

INEC EC 30 B
INDEPENDENT NATIONAL ELECTORAL COMMISSION
**POLLING
ZONE**



**Electoral
Trust
Restored?**

Nigeria's Electoral Process One Year
after the 2023 general election



© Yiaga Africa 2024. All rights reserved.

“Electoral Trust Restored?” is an analytical report by Yiaga Africa that delves into Nigeria's electoral process over the past year since the 2023 general elections. It expresses Yiaga Africa's institutional viewpoint. Although careful measures have been taken to verify the information, Yiaga Africa holds no responsibility for any potential inaccuracies or the repercussions stemming from the usage of this data.

Reproduction or transmission of any part of this publication is prohibited without prior written permission from Yiaga Africa.

All enquiries can be directed to:

Yiaga Africa Initiative

Plot 54, Cadastral Zone, Idu, Karmo 900108
Abuja, Nigeria
info@yiaga.org

Download free copies of the report at
<https://yiaga.org/resources/>

Who are we

Yiaga Africa is a civic organization that promotes democracy, elections and citizens participation in Africa. Yiaga Africa operates as a citizens movement working to transform electoral governance and enhance electoral integrity in Africa through citizen election observation, electoral reforms and technology.



Table of Contents

Acronyms and Abbreviations	P4
Acknowledgements	P5
Executive Summary	P6
Part One - Introduction	P8
Part Two - Pivotal post -2023 elections interventions and activities	P14
Part Three - Post 2023 election trends	P31
Part Four - Recommendations	P38
Part Five - Looking forward	P43
Bibliography	P49
Appendices	P54



Acronyms and Abbreviations

APC	All Progressives Congress
BVAS	Bimodal Voter Accreditation System
CSO	Civil Society Organization
CVR	Continuous Voter Registration
IFA	Inclusive Friends Association
INEC	Independent National Electoral Commission
IREV	INEC Result Viewing Portal
LGA	Local Government Area
LP	Labour Party
LTO	Long-Term Observer
NOA	National Orientation Agency
NNPP	New Nigeria People's Party
PEPT	Presidential Election Petitions Tribunal
PDP	Peoples Democratic Party
PREO	Pre-election Observation
PRVT	Process and Results Verification for Transparency
PWD	Persons with Disabilities
PU	Polling Unit
PVC	Permanent Voters Card
RAC	Registration Area Center
RATECH	Registration Area Technical Support
SDP	Social Democratic Party
SFP	State Focal Point
TAF	TAF Africa Foundation
WTV	Watching the Vote



Acknowledgements

Electoral Trust Restored? is a synthesis of one year of observing, documenting and reflecting on the key trends in Nigeria's electoral process. We appreciate the hard work and ingenuity of our elections team led Paul James, Opeyemi Haruna, Gabriel Prince and Samuel Folorunsho for compiling this report. We acknowledge the editorial contributions of Prof Okechukwu Ibeanu, Cynthia Mbamalu, Yiaga Africa Director of Programs and Safiya Bichi, Head, Knowledge Management and Learning, Yiaga Africa.

Itodo Samson

Executive Director
Yiaga Africa



Key trends identified include declining public trust, uncertainty about the current administration's approach to electoral reform, challenges to electoral justice, signs of INEC capture, and declining voter participation.

Executive Summary

Electoral Trust Restored? assesses Nigeria's electoral process one year after the 2023 general elections. The report is framed as a question to provoke and stimulate conversations on the state of Nigeria's electoral process. It builds on *Dashed Hopes?* Yiaga Africa's final report on the 2023 general elections. The report provides stakeholders with insights to evaluate the democratic quality of elections, reflect on the lessons learned, follow-up commitments made by stakeholders, and define steps to build upon milestones and initiate necessary reforms to enhance the quality of Nigeria's electoral process. It examines pivotal election activities, including off-cycle elections, legislative reforms, INEC appointments, and the prosecution of electoral offenses. Key trends identified include declining public trust, uncertainty about the current administration's approach to electoral reform, challenges to electoral justice, signs of INEC capture, and declining voter participation. Based on these observations, Yiaga Africa outlines recommendations to address these trends.

1. The President should demonstrate commitment to electoral reform by articulating an electoral reform agenda to include sponsoring executive bills on electoral reforms and commit to expeditious assent of electoral reform bills passed by the National Assembly.

2. Furthermore, the President should convene a presidential dialogue on elections to discuss the future of elections and build national consensus on electoral reforms, especially the complexities of election management, INEC independence, cost of elections, political culture, voter turnout, electoral technology, election security amongst others.
3. The National Assembly should eliminate all ambiguities in the 2022 Electoral Act as noted by election observers and court decisions on pre-election matters and election petitions, especially regarding the results collation and electronic transmission of results under Section 64 of the Electoral Act 2022.
4. The Judiciary should conduct a comprehensive audit of the role of the judiciary in elections especially the conduct of judges in issuing ex parte orders, conflicting judgements, including substituting electoral justice with legal technicalities.
5. INEC should publish the report of the Commission's review of the 2023 general election with details on the administrative and legal reforms needed for improving the quality of Nigeria's electoral process.
6. The Commission should prosecute adhoc and permanent staff of the commission guilty of compromising the integrity of the 2023 general elections and recent off-cycle elections.



■ Part One

Introduction





The 2023 general election was touted by many observers as one of the most meticulously planned elections since 1999.

Part one

Introduction

On February 25 and March 18, 2023, Nigerians voted for a new President, National Assembly members, 28 State Governors, and 36 State Houses of Assembly. The election, intensely competitive, was the seventh consecutive general election since the 1999 return to democracy, making it Nigeria's longest stretch of continuous democratic governance.

The goal of conducting regular, free, fair, credible, and transparent elections is foundational to any democratic nation. Yet, Nigeria continues to face significant hurdles in achieving full democratic consolidation decades after gaining independence. Past elections have been plagued by postponements, logistic mismanagement, polling delays, electoral misconduct, vote-buying, abuse of power, corruption among election officials, undemocratic party activities, and various irregularities, sometimes leading to inconclusive and contested outcomes.

The 2023 general election was touted by many observers as one of the most meticulously planned elections since 1999. The 2023 election was governed under a new electoral legal framework that became effective on February 25, 2022, when it was signed into law by then-President Muhammadu Buhari. This allowed the Independent National Electoral Commission (INEC) to specify voting procedures, result transmission, and incorporate advanced technologies for voter accreditation. The Act is lauded for its



The Commission detailed its technological strategy, pledging full deployment to ensure transparency, fairness, and credibility. Citizens anticipated an end to the imposition of undesirable candidates, trusting that their votes would truly influence outcomes.

forward-thinking provisions, such as allowing 360 days for election preparation and conduct, which facilitated the early release of schedules. Additionally, it sought to bolster INEC's financial autonomy by providing that election funds are allocated a year in advance of elections.

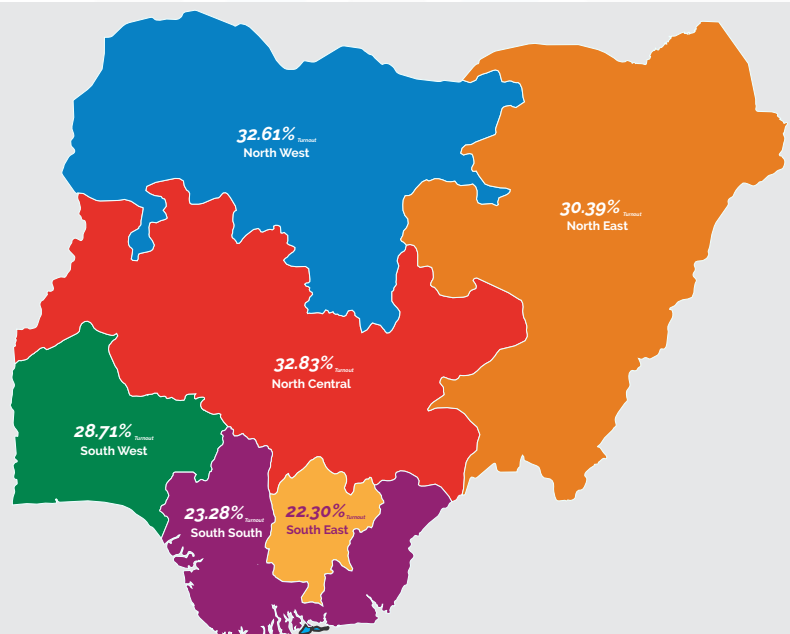
The younger demographic held high hopes for the implementation of advanced technology in the 2023 elections. The Commission detailed its technological strategy, pledging full deployment to ensure transparency, fairness, and credibility. Citizens anticipated an end to the imposition of undesirable candidates, trusting that their votes would truly influence outcomes.

The 2022 Electoral Act and INEC's regulations and guidelines included measures to safeguard the integrity of results management, such as electronic transmission and the power to scrutinize irregular results. Despite these measures, some aspects of the legislative framework were ambiguous, leading to misapplications and confusion during the process of handling election results.

FIGURE A **Voter Turnout in the 2023 General Elections**

26.72%

Out of the total 93.47 million registered voters, only 24.9 million persons voted in 2023 general elections



Source: Independent National Electoral Commission (INEC)



Yiaga Africa's systematic observation of the Kogi and Imo elections revealed breaches of electoral integrity, including absence of voting in 12% of sampled polling units and instances of pre-filled results sheet before accreditation and voting commenced. Furthermore, Yiaga Africa observed instances of pre-filled election results in 56 polling units, predominantly within the Ogori Magongo and Okehi Local Government Areas in Kogi State.

Approximately 27% of the electorate voted in Nigeria's presidential election on February 25, 2023, amidst significant logistical challenges, technological failures within the results viewing portal, voter suppression, violent disturbances, and the electoral commission's inadequate communication. These difficulties received a mixed response from the public. Nevertheless, the electorate engaged again in the state elections on March 18, with notable improvements in the conduct of stakeholders, enabling the commission to rectify some of the presidential election's flaws.

In November 2023, off-cycle gubernatorial elections occurred in Bayelsa, Imo, and Kogi States, prompting varied reactions due to their scheduling post-general elections. Although skepticism persisted regarding the election management body's effectiveness, these off-cycle polls provided an opportunity to further evaluate the legislative and policy amendments introduced in 2022, INEC's efforts to remedy the shortcomings of the general election, as well as the general commitment of institutions such as political parties and security agencies to uphold election integrity.

Yiaga Africa's systematic observation of the Kogi and Imo elections revealed breaches of electoral integrity, including absence of voting in 12% of sampled polling units and instances of pre-filled results sheet before accreditation and voting commenced. For instance, Yiaga Africa noted that in Imo State, elections were not conducted in 12% (36 of 300) of the sampled polling units, particularly in the Oru, Okigwe, Oru East, and Orlu LGAs.¹ Furthermore, Yiaga Africa observed instances of pre-filled election results in 56 polling

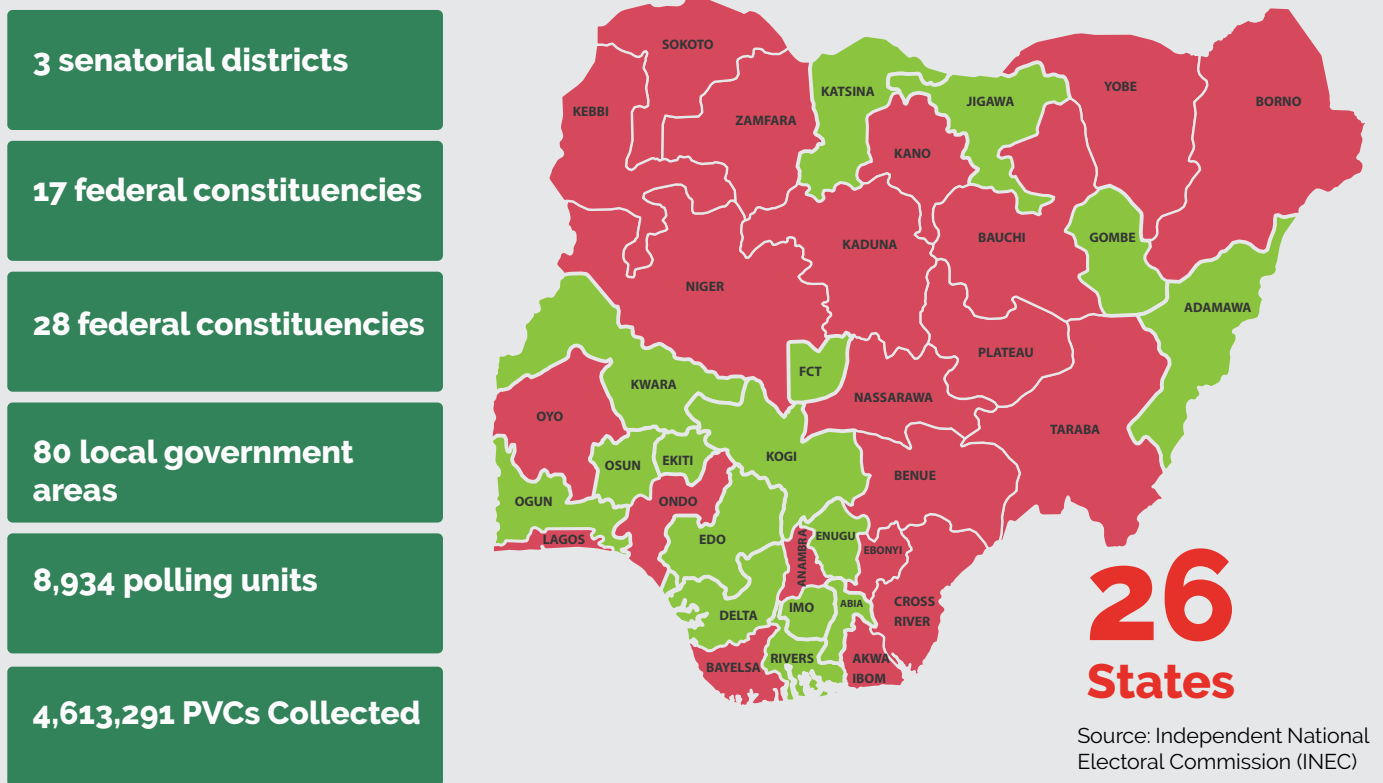
¹ Yiaga Africa, Statement on the November 2023 Off-Cycle Governorship Elections, November 2023
<https://yiaga.org/publications/process-and-results-verification-statement-on-the-november-2023-off-cycle-governorship-elections-in-bayelsa-imo-and-kogi-states/>

units, predominantly within the Ogori Magongo and Okehi Local Government Areas in Kogi State. These shortcomings highlighted ongoing concerns about deteriorating election standards, challenging the effectiveness of INEC's reforms and innovations in electoral procedures.

The courts adjudicated on 1209 election petitions filed by political candidates and parties to challenge the outcome of the 2023 general elections. Over 60% of these petitions were unsuccessful at the trial court especially petitions against legislative elections. As a court of last resort, the Supreme Court unanimously determined the presidential election petition in

FIGURE B February 3, 2024, rerun elections and bye-elections

These elections aimed to fill legislative vacancies resulting from resignations or deaths in nine states, and in some cases, were ordered by election tribunal judgments.





The courts adjudicated on 1209 election petitions filed by political candidates and parties to challenge the outcome of the 2023 general elections. Over 60% of these petitions were unsuccessful at the trial court especially petitions against legislative elections.

October 2023 in favor of the candidate of the All Progressives Congress (APC) following the judgement of the Presidential Election Petition Court (PEPC) which upheld INEC's declaration of the APC candidate as winner of the presidential election. The Supreme Court also determined appeals against rulings of the Court of Appeal in governorship election petitions. The Supreme Court validated the results declared by INEC in all the governorship appeals. The Court of Appeal also adjudicated on appeals from legislative and governorship election tribunal respectively.

On February 3, 2024, INEC conducted rerun elections and bye-elections across 26 states, involving over 4.6 million registered voters. These elections aimed to fill legislative vacancies resulting from resignations or deaths in nine states, and in some cases, were ordered by election tribunal judgments. Yiaga Africa observed some improvements in election day operations. Yet, recurrent problems persisted, such as delays, logistical complications, and collusion among election officials, particularly in Plateau and Enugu States. Violence, intimidation, ballot tampering, and process disruptions were also recorded in States like Kano and Akwa Ibom, including the kidnapping and subsequent rescue of poll workers in Kano.



Part Two

Pivotal post - 2023 election interventions and activities



On Saturday 3rd February 2024, the Independent National Electoral Commission conducted legislative bye-elections and re-run elections across the country. Seven political parties won seats in both the National and State Houses of Assembly.

PAR-TY	SENATE	HOR	SHOA
ADP	1	0	0
APC	2	7	11
APGA	0	0	1
LP	0	1	0
NNPP	0	0	3
PDP	0	5	10
YPP	0	3	1
TOTAL	3	15	27

Part two

Pivotal post - 2023 election interventions and activities

1. Off-cycle elections

INEC conducted two off-cycle governorship elections in Bayelsa, Kogi and Imo states on 11th November 2023. On February 3rd, 2024, the Commission also conducted bye-elections to fill vacancies created by death and resignation of members of the National Assembly in nine constituencies across nine states (two senatorial districts, four federal constituencies and three state constituencies). As directed by the election tribunals, the Commission also conducted rerun elections in thirty-five constituencies across thirty-six states (one senatorial district, twelve federal constituencies and twenty-two state constituencies). In these bye and rerun elections, seven political parties secured seats in both the National and State Assemblies. The APC candidates were victorious in the governorship elections for both Kogi and Imo, while the PDP triumphed in Bayelsa.



While there was notable progress in managing election logistics during the off-cycle elections, and the Commission improved its response to incidents reported by observers, serious integrity issues marred the November 2023 governorship elections.

While there was notable progress in managing election logistics during the off-cycle elections, and the Commission improved its response to incidents reported by observers, serious integrity issues marred the November 2023 governorship elections. The elections were plagued by electoral fraud, malpractice, and violence, casting doubt on the commitment of stakeholders to electoral integrity and the rule of law². Despite measures to safeguard election credibility, there were manipulations, including pre-filled results sheets (Form EC8A), particularly in the Ogori Magongo, Adavi, Okene, and Okehi LGAs of Kogi state³. These violations, sometimes attributed to polling officials, have significantly undermined public trust in INEC. The Nigerian Civil Society Situation Room pointed out that these alarming levels of result falsification and other electoral irregularities question the credibility of the electoral process and the future of democracy in Nigeria⁴. Additionally, the Centre for Democracy and Development (CDD) raised concerns about the misuse of incumbency powers, created an unfair level playing ground that gravely diminished the credibility of the off-cycle elections in the three states.⁵

2 Yiaga Africa - Statement on the February 03 2024 Bye Election, Re-run Elections <https://yiaga.org/publications/statement-on-february-03-2024-bye-election-re-run-elections/>

3 Channels Television “INEC Suspends Election In Nine Wards Of Ogori/Magongo LGA, Kogi” <https://www.channelstv.com/2023/11/11/breaking-inec-suspends-election-in-nine-wards-of-ogori-magongo-lga-kogi/>

4 Civil Society Situation Room “Final Interim Statement by the Nigerian Civil Society Situation Room on its observation of the 2023 Governorship Elections in Bayelsa, Imo and Kogi states” <https://situationroomng.org/final-statement-by-the-nigeria-civil-society-situation-room-on-its-observation-of-the-2023-governorship-elections-in-bayelsa-imo-and-kogi-states/>

5 Centre for Democracy and Development “CDD-EAC Statement after the 11 November 2023 Off-Cycle Elections” <https://www.cddwestafrica.org/press-releases/cdd-eac-statement-after-the-11-november-2023-off-cycle-elections/>



Kogi experienced a turnout of 40%, significantly up from February's 24.6%. However, Yiaga Africa's PVT suggests suggests these figures may have been inflated in Kogi Central, where some local governments reported a 90% turnout heavily favoring one party, potentially skewing Kogi's overall high turnout rate

The February 3rd, 2024 bye-elections and re-run elections were also marred by violence and electoral irregularities in some states. In Plateau, Enugu, and Kano, the commencement of voting was delayed due to logistical issues, and there were reports of complicity among election officials. Moreover, thugs and hoodlums also hijacked election materials and prevented the Commission from conducting elections⁶.

The voter turnout for the February 25 presidential and National Assembly election was recorded at 26.7%, marking the lowest in Nigeria's electoral history and indicating a 9% decline from the 35.72% turnout in the 2019 elections. This downward trend persisted through the November 2023 off-cycle governorship elections and the February 3rd, 2024, bye-elections and rerun elections. In the Imo governorship election, only 29% of registered voters participated, with security issues in areas like Ohaji-Egbema and Oru East being probable contributing factors. Contrastingly, Kogi experienced a turnout of 40%, significantly up from February's 24.6%. However, Yiaga Africa's PVT suggests suggests these figures may have been inflated in Kogi Central, where some local governments reported a 90% turnout heavily favoring one party, potentially skewing Kogi's overall high turnout rate⁷.

6 Punch Newspapers "INEC suspends re-run elections in 20 polling units" <https://punchng.com/inec-suspends-re-run-elections-in-20-polling-units/>

7 Premium Times - Citizens Participation Remains Low as Nigeria Keeps Spending Billions <https://www.premiumtimesng.com/news/643513-analysis-citizens-participation-remains-low-as-nigeria-keeps-spending-billions-on-elections.html>



Records indicate 3,102 election petitions were filed during the 2023 general election cycle. Of these, 1,893 were pre-election cases emanating from political party primaries conducted between April 4th and June 3rd, 2022.

An analysis of the commission's performance since the 2023 general election indicates progress despite difficult circumstances. However, consistency remains a concern, with notable fluctuations in performance from one election to another. For example, while the March 18, 2023, elections were executed commendably, there was a noticeable decline in performance during the November 2023 Bayelsa, Kogi and Imo off-cycle governorship elections. A positive turnaround was observed in the bye-elections and rerun elections of February 2024, indicating an improvement.

2. Adjudication of pre-election and post-election petitions

The courts were inundated with cases instituted by political parties and candidates challenging electoral outcomes. Records indicate 3,102 election petitions were filed during the 2023 general election cycle. Of these, 1,893 were pre-election cases emanating from political party primaries conducted between April 4th and June 3rd, 2022. The conferment of exclusive jurisdiction to the Federal High Court by the Electoral Act 2022 to hear and determine pre-election matters overstretched the courts and tested the robustness of the 2022 Electoral Act.

The Supreme Court's decision affirming Senator Ahmed Lawan and Senator Godswill Akpabio, as senatorial candidates despite their participation in the APC presidential election primaries conflicted with provisions of Section 115(d) of the 2022 Electoral Act which prohibits a person



From the 2023 general elections, 1,209 litigations were filed across several election tribunals, encompassing five presidential election petitions, 83 governorship election petitions, 143 Senatorial, 417 House of Representatives, and 557 State House of Assembly.

from signing a nomination paper or result as a candidate in more than one constituency at the same election. This was particularly contentious in the Yobe North Senatorial district case, where the Supreme Court's decision contradicted the Court of Appeal's judgment which had validated Mr. Machina's victory at the primaries. The Court reinstatement diminished public trust in the judiciary.

The sui generis nature of election petitions imposed strict legal timelines for the adjudication of election cases. The courts ensured the disposal of all the petitions within timelines. From the 2023 general elections, 1,209 litigations were filed across several election tribunals, encompassing five presidential election petitions, 83 governorship election petitions, 143 Senatorial, 417 House of Representatives, and 557 State House of Assembly. Of these petitions, 206 petitions were withdrawn and struck, 790 rejected for lack of merit, 110 dismissed, and 103 successful.⁸ Consequently, the court ordered INEC to conduct rerun elections in thirty-five constituencies, leading to the rerun elections on February 3rd, 2024.

The presidential election petition attracted huge public interest prompting the petitioners to apply to the court for live broadcast of the proceedings on online and offline media channels. The court rejected the application, citing the absence of provisions in the constitution and the Electoral Act for live

8 Kimpact, Election Judicial Review, 2023 https://kimpact.org.ng/storage/publications/elections_judicial_review/elections_judicial_review.pdf



There were instances where courts deviated from precedents set by superior courts when determining cases and courts of co-ordinate jurisdiction delivered conflicting judgements on cases with similar sets of facts. These conflicting judgements resulted in unjust removal from office.

broadcasts of court proceedings⁹. Justice Tsammani noted “...*the request (for a live broadcast of the court proceedings) has no utilitarian value... We cannot permit a procedure that dramatizes the court's proceedings*”.

Nonetheless, public oversight persisted, which likely led the court to compromise by allowing the live broadcast of the judgments at both the tribunal and Supreme Court levels.

The spate of conflicting judgements from the courts created uncertainty with Nigeria's electoral jurisprudence and subjected the judiciary to public ridicule. These inconsistencies in interpreting law and facts, negatively affects INEC's election preparations. There were instances where courts deviated from precedents set by superior courts when determining cases and courts of co-ordinate jurisdiction delivered conflicting judgements on cases with similar sets of facts. These conflicting judgements resulted in unjust removal from office.

In November 2023, the Court of Appeal, in deciding an election appeal, nullified the election of the Plateau state governor and sixteen lawmakers from Plateau state over a pre-election matter bordering on the legality of party congresses. Since the Court of Appeal is the final authority for legislative election petitions, the legislators lost their seats.

⁹ The ICIR, “Presidential poll: Tribunal rejects live broadcast of proceedings” <https://www.icimigeria.org/presidential-poll-tribunal-rejects-live-broadcast-of-proceedingtribunal-rejects-live-broadcast-of-proceedings/>



“It was very wrong for the Court of Appeal to go into the issue of party congresses. To make matters worse, the party challenging the issue is another political party.”

--

Justice Helen Ogunwunmiju,

Dissatisfied with this outcome, the Governor appealed to the Supreme Court, which reaffirmed its position that party primaries are internal matters of political parties and not subject to judicial scrutiny. Justice Inyang Okoro, who headed the Supreme Court panel on a similar appeal, expressed worry that many people have suffered due to the Court of Appeal's decision. In his words, “It was absolutely wrong”. Similarly, Justice Helen Ogunwunmiju, also sitting on the Supreme Court panel, opined that the Court of Appeal overreached itself, saying, “It was very wrong for the Court of Appeal to go into the issue of party congresses. To make matters worse, the party challenging the issue is another political party.” It is obvious the Court of Appeal being the final court on all appellate matters relating to legislative election petitions unjustly removed the elected legislators from office. The removal of legislators by the Court of Appeal, being the final arbiter in such matters, has sparked a debate over judicial review of decisions by a final court.

3. Legislative actions on electoral reforms

The 2022 Electoral Act of Nigeria is highly regarded as the best election legislation since the country's return to democracy. It introduced significant provisions aimed at enhancing the transparency and integrity of elections and addressed shortcomings in the previous electoral law. However, the implementation of the Act and subsequent court rulings have revealed underlying issues such as ambiguities, complexities, and inadequacies. These issues were manipulated by election administrators



Six electoral amendment bills have been sponsored by legislators in the National Assembly. The bills seek to mandate compulsory electronic transmission of results, conduct of election on one day, production of new voter register every 10 years amongst other issues

and politicians in the most recent general election. For instance, the law is unclear on the stages collation officers are required to compare physical copies of results and electronically transmitted results, thereby making the results management process susceptible to manipulation and misinterpretation. Although the Electoral Act gives INEC powers to review election results declared under duress, the modalities and procedures for exercising this power were not prescribed in the Act or INEC guidelines, leaving a vacuum for controversies and uncertainty.

The 10th National Assembly of Nigeria has shown a strong dedication to promptly revising the country's electoral legal framework. At a Senate retreat in October 2023¹⁰ a resolution was passed to undertake reforms to the legal framework for elections to unbundle INEC to improve its efficiency and effectiveness in the preparation and conduct of elections. Other priorities include, removing the ambiguity in the electoral law to make electronic transmission of results mandatory, introducing early voting for eligible voters on election duty, diaspora voting, sanctions for failure to submit register of members to INEC, proscribing cross-carpeting for legislators and elected executives and extending locus standi to tax-paying citizens to file cases against candidates for filing false information to INEC in party nomination documents.

10 Punch Newspaper, <https://punchng.com/senate-plans-law-making-electronic-transmission-of-results-mandatory/>



Recently, the House of Representatives rejected a proposed bill mandating presidential and governorship candidates to obtain at least 50 percent of votes cast to be declared winners

On its part, the House of Representatives commits to amending the Electoral Act 2022 to address the complaints and observations made by stakeholders on the conduct of the 2023 general elections. In its legislative agenda, the House propose to unbundle INEC by passing an independent legislation (the Political Parties Bill) to regulate political parties and a National Electoral Offences Commission bill to prosecute electoral offenders. Additionally, the House intends to amend the Constitution to review the appointment of Chairman, National Commissioners of INEC and Resident Electoral Commissioners of INEC. Six electoral amendment bills have been sponsored by legislators in the National Assembly. The bills seek to mandate compulsory electronic transmission of results, conduct of election on one day, production of new voter register every 10 years amongst other issues.¹¹ These bills are currently progressing through various stages of legislative consideration. Some of the electoral amendment bills have successfully passed the first and second readings, others have been rejected. Recently, the House of Representatives rejected a proposed bill mandating presidential and governorship candidates to obtain at least 50 percent of votes cast to be declared winners.¹²

Both chambers of the National Assembly maintain a coordinated approach towards the amendment process. A joint committee

11 Premium Times <https://www.premiumtimesng.com/news/head-lines/666232-reps-begin-amendment-of-electoral-act-propose-mandatory-electronic-transmission-of-results.html>

12 Guardian Newspapers <https://guardian.ng/politics/controversy-over-legislators-rejection-of-bill-seeking-absolute-majority-to-win-presidential-governorship-polls/>



On February 23rd, 2024, INEC published its final report on the 2023 general election, a detailed 526-page document divided into 13 chapters, which provides a thorough examination of the election's key procedures, accomplishments, and hurdles, as well as important insights.

comprising members of the Senate Committee on INEC and House Committee on electoral matters was constituted to lead the amendment process. A multi-stakeholder technical committee to support the joint committee of the National Assembly was also established. The joint committee is undertaking public consultations and citizen townhalls to garner inputs from citizens on priorities issues for reforms¹³. Recently, the House of Representatives.

4. INEC's Final Report on the 2023 election

On February 23rd, 2024, INEC published its final report on the 2023 general election¹⁴, a detailed 526-page document divided into 13 chapters, which provides a thorough examination of the election's key procedures, accomplishments, and hurdles, as well as important insights. The report highlights the crucial impact of technological innovations, especially the Bimodal Voter Accreditation System (BVAS), in bolstering the integrity of elections and mitigating fraud. The report in question was issued without the findings from the commission's comprehensive post-election review exercise.

The report addresses concerns about the INEC Result Viewing (IReV) portal, detailing technical issues encountered during the upload of results for the presidential election. INEC attributes

13 Arise News "Stakeholders Call For Electoral Reforms, Want INEC Unbundled" <https://www.arise.tv/nigeria-stakeholders-call-for-electoral-reforms-want-inec-unbundled/>

14 INEC "Report of the 2023 General Election" <https://inecnigeria.org/wp-content/uploads/2024/02/2023-GENERAL-ELECTION-REPORT-1.pdf>



Although the portal could receive the scanned images, the application failed to create and build a folder structure to organize the uploaded images of the result sheets of the presidential election hence the challenge with viewing the results.

the delay to an “HTTP error” stemming from a configuration bug¹⁵. The backend of IReV portal is configured into Four Hundred and Seventy (470) election types consisting of one presidential constituency covering the entire country, 109 Senatorial Districts and 360 Federal Constituencies. Although the portal could receive the scanned images, the application failed to create and build a folder structure to organize the uploaded images of the result sheets of the presidential election hence the challenge with viewing the results. The commission acknowledged that this technical glitch significantly affected public perception of the election and sparked extensive discussion throughout the country.

The reports underline the positive impact of the new election legal framework, electoral technology and timely release of funds on the commission's preparations for the election. Despite incessant attacks on the commission's offices, currency swap policy of the federal government and fuel scarcity gravely disrupting logistics preparations, several milestones were achieved. For the first time since 2011, elections were conducted as scheduled, the Bi-modal Voter Accreditation System (BVAS) functioned effectively and there was diversity of party representation in the final outcome. Specifically, four political parties won gubernatorial races, seven parties won senatorial seats, eight in federal constituencies and nine in State legislatures. The commission hails these

15 The Cable ‘HTTP server error’ — INEC finally opens up on IReV failure during presidential poll” <https://www.thecable.ng/http-server-error-inec-finally-opens-up-on-irev-failure-during-presidential-poll/>



While the EU was acknowledged for its report, its observation mission came under strong criticism by the Presidency for its conclusion on the elections saying the report was an attempt to ridicule the Nigerian electoral system and its umpire, the Independent National Electoral Commission (INEC).

developments as a marker of “significant democratic progress and a shift in political representation across Nigeria”.

5. Official release of election observation reports by domestic and international observers

INEC accredited 130 domestic and 39 foreign election observer mission for the 2023 general election. In line with election observation principles, the domestic and election observer groups released their final assessment of the 2023 general election. Leading domestic election observers like Yiaga Africa¹⁶, Nigeria Civil Society Situation Room¹⁷, Center for Democracy and Development (CDD), TAF Africa, Inclusive Friends Association, and international missions such as the EU Observation Mission (EOM)¹⁸, NDI/IRI Observation mission¹⁹, the Commonwealth Observation mission²⁰ were largely critical in their final assessments. The consensus is that despite reforms aimed at improving election credibility, the election fell short of public expectations due issues like logistical failures, INEC's poor communication, unchecked political violence, and a lack of transparency in the results management process which ultimately weakened public trust in the electoral process.

16 Yiaga Africa “Dashed Hopes: Report of the 2023 General Election”

17 Nigerian Civil Society Situation Room “Report on Nigeria’s 2023 General Election” <https://situationroomng.org/wp-content/uploads/2023/06/Situation-Room-Report-on-Nigerias-2023-General-Election.pdf>

18 European Union Election Observation Mission NIGERIA 2023 Final Report https://www.eeas.europa.eu/eom-nigeria-2023/european-union-election-observation-mission-nigeria-2023-final-report_en

19 NDI/IRI Final Report on the 2023 General Elections in Nigeria <https://www.ndi.org/publications/ndiiri-joint-international-election-observation-mission-presents-final-report-2023>

20 The Commonwealth <https://thecommonwealth.org/news/commonwealth-observer-group-publishes-full-report-nigerias-2023-elections>



Following the conclusion of the February and March 2023 elections, INEC reported that it had arrested over 200 electoral offenders.

Unsurprisingly, the reports from election observers generated debate and stirred controversies on the credibility of the 2023 elections.

Petitioners tendered the report of election observer groups at the tribunals. A move that was strongly opposed by the political actors. While the EU was acknowledged for its report, its observation mission came under strong criticism by the Presidency for its conclusion on the elections saying the report was an attempt to ridicule the Nigerian electoral system and its umpire, the Independent National Electoral Commission (INEC). In a statement²¹ issued by the then Special Adviser to the President on Special Duties, Communication and Strategy, Mr. Dele Alake, “We have many reasons to believe the jaundiced report, based on the views of fewer than 50 observers, was to merely sustain the same premature denunciatory stance contained in EU’s preliminary report released in March...” “We strongly reject, in its entirety, any notion and idea from any organisation, group and individual remotely suggesting that the 2023 election was fraudulent.”

6. Prosecution of electoral offences

After the February and March 2023 elections, INEC reported the arrest of over 200 individuals for various electoral offenses and received more than 50 case files from the Nigerian Police²². Law enforcement agencies, including

21 This Day “FG: We Reject EU’s 2023 Elections Observation Report on Nigeria” <https://www.thisdaylive.com/index.php/2023/07/03/fg-we-reject-eus-2023-elections-observation-report-on-nigeria>

22 Naija News - 2023 Election: INEC to prosecute 200 Electoral offenders. April 2023



The burden of prosecution on INEC is overwhelming, given its broad mandate, which includes organizing elections, registering and regulating political parties, conducting delimitation of constituencies, and voter education.

the Nigerian Police, EFCC, and ICPC, made an unprecedented number of arrests, totalling 859²³, highlighting the extent of electoral malpractices²⁴. Offences ranged from grave crimes like homicide and possession of firearms to electoral misconduct such as snatching and destroying INEC materials, having weapons at polling units, misconduct at polling units, stealing election results, and voter inducement/ vote buying.²⁵

One year after the elections, there has been little progress in prosecuting electoral offences, raising concerns about accountability for offences committed during the general and off-cycle elections. While the commission pursued legal action against 200 alleged electoral offenders²⁶, only three convictions have been secured from 19 case files, calling into question the efficacy of the current framework for electoral offences prosecution²⁷. The burden of prosecution on INEC is overwhelming, given its broad mandate, which includes organizing elections, registering and regulating political parties, conducting delimitation of constituencies, and voter education. This explains why the Commission signed a MoU with the Nigerian Bar Association (NBA) to

<https://www.naijanews.com/2023/04/15/2023-election-inec-to-prosecute-200-electoral-offenders/>

23 Premium Times NG - Nigeria Police Apprehend 781 Suspected Electoral Offenders: <https://www.premiumtimesng.com/news/top-news/590358-2023-elections-nigeria-police-apprehend-781-suspected-electoral-offenders.html>

24 INEC lists 200 electoral offenders for prosecution, EFCC, ICPC probe 78: <https://punchng.com/inec-lists-200-electoral-offenders-for-prosecution-efcc-icpc-probe-78/>

25 2023: INEC prosecutes 1,076 electoral offenders, Ebonyi, Edo, Anambra top list <https://www.vanguardngr.com/2023/11/2023-inec-prosecutes-1076-electoral-offenders-ebonyi-edo-anambra-top-list/>

26 Punch NG - INEC Lists 200 Electoral Offenders for Prosecution <https://punchng.com/inec-lists-200-electoral-offenders-for-prosecution-efcc-icpc-probe-78/>

27 The Cable- Three electoral offenders from 2023 poll convicted, says INEC <https://www.thecable.ng/three-electoral-offenders-from-2023-poll-convicted-says-inec>



Appointed for a five-year term, the neutrality of these RECs was called into question by CSOs and media due to their perceived political affiliations, with some reportedly linked to the president or senior figures in the ruling party

support the prosecution of electoral offences²⁸. This partnership seeks to leverage the expertise of the NBA to address the challenge of effectively prosecuting electoral offences.

7. Appointment of INEC Resident Electoral Commissioners

In October 2023, President Bola Tinubu appointed ten new Resident Electoral Commissioners (RECs) for INEC, notably without including a nominee for National Commissioner from the South East to fill an existing vacancy²⁹. Appointed for a five-year term, the neutrality of these RECs was called into question by CSOs and media due to their perceived political affiliations, with some reportedly linked to the president or senior figures in the ruling party³⁰. The appointment of partisan individuals into INEC contravenes the constitutional requirement of neutrality and impartiality. Section 156(1)(a) and Third Schedule, Part 1, Item F, paragraph 14(1), restricts the President from appointing any person who has demonstrated a partisan bias to positions within the commission. These legal stipulations are in place to preserve the integrity of INEC as an unbiased electoral umpire.

The Senate's confirmation of all the nominees, despite civil society objections and protests, sparked controversy³¹. Such appointments have

²⁸ The Cable “INEC,NBA to commence prosecution of suspects arrested during general election” <https://www.thecable.ng/inec-nba-to-commence-prosecution-of-general-election-of-fenders/>

²⁹ State House Press Statement <https://statehouse.gov.ng/news/president-tinubu-appoints-nine-inec-resident-electoral-commissioners/>

³⁰ Premium Times Editorial: Tinubu, appointment of partisan RECs and the endangering of Nigeria’s democracy, Nov, 6, 2023 <https://www.premiumtimesng.com/opinion/editorial/640377-editorial-tinubu-appointment-of-partisan-recs-and-the-endangering-of-nigerias-democracy.html>

³¹ Channels Television <https://www.channelstv.com/2023/11/01/senate-confirms-seven-of-10-inec-recs-appointed-by-tinubu/>

raised further concerns about INEC's integrity and may diminish public trust in the electoral body's impartiality³². Given the controversies around the recent INEC appointments, there's a need to review the process of making appointment to INEC. The proposal to divest power to appoint the Chairman and commissioners of INEC from the President aims to safeguard the commission's independence, thus bolstering the transparency, credibility, and legitimacy of electoral outcomes. Establishing a more independent, inclusive and transparent appointment mechanism could increase public trust in the electoral system. This should be considered as a critical step towards safeguarding the integrity of Nigeria's electoral process.

32 Leadership Newspaper <https://leadership.ng/serap-35-others-sue-tinubu-for-appointing-apc-loyalists-as-recs/>



7,464

ess
457,99

%

Servant
283,549

%

ning/Fishing
742,554

8%

ouse Wife
13,006,939

Part Three

Post-2023 election Trends

Part three

Post-2023 election Trends



Public confidence in the electoral process is steadily waning. The diminishing trust is primarily due to the unfulfilled expectations during the 2023 general election, where procedural flaws and technological issues in result transmission have cast doubts on the legitimacy of the process.

1. Public trust in the electoral process maintains a steady decline

According to a recent Afrobarometer survey, confidence in electoral bodies across most African countries, including Nigeria, is declining. The survey shows that only 23% of Nigerians trust INEC, down from 31% in 2020 (reference)³³. This decline in trust is largely attributed to the unfulfilled expectations during the 2023 general election, where procedural flaws and technological issues in result transmission cast doubt on the credibility of the process. Citizens' trust was further eroded by the delay in addressing and communicating these issues and the actions taken to resolve them. For example, INEC's delay in explaining the reasons behind the delayed posting of presidential election outcomes fuelled suspicions of manipulation. The subsequent off-cycle gubernatorial elections, rather than restoring trust in the electoral system, were another missed opportunity to rebuild public trust. The discovery of pre-filled results sheets prior to the start of accreditation and voting, the failure to use the Bimodal Voter Accreditation System (BVAS) for accreditation, and the lack of legal

33 Afrobarometer, 2024 Report <https://www.afrobarometer.org/articles/nigerians-want-competitive-elections-but-dont-trust-the-electoral-commission/>



Illustration by Dan Williams

One-year after the general election, the Tinubu administration is yet to declare its stance on electoral reform.



The issue of partiality in the appointments to INEC was highlighted once again following the general election, particularly concerning the apparent partisanship of four out of ten nominees for Resident Electoral Commissioners (REC) positions.

action against electoral offenders, particularly INEC officials, erode public trust and promote a culture of electoral impunity.

2. Unknown stance of the Tinubu-led administration on electoral reform

One-year after the general election, the Tinubu administration is yet to declare its stance on electoral reform. Following the conclusion of election petitions, there is a public expectation that the President would present a definitive electoral reform agenda to restore trust in the process. It is yet to be determined whether the administration will back or introduce changes to the electoral process or take definitive steps to show a commitment to reforming the electoral landscape. The 10th National Assembly has initiated the process of revising the electoral legal framework. A joint committee has been established by both chambers to harmonize legislative action on electoral reforms. Additionally, the National Assembly has established a technical committee consisting of lawmakers, INEC officials, representatives from the Federal Ministry of Justice, legal authorities, election specialists, and members of civil society to assist the joint committee. It is important that the Presidency demonstrates commitment to electoral reform to reassure the public that the outcome of this process will not be futile when the time comes for Presidential assent.



Post-2023 election activities managed by INEC have been marred by blatant disruptions by thugs, irregularities, abduction of election officials and hijack of election materials.

3. Institutional capture of the election management body

INEC's integrity and neutrality are under scrutiny due to perceptions of institutional capture through appointments to the commission. Appointments to the Independent National Electoral Commission (INEC) just before the general election, sparked debate over the apparent partisanship of some appointees. The issue of partiality in the appointments to INEC was highlighted once again following the general election, particularly concerning the apparent partisanship of four out of ten nominees for Resident Electoral Commissioners (REC) positions. Despite huge public outcry and formal objections from civil society, the Senate confirmed these nominees, ignoring the constitutional requirement for non-partisanship. This compromise of institutional independence for political gain mirrors past actions by former President Buhari, who also faced criticism for similar partisan appointments to INEC.

4. Unchecked electoral misconduct is deepening the culture of electoral impunity

The prevalence of unchecked electoral misconduct is exacerbating the culture of electoral impunity. Post-2023 election activities managed by INEC have been marred by blatant disruptions by thugs, irregularities, abduction of election officials and hijack of election materials. This pattern extends the trend of impunity observed during the 2023 general elections. Political agents persistently innovate ways to undermine INEC and disrupt the electoral



A notable incident in November 2023 involved hoodlums storming INEC's State headquarters in Lokoja, Kogi State, blocking legal representatives of candidates and political parties from inspecting election materials from the governorship election, despite a tribunal order granting inspection rights to the petitioners.

process. Yiaga Africa highlighted instances where results sheets were pre-filled across five Local Government Areas in Kogi State before the start of the accreditation and voting process during the November 11 governorship election, leading INEC to nullify the election in the affected wards and polling units.

Additionally, thugs took over ten polling stations in Kunchi LGA, of Kano State, during a state constituency rerun, seizing control from officials overseeing the election proceedings. These rampant misconducts undermine the rule of law and erode public confidence in democratic institutions.

5. Intentional obstruction of electoral justice

The burden of proof in election petitions requires litigants, especially petitioners, to substantiate their claims unassailably with a preponderance of evidence. However, petitioners are often thwarted by deliberate disruptions in accessing and examining documentary evidence necessary to establish their case. Political actors employ underhand tactics to impede the inspection of electoral documents and materials. A notable incident in November 2023 involved hoodlums storming INEC's State headquarters in Lokoja, Kogi State, blocking legal representatives of candidates and political parties from inspecting election materials from the governorship election, despite a tribunal order granting inspection rights to the petitioners. In Imo State, the petitioner accused INEC of flouting the order of tribunal by deliberately delaying the production of electoral materials used in the November 11,



The voter turnout for the February 25 2023 election was 26.7%, marking the lowest in Nigeria's electoral history and indicating a 9% decline from the 35.72% turnout in the 2019 elections.



Recent judicial pronouncements have updated, strengthened, and broadened the scope of Nigeria's electoral legal framework

2023 governorship election. INEC refuted this accusation, attributing the delay to mandatory internal procedures that must be completed prior to the production of the documents.³⁴

6. Declining turnout for elections

Despite efforts to improve the integrity and transparency of elections, intensity voter education and promote better access to voting process, voter participation continues to decline. The 2023 Presidential election recorded a 27% turnout, placing Nigeria at the bottom among African nations in terms of voter participation relative to its huge voting population. The trend persisted in elections following the general election, as exemplified by recent bye-elections, where turnout peaked at 33.3% in Kebbi's Ngashi/Shanga/Yauri federal constituency and plummeted to 8.5% in Surulere 1 federal constituency, Lagos state. These variations in voter turnout are troubling, casting doubt on the legitimacy of electoral outcomes

7. Judicial pronouncements modified, reinforced and expanded Nigeria's electoral jurisprudence

Recent judicial pronouncements have updated, strengthened, and broadened the scope of Nigeria's electoral legal framework. The Supreme Court decision on the PEPC appeal and governorship election appeals has the following implications:

34 Leadership Newspaper "Imo: INEC, PDP, Anyanwu Trade Blame Over Documents" <https://leadership.ng/imo-inec-pdp-anyanwu-trade-blame-over-documents/>

- The threshold/requirement for establishing over-voting has been revised. A petitioner must tender the Voter Register, BVAS machines and Polling Unit level results sheet Form EC8A to successfully prove overvoting.
- INEC is not compelled by the Electoral Act, 2022 to electronically transmit election results in any election. The IReV is not a collation system and its not part of the collation system. The IReV is designed to enable the public view polling unit level results.
- Nomination/selection of candidate is strictly an internal affair of a political party and a Court does not have the jurisdiction to entertain compliants on candidate nomination except the compliant is made by an aspirant in the same political party in line with Section 84(14) of the Electoral Act 2022.
- Nomination of candidate is primarily a pre-election dispute. All matters relating to nomination of candidate should not feature in election petitions.
- The absence of a presiding officer's signature, stamp, and date on a ballot does not invalidate a marked ballot paper, provided that the Returning Officer is convinced that the ballot originated from the official book of ballots issued to the presiding officer for use at the respective polling unit.



WATCHING VOTES

Making Votes Count

Dr. Asma'u Maikudi

Dr. Hussaini Abdu

Part Four

Recommendations



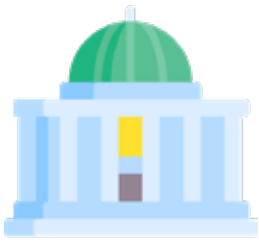
Demonstrate commitment to electoral reform by articulating an electoral reform agenda to include sponsoring executive bills on electoral reforms and commit to expeditious assent of electoral reform bills passed by the National Assembly.

Part four

Recommendations

1. Presidency

- a. Demonstrate commitment to electoral reform by articulating an electoral reform agenda to include sponsoring executive bills on electoral reforms and commit to expeditious assent of electoral reform bills passed by the National Assembly.
- b. Convene a presidential dialogue on elections to discuss the future of elections and build national consensus on electoral reforms, especially the complexities of election management, INEC independence, cost of elections, political culture, voter turnout, electoral technology, election security amongst others.
- c. As the appointing authority, integrate public participation in INEC appointment process by subjecting nominations to public scrutiny before transmittal to the Senate for confirmation. In addition to the criteria of non-partisanship and unquestionable character prescribed by the constitution, consider professional skills and qualifications in making appointments in INEC. Election administration requires diverse legal, IT, logistics, statistics, and communications skills.



Eliminate all ambiguities in the 2022 Electoral Act as noted by election observers and court decisions on pre-election matters and election petitions, especially regarding the results collation and electronic transmission of results under Section 64 of the Electoral Act 2022.

- d. As a step towards rebuilding public confidence in the electoral process, remove the suspended Resident Electoral Commissioners (REC) for Adamawa State from office in line with Section 157, 1999 Constitution for illegally announcing the result of the 2024 Adamawa Governorship election while collation of results was in progress, in violation of the 2022 Electoral Act.

2. National Assembly

- e. Maintain the collaborative and multi-stakeholder approach adopted by both chambers in the electoral reform process to deepen the inclusiveness, transparency and responsiveness of proposed reforms with citizens priorities.
- f. Eliminate all ambiguities in the 2022 Electoral Act as noted by election observers and court decisions on pre-election matters and election petitions, especially regarding the results collation and electronic transmission of results under Section 64 of the Electoral Act 2022.
- g. Comprehensively review timelines for the timely disposal of pre-election and election petitions before swearing-in and assumption of office.
- h. Protect voting rights and inclusiveness of elections by introducing early voting,



Publish the report of the Commission's review of the 2023 general election with details on the administrative and legal reforms needed for improving the quality of Nigeria's electoral process.

diaspora voting and eliminate the use of Permanent Voter Card (PVC) and adopt the use of other legally acceptable means of identification for voter verification such as driver's license, international passport, and national identity card.

3. Judiciary

- i. Conduct a comprehensive audit of the role of the judiciary in elections especially the conduct of judges in issuing ex parte orders, conflicting judgements, including substituting electoral justice with legal technicalities.
- j. Preserve judicial integrity by depoliticising the appointment of judges into election tribunals and ensuring that only incorruptible judges are appointed to election tribunals. Also, involve the National Judicial Council in the appointment of judges into tribunals.
- k. Encourage live coverage of election tribunals to enhance public trust in the judiciary and counter false information targeting judges and judicial procedures.

4. Independent National Electoral Commission

- l. Publish the report of the Commission's review of the 2023 general election with details on the administrative and legal reforms needed for improving the quality of Nigeria's electoral process.



Publish the report of the Commission's review of the 2023 general election with details on the administrative and legal reforms needed for improving the quality of Nigeria's electoral process.

- m. Prosecute adhoc and permanent staff of the commission guilty of compromising the integrity of the 2023 general elections and recent off-cycle elections.
- n. Improve public communication and engagement, especially through timely provision of information and response to public inquiries.

5. Civil Society Organisations

- o. Sustained vigilance of the electoral process to sustain successful reforms and advocate for increased reforms of the fulfilled commitment.

6. Security agencies

- p. Prosecute security personnel who were complicit in election manipulation during the 2023 general and off-cycle elections.
- q. Ensure neutrality, objectivity, accountability and professionalism are the hallmarks of election security operations to strengthen public trust.

7. Media

- r. Prioritize the accuracy of information and to share only verified content to avoid contributing to the spread of misinformation and deepening the trust gap in the electoral process



Part Five

Looking Forward



The recent appointment of new Resident Electoral Commissioners (RECs) has sparked further debate on INEC's autonomy and the potential of political capture of the electoral body.

Part five

Looking Forward

Over the years, concerns about INEC's independence have persisted due to the appointment of Commissioners with partisan affiliations by both incumbent and former presidents. The recent appointment of new Resident Electoral Commissioners (RECs) has sparked further debate on INEC's autonomy and the potential of political capture of the electoral body.

In most democracies, electoral commissions are expected to be nonpartisan. However, in Nigeria, there's a history of governments appointing political allies to INEC, which undermines the institution's integrity and neutrality. Such controversial appointment may jeopardize the democratic process, and undermining the legitimacy of elections and democratic institutions. Ensuring fair elections is crucial for democracy. As such, it is imperative for the National Assembly to review the appointment procedure for INEC officials during the ongoing constitutional review process, to safeguard INEC's independence and its capacity to manage credible and transparent elections.

There is a pressing need to address electoral offences more effectively in our country. The history of electoral malpractice has led to increased demands for creating an Electoral Offences Commission. However, the 9th National Assembly failed to pass the necessary legislation to establish this commission. The Act is essential for the effective prosecution of those who break our electoral rules, subvert our constitution, and endanger our democracy. Once established,



The urgency to more effectively tackle electoral offenses in the nation is clear. Past instances of electoral misconduct have intensified calls for the formation of an Electoral Offences Commission. Regrettably, the 9th National Assembly did not pass the legislation required to establish such a commission.

the National Electoral Offences Commission will be responsible for prosecuting electoral offenders. This will enable the Electoral Commission to concentrate on its primary goal of conducting and delivering free, fair, and credible elections. It is expected that the 10th assembly will prioritize and expedite the passage of the bill, which aims to ensure that free, fair, and credible elections are held while also helping to unbundle the commission.

The urgency to more effectively tackle electoral offenses in the nation is clear. Past instances of electoral misconduct have intensified calls for the formation of an Electoral Offences Commission. Regrettably, the 9th National Assembly did not pass the legislation required to establish such a commission. This Act is crucial for the diligent prosecution of electoral offenders who continue to subvert our constitution, and endanger our democracy. The establishment of the National Electoral Offences Commission would transfer the responsibility of prosecuting electoral offenses, and unburden the Electoral Commission to focus on its primary goal of conducting and delivering free, fair, and credible elections. It is hoped that the 10th National Assembly will prioritize and hasten the enactment of this bill, which is key not only to address electoral impunity but also to unbundle the electoral commission.

The integrity of election results hinges significantly on the transparency and management of the results collation process. The Electoral Act 2022, which includes provisions for the electronic transmission and collation of results, was praised by both citizens and observers for its innovation. The successful



To eliminate the ambiguity regarding the electronic transmission of results, it is imperative for the 10th National Assembly to legislate that polling unit results must be electronically collated and transmitted. Specifically, Section 64 of the Electoral Act 2022 requires further amendment to clarify any ambiguities and prevent discretion in interpretation.

implementation of these features during off-cycle elections in Ekiti and Osun raised expectations for their application in the general elections. Nonetheless, the 2023 presidential election was marred by issues concerning the non-transmission of results from the polling units, casting doubts on the legal soundness of result transmission procedures.

To eliminate the ambiguity regarding the electronic transmission of results, it is imperative for the 10th National Assembly to legislate that polling unit results must be electronically collated and transmitted. Specifically, Section 64 of the Electoral Act 2022 requires further amendment to clarify any ambiguities and prevent discretion in interpretation. Additionally, starting with the 2027 general elections, electronic transmission, including the upload of results from each polling unit and all result sheets across various collation levels, should be made compulsory to enhance the transparency, credibility, and efficient management of the election process.

Yiaga Africa, during its launch of the 2023 general elections monitoring activities, advocated for discarding the Permanent Voters Card (PVC) and accepting other legal forms of identification like a driver's license, passport, and National Identity card for voter verification. This change could help overcome the challenges associated with issuing PVCs and potentially reduce election costs.

Furthermore, with declining voter turnout, there's a call for laws facilitating early voting to allow those unable to vote on election day due to duties, like observers and security agents, to participate. Another critical proposal is enabling diaspora voting, as approximately



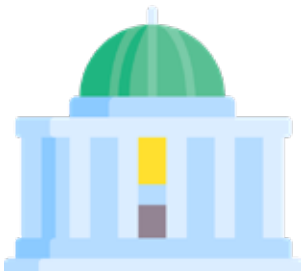
The lack of a comprehensive audit of the Nigerian voter register since 2011 is a concern for electoral integrity. While INEC has internally managed records to remove multiple registrations, there's a strong argument for institutionalizing voter register audits. Regular and independent audits, akin to practices in Kenya, would promote credibility and transparency.

17-20 million Nigerians living abroad significantly contribute to the nation's GDP and economy. The National Assembly is urged to review the constitution to permit diaspora voting, at least for singular national elections like the presidential election. This could start by allowing eligible citizens to vote at Nigerian embassies abroad, potentially beginning with the 2027 elections.

The election commission's approach to integrating new technologies like the Bimodal Voter Accreditation Systems (BVAS) into the electoral process, with tests preceding their use in the 2023 general elections, is an important step³⁵. However, these trials have surfaced some issues that stakeholders feel have not been transparently addressed by the commission. While technology can streamline voting, accelerate result tallying, and curb fraud, it also has the potential to introduce delays and reduce public trust if not sufficiently vetted. Thus, it's vital that the national assembly enacts laws mandating specific timelines for the testing of new technologies prior to their use in elections.

The lack of a comprehensive audit of the Nigerian voter register since 2011 is a concern for electoral integrity. While INEC has internally managed records to remove multiple registrations, there's a strong argument for institutionalizing voter register audits. Regular and independent audits, akin to practices in Kenya, would promote credibility and transparency. Engaging independent bodies and organizations to conduct these audits could provide a clearer, more

³⁵ Yiaga Africa "Report of BVAS testing and Mock Accreditation" <https://yiaga.org/publications/report-of-bvas-testing-and-mock-accreditation/>



The assembly should scrutinize section 89 of the Electoral Act 2022 to create a more inclusive and accountable process and establish a maximum limit for party nomination fees.

accurate voter register, vital for the legitimacy of elections.

The National Assembly needs to re-examine the matter of campaign finance and spending by political parties. The assembly should scrutinize section 89 of the Electoral Act 2022 to create a more inclusive and accountable process and establish a maximum limit for party nomination fees. Additionally, the assembly should establish reasonable campaign spending limits that would foster a more equitable electoral environment. Enforcing such limits is crucial to prevent unchecked expenditure and maintain the integrity of the electoral process.

Ensuring access to electoral justice is essential for strengthening democracy. The judiciary should undertake a comprehensive assessment of its role in the electoral process particularly how it has deepened or weakened the electoral process. Disciplinary actions should be taken against members of the bar and bench who engage in judicial corruption to restore public confidence and reclaim the status of judiciary as the bastion of hope for the common man.

Bibliography

1. ABC News - Nigeria Presidential Election 2023, main issues- <https://abc-news.go.com/International/nigeria-presidential-election-2023-main-candidates-key-issues/story?id=97411314>
2. Dashed Hopes, Yiaga Africa Report on the 2023 General Election <https://yiaga.org/publications/dashed-hopes-yiaga-africa-report-on-the-2023-general-election/>
3. Miracle Eme - Nigeria: The Electoral Act 2022 Key Changes and Impact on the 2023 Elections- <https://www.mondaq.com/nigeria/constitutional--administrative-law/1185368/the-electoral-act-2022-key-changes-and-impact-on-the-2023-elections->
4. <https://placng.org/i/wp-content/uploads/2022/02/Electoral-Act-2022.pdf>
5. Yiaga Africa, Statement on the November 2023 Off-Cycle Governorship Elections, November 2023 - <https://yiaga.org/publications/process-and-results-verification-statement-on-the-november-2023-off-cycle-governorship-elections-in-bayelsa-imo-and-kogi-states/>
6. Yiaga Africa - Statement on the February 03 2024 Bye Election, Re-run Elections - <https://yiaga.org/publications/statement-on-february-03-2024-bye-election-re-run-elections/>
7. Daily Post, CSOs reject Buhari's nominees as RECs over partisanship, corruption, Jesupemi Are, August 26, 2023 <https://www.thecable.ng/csos-reject-buharis-nominees-as-inec-recs-over-partisanship-corruption>
8. Premium Times, CSOs Fault Appointment of new INEC REC over alleged corruption, partisanship, Queen Esther iroanusi, August 26, 2023 - <https://www.premiumtimesng.com/news/headlines/550831-csos-fault-appointment-of-new-inec-recs-over-alleged-corruption-partisanship.html?tztc=1>
9. <https://statehouse.gov.ng/news/president-tinubu-appoints-nine-inec-resident-electoral-commissioners/>

10. Editorial: Tinubu, appointment of partisan RECs and the endangering of Nigeria's democracy, Nov, 6, 2023 <https://www.premiumtimesng.com/opinion/editorial/640377-editorial-tinubu-appointment-of-partisan-recs-and-the-endangering-of-nigerias-democracy.html>
11. Situation Room, Report on Nigeria's 2023 General Election, June 2023 - <https://situationroomng.org/wp-content/uploads/2023/06/Situation-Room-Report-on-Nigerias-2023-General-Election.pdf>
12. Kimpact - Election Judicial Review, 2023- https://kimpact.org.ng/storage/publications/elections_judicial_review/elections_judicial_review.pdf
13. Vanguard News - INEC to deploy 5346 personnel to 2673 centers for voter registration - <https://www.vanguardngr.com/2021/06/inec-to-deploy-5346-personnel-to-2673-centres-for-voter-registration/>
14. Africa Check, Analysis: Nigeria's 2023 Election, from the ballot to the courtroom. May 2023 - <https://africacheck.org/fact-checks/blog/analysis-nigerias-2023-election-ballot-box-courtroom>
15. Punch News - Cash Crunch, Parties Struggle to Mobilize Polling Agents, Seek Volunteers- <https://punchng.com/cash-crunch-parties-struggle-to-mobilise-polling-agents-seek-volunteers/>
16. Channels TV - Adamawa Supplementary Election, Yiaga Africa calls for Removal of Suspended REC-<https://www.channelstv.com/2023/04/18/adamawa-supplementary-election-yiaga-africa-calls-for-removal-of-suspended-rec-yunusa-ari/>
17. The Cable - INEC Files Six Count Charge Against Suspended Adamawa REC-https://www.thecable.ng/breaking-inec-files-six-count-charge-against-suspended-adamawa-rec#google_vignette
18. Premium Times - Citizens Participation Remains Low as Nigeria Keeps Spending Billions- <https://www.premiumtimesng.com/news/643513-analysis-citizens-participation-remains-low-as-nigeria-keeps-spending-billions-on-elections.html>

19. Thisdaylive - Bizarre Judgement of Appeal Court in Plateau- <https://www.thisdaylive.com/index.php/2023/11/12/bizarre-judgments-of-appeal-court-in-plateau>
20. Naija News - 2023 Election: INEC to prosecute 200 Electoral offenders. April 2023- <https://www.naijanews.com/2023/04/15/2023-election-inec-to-prosecute-200-electoral-offenders/>
21. Premium Times NG - Nigeria Police Apprehend 781 Suspected Electoral Offenders: <https://www.premiumtimesng.com/news/top-news/590358-2023-elections-nigeria-police-apprehend-781-suspected-electoral-offenders.htm>
22. INEC lists 200 electoral offenders for prosecution, EFCC, ICPC probe 78: <https://punchng.com/inec-lists-200-electoral-offenders-for-prosecution-efcc-icpc-probe-78/>
23. 2023: INEC prosecutes 1,076 electoral offenders, Ebonyi, Edo, Anambra top list - <https://www.vanguardngr.com/2023/11/2023-inec-prosecutes-1076-electoral-offenders-ebonyi-edo-anambra-top-list/>
24. Punch NG - INEC Lists 200 Electoral Offenders for Prosecution <https://punchng.com/inec-lists-200-electoral-offenders-for-prosecution-efcc-icpc-probe-78/>
25. The Cable- Three electoral offenders from 2023 poll convicted, says INEC - <https://www.thecable.ng/three-electoral-offenders-from-2023-poll-convicted-says-inec>
26. Summary of Results - Afrobarometer R9 Survey in Nigeria, compiled by NOI Polls, August 2022 - <https://www.afrobarometer.org/wp-content/uploads/2022/08/Nigeria-Afrobarometer-R9-Summary-of-Results-26august2022.pdf>
27. Election Logistics: CBN has provided a substantial part of cash needed, says INEC - <https://www.thecable.ng/election-logistics-cbn-has-provided-sub->

- [stantial-part-of-cash-needed-says-inec](#)
28. [#NigeriaDecides2023: Let me once again reassure Nigerians that there is no going back on the deployment of the Bimodal Voter Accreditation System \(BVAS\)... | By INEC Nigeria | Facebook](#)
 29. Premium Times - INEC Speaks on Slow Update on IReV, allay fears - February 23, 2023. - <https://www.premiumtimesng.com/news/headlines/584674-inec-speaks-on-slow-update-on-irev-election-result-portal-allays-fears.html>
 30. The Cable - INEC Creates Additional 56,872 Polling Units - June 16, 2021 - <https://www.thecable.ng/just-in-inec-creates-additional-56872-polling-units-total-now-176846>
 31. <https://yiaga.org/yiaga-africa-post-election-press-statement-2023-presidential-elections>
 32. <https://kujenga-amani.ssrc.org/2023/07/20/voter-suppression-and-electoral-integrity-crisis-in-nigerias-2023-general-elections/>
 33. Dashed Hopes - Yiaga Africa Report on the 2023 General Election, August 2023- https://yiaga.org/wp-content/uploads/2023/07/Dashed-Hopes-Yiaga-Africa-Report-on-the-2023-General-Election_.pdf
 34. Jide Ojo - Urgent Need to Reform Nigeria's Political and Elections - November 2023 <https://punchng.com/urgent-need-to-reform-nigerias-politics-and-elections/>
 35. Dakuku Peterside - The Electoral Reforms Imperative- <https://thenicheng.com/the-electoral-reforms-imperative/>
 36. Premium Times - Nigerian Senate wants electoral transmission of results, October 22, 2023. - <https://www.premiumtimesng.com/news/top-news/635832-nigerian-senate-wants-electronic-transmission-of-election-results-from-2027.html>
 37. Arise News - Electoral Stakeholders call for electoral reforms, want INEC

unbundled - November 2023 - <https://www.arise.tv/nigeria-stakeholders-call-for-electoral-reforms-want-inec-unbundled/>

38. Nigerian Pilot - Insecurity, Electoral Reforms, Constitution Amendment Top Agenda as Rep Resume Plenary. <https://nigerianpilot.news/2024/01/30/insecurity-electoral-reforms-constitution-amendment-top-agenda-as-reps-resume-today/>
39. Electoral Act: Lawmaker proposes five elections be conducted on one day- [Electoral Act: Lawmaker proposes five elections be conducted on one day \(youtube.com\)](https://www.youtube.com/watch?v=...)
40. <https://nidcom.gov.ng/wp-content/uploads/2021/06/NATIONAL-DIASPORA-POLICY-2021.pdf>
41. Yiaga Africa - Report of BVAS testing and Mock Accreditation - <https://yiaga.org/publications/report-of-bvas-testing-and-mock-accreditation/>

Appendix I

COMMUNIQUE ISSUED AT THE END OF CITIZENS' TOWN HALL ON ELECTORAL REFORMS ORGANISED BY THE SENATE AND HOUSE OF REPRESENTATIVES JOINT COMMITTEE ON ELECTORAL MATTERS, AT ABUJA CONTINENTAL HOTEL ON TUESDAY, 28TH NOVEMBER 2023

1.0 Preamble

The Citizens' Townhall on Electoral Reform was organised by the Senate and House of Representatives Joint Committee on Electoral Matters and supported by Yiaga, at the Abuja Continental Hotel to enable the legislature to engage with citizens and harvest views on the key issues in the electoral reform discourse against the backdrop of the operationalization of the Electoral Act 2022 in the 2023 general elections and off cycle elections in the various parts of the country, which disclose copious challenges with the electoral legal framework, election management, unbundling the Independent National Electoral Commission (INEC), mode of appointment INEC Chairman and Commissioners electoral dispute resolution, electoral justice and prosecution, use of technology in the electoral process, voting rights and inclusivity and early voting and diaspora voting, voter registration and voter register, nomination of candidates, and the effective regulation of political parties, election litigation, and election security among others.

2.0 Recommendations

After several presentations from the citizens, the following recommendations were made.

1. Use of election technology at all stages of the electoral process, including transmission of results should be made mandatory in the Electoral Act. The utilization of technology in electoral processes can have a significant impact on voting rights, inclusivity, political parties, electoral dispute resolution, judicial adjudication, institutional impact, and the independence and effectiveness of INEC.
2. The electoral reform process should make robust provisions for compulsory testing of election technology and timeframes before they are deployed for elections.
3. Electoral reform should also introduce clauses that prohibit reconfiguration or tampering with election technology until post-election litigations are concluded to allow for processes requiring querying devices such as the BVAS to be seamlessly conducted.
4. The legal framework should be reformed to make adequate provisions for the improvement of election security, public enlightenment, and civic education towards improving electoral integrity.
5. The electoral legal framework should be reformed to prohibit cross-carpeting by politicians from one party to another. This entails a further alteration of the Constitution of the Federal Republic of Nigeria, 1999 and consequential amendment of the Electoral Act 2022 to preserve the fundamental essence of democracy.
6. The Constitution should be altered to provide a rigorous screening process and adherence to the fundamental requirement of non-partisanship in the process of appointing the Chairman, National Commissioners, and Resident Electoral Com-

missioners of INEC. In addition, knowledge and experience in election administration should be part of the qualifications for such appointments as such are indispensable in leadership positions in an Election Management Body.

7. The responsibilities of INEC should be unbundled to alleviate the burden of excessive responsibilities and allow for a more focused approach to core responsibilities. Consequently, the National Electoral Offences Commission and Political Parties Regulatory Commission should be established.
8. The power of appointment of the INEC Chairman should be vested in an autonomous body instead of the President of the Federal Republic of Nigeria who is partisan.
9. There is need for an amendment Electoral Act to reduce judicialization of the electoral process, especially section 134, that allows a political party or its candidates to challenge membership and sponsorship of candidates of another political party as a ground in an election petition. If the courts are diminished from the process, it is probable that the desires of the people will be advanced and protected.
10. Timelines for conducting and concluding election petitions should be reviewed. All election petitions should be concluded before the swearing-in ceremony.
11. The police and other law enforcement agencies should have the freedom to apprehend suspects who are involved in electoral offences in their presence. This will put to rest the lingering controversy surrounding the matter of obtaining an electoral officer's instruction to the police for conducting arrests.
12. The penalties imposed for electoral offences are insufficient to effectively deter potential offenders. Consequently, the punishment regime for electoral offences should be reviewed to serve deterrent effect.
13. To ensure a tranquil electoral process, it is advisable to equip a few security personnel stationed at the polling unit with rifles and riot gear. This measure will deter any potential disruptions caused by unruly individuals.
14. The proposed electoral reform should take Nigerians abroad into consideration, enabling Nigerians abroad to enjoy diaspora voting. This will further boost adoption and use of election technology in addition to further enriching the database of INEC.
15. The electoral reform should make provisions for independent candidacy in Nigeria's electoral process. This innovation will go a long way in evolving a robust electoral process for the nation at all levels of government.
16. The Permanent Voter Cards (PVCs) should be expunged as a required identification before voting and replaced with any valid means of identification or solely the BVAS recognition process. This will greatly reduce the cost of elections, eliminate deceased persons, and address other challenging areas.
17. Absolute majority (50% + 1) should be introduced to Section 134 (1a) and (2a) and other relevant sections of the 1999 Constitution as amended to require Absolute Majority (50% + 1) as against highest number of votes while retaining the required spread of 25% total votes cast in two-third of the States and the FCT.
18. INEC State, LGA and RA levels should be monitored effectively to implement material distribution timelines down to the polling unit. A special unit should be designated to monitor and resolve material distribution issues as is done with the BVAS and the RATECHSS.
19. Materials deployed to the State level should be handled by INEC State Offices and not the Central Bank of Nigeria (CBN)

20. INEC should also procure at least one vehicle for all 8,809 RAs for election day transportation of materials from the RAs to the PUs. This will ensure independent transportation, total responsibility, and a dearth to infringement from partisan quarters. One of the RAOs in each LGA can be tasked to handle the vehicle.
21. The National Assembly should amend the electoral legal framework to enable INEC to produce the voter register from the national identity database compiled by the National Identity Management Commission (NIMC). This will reduce the cost of elections, facilitate regular updates to the register and foster harmonisation of the national database.
22. INEC should undertake a comprehensive audit of the voter register to eliminate duplications, multiple registrants, and ineligible voters and enhance the credibility of the voter register. The audit process should be subjected to public scrutiny to improve its transparency.
23. Registered voters on the Electronic Voter Register who have not voted in the last three General Elections should be expunged from the EVR to re-register on a later date. This will greatly reduce the cost of elections, eliminate deceased persons and address other challenging areas in sanitizing the EVR.
24. INEC review of the current two-step process of CVR and PVC collection is needed to ensure that eligible voters are not disenfranchised.
25. INEC strategic communication on election day challenges should also be strengthened in future elections. In addition, the prosecution process and verdict passed on electoral offenders at relevant courts should be posted on INEC social media platforms as part of the process on regaining public confidence in the electoral process.
26. Introduce and enforce robust affirmative action policies that mandate political parties to nominate a minimum percentage of candidates from marginalized communities, ensuring a more equitable representation.
27. Enforce transparent nomination criteria for party primaries, discouraging discriminatory practices and promoting merit-based nominations. This will elevate the quality and diversity of candidates, fostering a more inclusive political landscape.
28. Electoral reform should strengthen regulations around the transparency of political financing, which should mandate timely and comprehensive disclosure of campaign contributions, allowing voters to make informed decisions about candidates and parties.
29. INEC should be transformed into a professionalized entity and regarded as a national institution, guaranteeing a consistent methodology for conducting state and local government elections.
30. The introduction of early voting would be beneficial in enabling many Nigerians, who are consistently denied their voting rights, to participate in the electoral process. This includes security personnel deployed for election duties, INEC staff, ad hoc staff, journalists, and civil society community engaged in election observation among others.

Appendix II

CIVIL SOCIETY GROUPS WORKING ON GOVERNANCE AND ELECTIONS

PETITION AGAINST THE NOMINATION OF MESSRS. ETEKAMBA UMOREN (AKWA IBOM) AND ISAH SHAKA EHIMEAKNE (EDO) AS RESIDENT ELECTORAL COMMISSIONERS OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)

1st November 2023

The President of the Nigerian Senate

National Assembly
3 Arms Zone, Abuja
Federal Capital Territory

ATTENTION:

The Chairman,

Senate Committee on the Independent National Electoral Commission
National Assembly
Abuja

Dear Distinguished Senator,

Dear Mr. President,

PETITION AGAINST THE NOMINATION OF MESSRS. ETEKAMBA UMOREN (AKWA IBOM) AND ISAH SHAKA EHIMEAKNE (EDO) AS RESIDENT ELECTORAL COMMISSIONERS OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)

Introduction

1. On Wednesday, 25 October 2023, President Tinubu nominated ten Resident Electoral Commissioners to the Independent National Electoral Commission (INEC) pursuant to the powers vested on the President by Section 154 (1) of the Constitution of the Federal Republic of Nigeria 1999 (As Altered) and Section 6 of the Electoral Act 2022. The ten nominees are from Akwa Ibom, Edo, Ekiti, Gombe, Kwara, Lagos, Nasarawa, Niger, Rivers, and Zamfara States to replace ten Resident Electoral Commissioners of INEC whose tenures have elapsed.
2. Mr. Etekamba Umoren was nominated from Akwa Ibom State, and Mr. Isah Shaka Ehimeakne from Edo State are among the ten nominees.

Grounds of the Petition

3. Mr. President, Messrs. Etekamba Umoren and Isah Shaka Ehimeakne are not qualified for appointment as Resident Electoral Commissioners of INEC as they are deeply involved in partisan politics contrary to the requirements of section 156(1) and Third Schedule, Part 1, Item F, paragraph 14 (1) of the Constitution of the Federal Republic of Nigeria, 1999 (As Altered).
4. The Constitution makes non-partisanship a mandatory requirement for appointment as a Resident Electoral Commissioner of the INEC. The Constitution of the Federal Republic of Nigeria, in section 156(1)(a), clearly prohibits the appointment of any member of a political party as a member of INEC. To further ensure the neutrality of the members of INEC, the Constitution mandates in the Third Schedule, Part 1, Item F, paragraph 14 (1) that a Resident Electoral Commissioner shall be non-partisan and a person of unquestionable integrity. Messrs. Etekamba Umoren and Isah Shaka Ehimeakne are not only members of the ruling All Progressives Congress (APC) but have publicly declared their membership and campaigned for the party wearing attires of the party at campaigns and public events.

Facts in support of the Grounds of Petition against Mr. Etekamba Umoren

5. Mr. Etekamba Umoren, is believed to be a card-carrying member of the All Progressives Congress (APC) served as an aide to the current President of the Senate, Dr. Godswill Akpabio, when he was the Governor of Akwa Ibom State. He also served the Chief of Staff to the President of the Senate when he was the Minister of Niger Delta Affairs.
6. Mr. Etekamba Umoren, then a card-carrying member of the Peoples Democratic Party (PDP) had served as Chief of Staff Government House, under the administration of Dr. Godswill Akpabio as Governor of Akwa Ibom State. Similarly, upon assumption of office of Governor of the state in 2015, Governor Emmanuel Udom appointed Mr Etekamba Umoren as the Secretary to the State Government (SSG), still being a member of the PDP.
7. Mr. Etekamba Umoren's deep involvement in partisan politics is a matter of public knowledge as he publicly defected, along with his boss, Dr. Godswill Akpabio, from the Peoples Democratic Party (PDP) to the APC in 2018. The Video Clip of this defection is available at Photographs of Mr. Etekamba Umoren in APC attires while attending the party's campaign rallies and media report of his defection are attached and marked as "Annexure 1".
8. Mr. Etekamba Umoren's partisanship was also publicly displayed in March 2019 following the outcome of the General Elections where INEC declared Dr. Chris Ekpenyong of the PDP winner Akwa Ibom North-West Senatorial District election. Following the declaration and return of Dr. Chris Ekpenyong, Mr. Etekamba Umoren challenged the integrity of INEC and openly accused the commission of manipulating the election against Dr. Godswill

Akpabio of the APC. The Vanguard Newspaper quoted Mr. Umoren as follows: "Everybody is saying that Senator Akpabio won the election, except INEC. There is (sic) incontrovertible evidence to prove that Akpabio won the election. Results collated from the field showed that Akpabio won in all 11 Essien Udim Local Government wards. But where APC won, results were cancelled.". In his brazen show of partisanship, Umoren disparaged INEC as an institution, which is obvious above. If appointed, such a person will bring contempt, levity and disdain to INEC. This avalanche of evidence clearly discloses that Mr. Umoren is partisan, politically aligned, and a member of the ruling party, thereby rendering him constitutionally ineligible for appointment as a Resident Electoral Commissioner. The relevant portion of the Vanguard newspaper of March 28, 2019, online version of which is available at <https://www.vanguardngr.com/2019/03/akpabioll-reclaim-mandate-umoren/> , is hereto attached and marked as "Annexure 2".

9. Apart from partisanship and membership of a political party, Mr. Etekamba Umoren is further disqualified on the ground of questionable integrity. The media is awash with reports of Mr. Umoren's alleged involvement in embezzlement of ₦22 billion. According to a report by Foundation for Investigative Journalism (FIJ) of October 27, 2023, titled "APC Supporter Accused of N22bn Theft Among New RECs Appointed by Tinubu", Mr. Umoren's integrity is questionable as he has been accused of embezzling, along with others, no less than N22 billion in 2015. This is a fundamental disqualifying factor which renders Umoren ineligible for appointment as a Resident Electoral Commissioner of the INEC. A copy of the FIJ report which is available at <https://fij.ng/article/apc-supporter-accused-of-n22bn-theft-among-new-recs-appointed-by-tinubu/> is attached and marked as "Annexure 3".

Facts in support of the Grounds of Petition against Mr. Isah Shaka Ehimeakne

10. Mr. Isah Shaka Ehimeakne of Edo State is believed to be a card-carrying member of the APC, who is engaged in partisan politics both online and offline. Prior to his appointment as a Resident Electoral Commissioner, his Facebook page in his name, Isah Shaka, embarked on campaigns for the APC and its candidates. This depicts his partisanship which disqualifies him from appointment as a Resident Electoral Commissioner that requires neutrality and non-partisanship in line with the constitutional provisions cited above. Screenshots of his Facebook posts showing support for the APC and its candidates are attached and marked "Annexure 4"
11. Mr. Isah Shaka Ehimeakne also suffers a deficit of integrity for appointment as a Resident Electoral Commissioner. This is because within 24 hours after the announcement of the appointments, he quickly deleted his Facebook account where he had displayed open partisanship in his support for the APC. This is a calculated attempt to deceive and mislead Nigerians. A sensitive office like this should not be entrusted to persons who possess such character traits. That is why the Constitution specifically provides that only persons of unquestionable integrity are appointed into the INEC.

12. Given the antecedents of Messrs. Etekamba Umoren and Isah Shaka Ehimeakne, it is highly unlikely that they will remain neutral and objective if appointed as INEC's Resident Electoral Commissioners. We contend that their appointment will greatly undermine the neutrality and impartiality of the Commission and it will increase mistrust in the INEC and Nigeria's electoral process. By the combined effect of Section 156 (1)(a) and Third Schedule, Part 1, Item F, paragraph 14 (1), Messrs. Etekamba Umoren and Isah Shaka Ehimeakne are constitutionally prohibited from any appointment as a member of the electoral umpire. It is against the sacred spirit of our Constitution to appoint them into such sensitive offices that go to the root of democracy in Nigeria.
13. In upholding the Constitution of the Federal Republic of Nigeria 1999 (As Altered) regarding the sanctity of the Independent National Electoral Commission, the Senate has set precedents which are worthy of emulation. In December 2019, the Senate stood down the nomination of Mr. Olalekan Raheem of Osun State as a Resident Electoral Commissioner (REC) of the Independent National Electoral Commission (INEC) on the grounds that he was a card-carrying member of the APC. Mr. Olalekan Raheem's case is on all fours with the cases of Messrs. Etekamba Umoren and Isah Shaka Ehimeakne. Presented with these facts, we the undersigned groups and civic leaders urge you to uphold the sanctity of the Constitution of the Federal Republic of Nigeria, neutrality of INEC and the sacredness of the electoral process in Nigeria.

Prayers

To this end, we, the undersigned, implore you to use your good office to: -

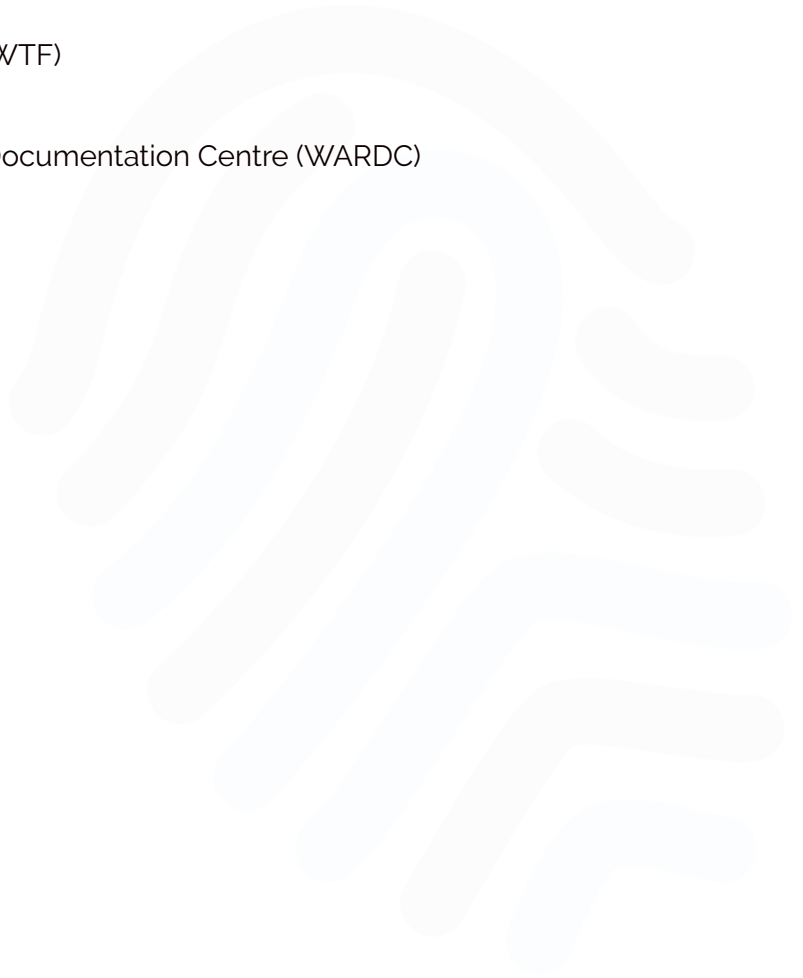
1. Completely reject the nomination of Mr. Etekamba Umoren nominated from Akwa Ibom State, and Mr. Isah Shaka Ehimeakne from Edo State as Resident Electoral Commissioners into the Independent National Electoral Commission (INEC);
2. Urge President Tinubu to withdraw their nomination in the public interest and in furtherance of his commitment to ensuring a truly independent electoral institution that enjoys the trust and confidence of citizens and electoral stakeholders;
3. Request President Tinubu to uphold the federal character principle in re-nominating a non-partisan, neutral, and competent Nigerian to represent the south-south region as INEC National Commissioner;
4. Also, request the President to uphold the principle of diversity by ensuring gender inclusion in the nomination of non-partisan and competent Nigerians as INEC National Commissioners;
5. Ensure that members of the Independent National Election Commission are individuals with impeccable character, unquestionable neutral inclinations, and competence;
6. Ensure proper scrutiny and due diligence are exercised in the confirmation of nominations to the Independent National Electoral Commission (INEC); and

7. As custodians of the Nigerian constitution, the Senate should ensure that the principle of Federal Character is protected to guarantee inclusiveness and promote national unity amongst Nigerians.

We hope our petition will be entertained, considered and granted. Kindly accept the assurances of our esteemed regards.

Signed:

1. Centre for Media and Society (CEMESO)
2. Centre for Journalism, Innovation and Development (CJID)
3. Civil Society Legislative Advocacy Centre (CISLAC)
4. CLEEN Foundation
5. Elect HER
6. Enough is Enough
7. International Press Centre (IPC)
8. Inclusive Friends Association (IFA)
9. Justice, Development and Peace Makers Centre (JDPMC), Osogbo
10. The Kukah Centre
11. The Electoral College
12. The Electoral Hub
13. Nigeria Women's Trust Fund (NWTF)
14. Partners for Electoral Reform
15. TAF Africa
16. Women Advocate Research & Documentation Centre (WARDC)
17. Yiaga Africa



Appendix III

Process and Results Statement on the Elections in Bayelsa, Imo and Kogi States

Monday, November 13th, 2023
Delivered at the Treasure Suites Hotel, Abuja

Introduction

In the November 11 governorship elections, Yiaga Africa deployed the Process and Results Verification for Transparency (PRVT) methodology to observe the Imo and Kogi State elections. Six hundred (600) stationary observers were deployed to a representative random sample of 300 polling units for each of the states and 50 roving observers in the two states. With this methodology, Yiaga Africa can confidently assess the accreditation process, voting, and counting and independently verify the official results announced by the Independent National Electoral Commission (INEC). In addition to the PRVT methodology, Yiaga Africa also deployed nine roving observers for the Bayelsa State governorship election to observe the process and results collation.

These are the first off-cycle governorship elections conducted after Nigeria's contentious and controversial 2023 general elections. The off-cycle elections test the commitment of key democratic institutions such as INEC, security agencies and the executive to restore public confidence in the electoral process. Yiaga Africa observed a marked improvement in the management of election logistics across the three states. The commission's prompt response to the report of pre-filled results sheets (EC8A) cases in Kogi state was equally impressive. Yiaga Africa hopes the commission will fulfil its commitment to ensuring the culprits face the full wrath of the law. Yiaga Africa also notes reduced cases of election day-related violence, especially in Kogi state, and commends the police and other security agencies. Yiaga Africa expects all the reports of election offences, complicity and unprofessional conduct of some police officers will be duly investigated and culprits properly punished.

On Sunday, November 12, Yiaga Africa issued a statement urging INEC to clarify the status of locations where elections were not held in some Local Government Areas (LGAs) in Imo State. The WTV data shows that elections were not conducted in 12% (36 of 300) of Yiaga Africa WTV sampled polling units in Imo state. Yiaga Africa received additional reports indicating polling units where elections were not held. These cas-

es were prevalent in 9 polling units in Orsu LGA, eight polling units in Okigwe, eight polling units in Oru East, seven polling units in Orlu LGA, one polling unit each in Ideato North, Ikeduru, Oru West and Owerri West LGAs of the WTV sampled polling units. This data suggests that elections may not have held in designated polling unit locations in the identified LGAs, which questions the transparency of the process and violates the rights of the voters in the affected polling unit.

Yiaga Africa is concerned about the continuous decline in the quality of elections and the proclivity for lowering the integrity standards of elections irrespective of reforms introduced by INEC and reforms to the electoral legal framework. The November 11 elections were another missed opportunity to rebuild trust and confidence in the electoral process. The elections question the commitment of democratic institutions to electoral integrity and credible elections.

As a result of missing data from the PRVT sample coupled with a high number of critical incidents recorded in Imo state, Yiaga Africa is not in a position to verify the credibility of the process and the outcome of the Imo State governorship elections. Yiaga Africa urgently calls on INEC to review and conduct a comprehensive audit of the Imo governorship election results to inspire confidence in the process and its outcome.

Key Findings on the Election Day Process in Imo and Kogi States

The key findings are based on additional reports received from the WTV observed in Imo and Kogi states sampled polling units.

Deployment of the Bimodal Voter Accreditation System (BVAS)

- Yiaga Africa observed that the BVAS was deployed across all the polling units observed in the Imo and Kogi polling units.
- In Imo state, the BVAS Worked throughout the day in 94% of polling units. However, it malfunctioned and it was fixed in 3% of polling units. It malfunctioned and was not fixed or replaced in 2% of these polling units.
- Similarly, in Kogi state, the BVAS worked throughout the day in 94% of polling units. However, it malfunctioned and it was fixed in 5% of polling units. It malfunctioned and was not fixed or replaced in 1% of these polling units.

Secrecy of the Ballot

- In 15% and 6% of polling units in Imo and Kogi states, it was possible to see how a voter's ballot paper was marked.
- Voters crowded the polling officials during counting in 27% and 30% of polling units in Imo and Kogi, respectively.

Deployment and professionalism of Polling Officials and Security:

- Reports received from WTV Polling Unit observers revealed that INEC polling officials were unprofessional and partisan in over 15% and 14% of polling units in Imo and Kogi states, respectively.
- Security Personnel were present in 74% of the sampled polling units in Imo state, while in Kogi, security personnel were present in 94%.
- In addition, over 21% and 15% of polling units in Imo and Kogi reported that security personnel were unprofessional and partisan.

Misconduct at the Polling Units

- In 6%, and 1% of polling units in Imo and Kogi respectively, voters were permitted to vote without accreditation with BVAS.
- At 14% and 4% of polling units in Imo and Kogi respectively, Yiaga Africa observers reported voter intimidation, harassment or assault during voting.

- At 28% and 18% of polling units in Imo and Kogi, respectively, party agents attempted to influence polling officials during counting.

Inclusion of women and persons with disabilities

- An average of 2 polling officials were deployed in both Imo and Kogi states while an average of 2 out of the 4 officials were women. 47% and 28% of presiding officials in Imo and Kogi, respectively, were women.
- In 64% and 70% of polling units in Imo and Kogi where PWDs were present, they were allowed priority voting.

Counting

- At 2% of the polling units in Imo and 3% of polling units in Kogi, the counting of the ballot papers was not done in the same location as accreditation and voting.
- In Imo state, Party agents for APC were present during counting, they received the results sheets in 95% of polling units. Party agents for LP and PDP were present during counting, they received the results sheets in 87% of polling units.
- In Kogi state, Party agents for APC were present during counting, they signed and received the results sheets in 95% of polling units. Party agents for PDP were present during counting, they signed and received the results sheets in 79% of polling units and Party agents for SDP were present during counting, they signed and received the results sheets in 80%.

Critical Incident Reports

On election day, Yiaga Africa verified 101 critical incidents witnessed by Watching The Vote citizen observers. Eighty-seven (87) of these reports were received from Imo and 14 of the reports were received from Kogi. Some of these incidents relate to the polling units not opened as noted earlier, vote buying, non-use of the BVAS for accreditation amongst others. Notably, there were more reports on the disruption of the process leading to the counting of results in a different location or suspension of the voting process especially in Imo West Senatorial District. Vote buying was reported across eleven polling units in Imo, three polling units in Kogi. Voters displayed how they marked their ballots before dropping them in the ballot box.

1. **Ballot Box Snatching:** Yiaga Africa received reports of snatching of ballot boxes in the Umudike Hall Polling Unit in Dikenafair Ward of Ideato LGA,

and Umucheke Village Hall Polling Unit of Amaifeke Ward in Orlu LGA. In Duruaku Village Square Polling Unit (002) of Isu-Njaba Ward in Isu LGA, the security officials stationed at the polling unit moved the ballot box and INEC officials during voting which impeded voters from casting their ballot.

2. **BVAS Bypass:** Cases of non-use of BVAS for voter accreditation was received by Yiaga Africa. For instance in Town Hall Field/Alodo polling unit in Iboko/Efakwu Ward of Ofu LGA, Imo state and Polling Unit 005, in Ward 5, Lokoja LGA of Kogi State, the BVAS was not used to accredit voters before voting.
3. **Violence and Disruption of the Voting Process:** Yiaga Africa received reports of disruption of the voting process and suspension of election from 3 polling units in Imo state. The polling units affected are polling unit no 16/15/06/012 located at Nwafor Umulolo Hall, Nwangele LGA; polling unit no 16/20/05/003 located at Comm. School, Umuduru, Onuimo and polling unit 16/06/13/026 located at Ulonwa maternity (Akanu Ogologo), Ideato South LGA. Additional polling units where elections did not hold or were suspended: polling unit 16/17/06/012 located at Central Assembly Square Umushim II, Oguta LGA.
4. **Intimidation and Harassment of Voters:** In 14% of polling units in Imo, Yiaga Africa received reports on intimidation and harassment of voters. Specifically, reports were received from Central School, Uboma, Okata ward, Ihitte/Uboma LGA, PU 002, Owerre Nkworji, Nkwerre LGA LGA and PU 017 Ndiohi Ogii in Okigwe LGA. However, in Kogi cases of Intimidation and harassment of voters were received from 4% of polling units in Kogi. Notably, voters and polling officials were intimidated and harassed in Open Space by the Market Site Odokuro Polling Unit in Ijimu LGA.

Kogi State Result Verification

Based on reports from 278 of 286 (97.2%) sampled polling units, Yiaga Africa's statistical analysis shows that the All Progressives Congress (APC) should receive between 47.0% and 59.0% of the vote, Peoples Democratic Party (PDP) should receive between 4.8% and 7.4% and Social Democratic Party (SDP) should receive between 31% and 42.4% of the vote. No other political party should receive more than 1.2% of the vote.

INEC's turnout and rejected ballots for the 21 LGAs as announced are consistent with Yiaga Africa WTV PRVT estimates. Yiaga Africa's turnout estimate is between 34.4% and 43.6% (39.0% \pm 4.6%) while INEC's official turnout is 40%. Similarly, Yiaga Africa estimates rejected ballots are between 0.9% and 1.5% (1.2% \pm 0.3%) while INEC's official rejected ballots number is 1.45%.

The official results for the 2023 Kogi State governorship election matched Yiaga Africa's Watching The Vote (WTV) estimates, indicating that the results were likely not tampered with during the collation process. Nonetheless, reports from Yiaga Africa and other observer groups about pre-filled result sheets in certain wards cast doubt on the credibility of the results from the implicated Local Government Areas (LGAs). This highlights the complexity of ensuring electoral integrity, even when overall results align with independent estimates.

Comparison of INEC Official Results for the LGAs released with Yiaga Africa WTV PRVT Estimates for Select Political Parties for the 2023 Kogi Gubernatorial Election						
Party	INEC	Yiaga Africa WTV PRVT estimates				Match
	Official Result	Estimate	Margin of Error	Estimated Range		
				Lower Limit	Upper Limit	
ADC	2.79%	3.0%	±1.1	1.9%	4.1%	✓
APC	57.04%	53.0%	±6.0%	47.0%	59.0%	✓
PDP	5.93%	6.1%	±1.3%	4.8%	7.4%	✓
SDP	33.11%	36.7%	±5.7%	31.0%	42.4%	✓

Note: No other party received more than 1.2% of the vote share

Source Yiaga Africa WTV November 2023

Recommendations

1. INEC should thoroughly investigate all the allegations of malpractices and misapplication of election laws and guidelines and remediate all the flaws, including prosecuting its staff for complicity.
2. INEC should comprehensively audit the Imo governorship election results and make its findings public.
3. Security agencies, especially the Police, should investigate and prosecute cases of complicity and unprofessional conduct of some police officers.
4. The National Assembly should accelerate the electoral reform process, especially establishing the Electoral Offences Commission to promptly and diligently prosecute electoral offenders.
5. INEC should review its policy to ensure that eligible voters across all

polling units are given equal voting opportunities. The review should ensure that voters in polling units where elections are suspended or cancelled for electoral malpractice or logistical challenges are allowed to vote.

Conclusion

The elections in Kogi and Imo reaffirm the lack of commitment to democratic principles and credible elections on the part of electoral stakeholders. The zero-sum attitude to electoral politics undermines electoral integrity and citizens' right to elect leaders. Yiaga Africa reiterates its earlier call that election administration requires fundamental reforms to inspire public confidence and enhance the legitimacy of election processes and outcomes. This includes fundamentally reforming the election management body, INEC, and the attitude of politicians to elections. Cases where electoral officials arrive at the polling units with pre-filled election results is unacceptable and highly condemnable.

The Watching The Vote project is **"Driven by Data – For All Nigerians – Beholden to None!"**

Dr. Hussain Abdu

Chair, Yiaga Africa WTV Working Group.
Yiaga Africa

Itodo Samson

Executive Director
Yiaga Africa

Statement on February 03, 2024, Bye-Election & Re-run Elections

Monday, February 5th, 2024

On Saturday, February 3rd, 2024, the Independent National Electoral Commission (INEC) conducted bye-elections and rerun elections in 26 states across the Federation. The polls were held in 8,934 polling units across 575 wards, involving 4,613,291 registered voters who had collected their permanent voters' cards (PVCs). Nine (9) states held National and State Assembly elections to fill vacancies created by death or resignation, while Seventeen (17) states conducted re-run elections due to orders from Election Appeal Tribunals.

Yiaga Africa Watching the Vote (WTV) deployed citizen observers across Ebonyi, Kebbi, Ondo and Yobe States to observe the elections. Additionally, Yiaga Africa received reports from its citizen observers in the other states where elections were conducted. Yiaga Africa did not utilize the Process & Results Verification for Transparency (PRVT), formerly known as the Parallel Vote Tabulation (PVT) Methodology, for these elections. Accordingly, our findings are based on our overall assessment of the election day process.

Yiaga Africa notes that INEC made considerable effort to ensure proper management of the election day process across some constituencies where the elections were conducted with minimal reports of process-related incidents. However, some states' elections were marred by unfortunate incidents that are becoming recurring features in our elections. In states like Plateau and Enugu, the elections were marked by delays in the commencement of polls and perennial logistic challenges and complicity by election officials. In some other states like Akwa Ibom and Kano, incidents like violence, intimidation, harassment, ballot box snatching, and disruption of the process were observed. Polling officials were abducted in Kano but were eventually released thanks to the swift intervention of the security officials.

Yiaga Africa strongly condemns the actions of hoodlums and compromised election officials that led to the disruption or suspension of polls in some areas like Akwa Ibom, Enugu, Kano, and Plateau states. We applaud the efforts of the security agencies in ensuring a safe environment for the elections. However, we urge the security agencies to investigate the incidents and ensure that all those responsible are held accountable.

We commend the swift response of INEC in suspending elections in areas where there have been reports of abductions of ad hoc staff, process disruption or irregularities. We urge the commission to promptly address the issues, investigate and impose sanctions on its personnel who may have compromised.

Summary of Election Day Findings:

1. **Arrival of INEC officials and Commencement of Polls:** INEC Officials arrived early across most of the polling units observed. More than half of Yiaga Africa observers reported that INEC officials had arrived at 7:30 am in the polling units.

By 9:30 am, **accreditation and voting** had commenced in the polling units visited.

2. **Deployment and Functionality of the BVAS:** Yiaga Africa observed that the BVAS was deployed across the polling units visited. Yiaga Africa observed the deployment of at least 1 BVAS in the polling units visited.

Records for the total number of accredited voters on the BVAS were not shown before the commencement of the process in 9 of the polling units observed.

The BVAS was used and functioned adequately throughout the day in all the polling units observed. The BVAS systematically checked voters' biometrics (Finger of face) and Permanent Voter's Card before they were allowed to vote.

3. **Deployment of Materials:** While essential election materials were seen in most polling units visited, reports were received of insufficient materials in some polling units in Plateau and Enugu.
4. **Deployment of Security Personnel:** Security agents were sighted in the polling units visited.
5. **Deployment of Party Agents:** The agents for All Progressive Congress (APC), People's Democratic Party (PDP) and Labour Party (LP) were mostly sighted in the polling units visited.

Counting and Results Transmission

1. Counting was done in the same location as accreditation, and voting was done in the polling units observed.
2. In 19 polling units, the polling officials showed how every ballot paper was marked to the party agents and observers present. In some polling units visited, the party agents and observers agreed with the decision regarding which ballot papers were rejected.
3. The results were posted for the public to see in some of the polling units observed, while this was not done in other polling units observed.
4. In some polling units, the presiding officer attempted to transmit/send the image/picture of the polling unit results sheet Form EC8A to the INEC results

viewing portal.

Critical incidents

- 1. The Secrecy of Ballots:** Based on the reports from Yiaga Africa's observers, in some polling units located in Ebonyi, Ondo and Yobe states, people were able to see how voters marked their ballot papers.
- 2. Misconduct at polling units:** Yiaga Africa observers reported incidents of vote buying, intimidation, harassment, and violence in a few polling units observed.
- 3. Delayed commencement of polls in Enugu:** Yiaga Africa received reports of delayed commencement of polls across several polling units in Enugu. Voters refused to allow officials to commence the process as they arrived without result sheets in several polling units.
- 4. Election Suspended:** Voting was suspended in some polling units on the 3 February 2024 election for several reasons. For instance, the process was suspended at Utan Polling Unit (048) in Tudun-Wada/Kabong ward of Jos North LGA in Plateau State due to incomplete ballot papers. The polling unit had 1,846 registered voters, but only 200 ballot papers were available at the start of the election on February 3. The voters protested and demanded that more ballot papers be provided. INEC later sent 300 additional ballot papers to the polling unit. However, the voters were still unsatisfied with the situation and insisted that the election be cancelled until sufficient ballot papers were dispatched to the polling unit. In Akwa Ibom, election materials were carted away; hence, the election was suspended in two polling units, Village Hall, Edem Urua 003 in Ini LGA and Village Hall Mbiabong Ikot Udo 003 in Ikono LGAs.
- 5. Diversion of Election Materials:** The election in Ini LGA in Akwa Ibom was disrupted by violence, as some supporters of political parties were caught in possession of election materials. According to a report by Yiaga Africa observer, three high-profile individuals in the state were found with sensitive election materials. In addition, supporters of political parties were also caught diverting election materials to unknown locations in Ibiono LGA, Akwa Ibom.

Recommendations:

1. INEC should, as a matter of urgency, conduct capacity building for all its staff at the National, State and Local levels to professionalize election administration and limit some avoidable challenges observed in election administration.
2. INEC should conduct an after-action review for the bye-elections and the re-run election to assess the election day process and review observation findings and all complaints received during the election. In addition to this, INEC needs to audit the conduct of its officials deployed. This will enable a better understanding of the challenges and effective means of addressing some of

the challenges observed.

3. INEC should ensure due diligence in managing and distributing election materials, particularly sensitive election materials like ballot papers and result sheets to specific polling units.
4. We call on INEC to investigate and prosecute election officials who connived with politicians to compromise the elections. A detailed list of prosecuted and sanctioned staff should be made public to serve as a deterrent.
5. We call on security agencies to arrest and prosecute all those who instigated violence and masterminded the disruption of polls. This should also include apprehending those involved in vote buying and selling during elections.
6. The political parties must consciously safeguard Nigeria's electoral democracy by discouraging the attitude of winning at all costs and flagrant disregard of the rules.

Watching The Vote is **“Driven by Data – For All Nigerians – Beholden to None!”**

Thank you, and God Bless the people of Nigeria!

Dr. Hussain Abdu

Chair, Watching The Vote Working Group
Yiaga Africa

Samson Itodo

Executive Director
Yiaga Africa





@yiaga



Plot 54 Cadastral Zone, Idu, Kano 900108,
Abuja, Federal Capital Territory



www.yiaga.org