nigeria, 2023

2. Independent auditing and certification of INEC's digital platforms before every election. These audits must be published for public scrutiny and include stress-testing against known failure scenarios.
3. Redundant biometric validation measures should be developed. For example, if facial and fingerprint authentication both fail, INEC must provide a secure and uniform fallback protocol that prevents manipulation.
4. Robust voter education and technical training for ad-hoc staff and voters to reduce panic, delays, and misinformation at polling units.
5. Stakeholder transparency and engagement through quarterly technical briefings by INEC to civil society, political parties, and the public on the status of electoral technology<sup>11</sup>.

#### **9.4 Legislative and Policy Imperatives**

Legal reform is central to fixing the ambiguities that technology has introduced into Nigeria's electoral framework. The Electoral Act must be amended to resolve tensions between electronic and manual systems. This includes clearly defining the legal standing of electronically transmitted results and biometric accreditation logs.

Additionally, the National Assembly must exercise its oversight role by compelling INEC to disclose vendor contracts, technological specifications, and security protocols of its electoral infrastructure. Without parliamentary transparency, the procurement and implementation of electoral technologies will remain opaque and vulnerable to compromise<sup>12</sup>.

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<sup>11</sup> Centre for Democracy and Development (CDD). Technology and Elections in Nigeria: A Performance Review, 2023

<sup>12</sup> National Assembly Public Hearing Transcripts on the Electoral Act Amendment Bill, 2023

The National Orientation Agency and Ministry of Communications should also be mandated by law to partner with INEC on national digital civic education campaigns before general elections.

## **9.5 Institutional Audit, Cybersecurity, and Redundancy Measures**

The digital tools deployed in elections are only as credible as the institutions and systems that secure them. Therefore, INEC must be subjected to independent institutional audits of its Information and Communication Technology (ICT) department. These audits should assess data protection policies, server integrity, backend access logs, and susceptibility to tampering.

Cybersecurity must be treated as a national security priority. A joint electoral cybersecurity command should be established involving INEC, the Office of the National Security Adviser (ONSA), and relevant civil society stakeholders. This command would proactively monitor threats and establish real-time incident response during elections.

To prevent systemic failures, redundancy must be built into every technological process. For instance, backup servers, offline verification tools, and secure power alternatives must be deployed across polling centers to ensure continuity of operations during network or power outages<sup>13</sup>.

Nigeria must invest in an electoral infrastructure that transcends ad-hoc arrangements. This includes digitizing voter records comprehensively, institutionalizing blockchain or other verifiable systems for result transmission, and establishing a national electoral innovation fund to support civic tech and public interest innovations.

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<sup>13</sup> Paradigm Initiative. Digital Rights and Elections in Nigeria: Lessons and Prospects, 2023

Finally, INEC must become radically transparent. Publishing procurement processes, holding public demonstrations of system upgrades, and engaging in open data practices are key to regaining lost public trust. 2027 must not be a repeat of 2023. It must become the benchmark of transformation through deliberate policy, resilient technology, and inclusive governance.



## THE ELECTORAL REFORM WE SEEK: OUR GRAND CONCLUSION.

After months of data analysis, legal evaluation, and deep public consultation, we, the Economic Research Committee of LJE Nigeria, conclude this document with a solemn and urgent call: *Nigeria must reform its electoral process or continue to lose the trust of its people and the legitimacy of its democratic institutions.*

The 2023 general elections did not merely expose flaws in procedure they exposed a deeper erosion of public faith. Nigerians are not disillusioned because they lost elections; they are disillusioned because they believe the system no longer works for them. The rules appear too easily bent, the laws too loosely applied, and justice too far delayed. In the streets, in markets, in schools and in homes, Nigerians ask one question: **“If my vote doesn’t count, why vote at all?”**

This document has carefully outlined what must change from the ambiguity in our Constitution, to the overreach of executive influence in electoral bodies, to the slow, often contradictory behavior of our courts. But more than policies and processes, Nigeria needs a moral reset. A national recommitment to the principles of fairness, transparency, and accountability.

We seek a new Nigeria where electoral integrity is not a favor, but a guarantee. Where technology is not optional but embedded and enforced. Where INEC operates independently and credibly, and where the courts are not places of tactical delay, but engines of timely justice. We seek a country where votes are sacred, leadership is earned, and democracy is truly participatory not performative.

**In this spirit, we recommend a Clean Electoral Charter, A renewed constitutional order, Sanctions for electoral crime. Independent funding for electoral bodies, Transparent appointment of INEC officials, An electoral court system free of**



**manipulation, And a national voter education drive so robust that no Nigerian is left behind.**

Let this be our promise and our plea: the reform we seek is not partisan. It is patriotic. It is not about power it is about people. It is not for one election cycle it is for the soul of the nation.

The future is calling. May the leaders of today choose to answer it with courage.



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