

Gaps in 2022 Electoral Act and Challenges Confronting the Administration of 2023 General Elections in Nigeria

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Abstract

The 2022 Electoral Act as a political component was enacted primarily to fill in some of the gaps and flaws found in the 2010 Act, offering a more comprehensive and improved framework for managing elections and the electoral process. However, the electoral process still significantly deviated from the legitimate and reasonable anticipations of Nigerian citizens. It is within this context that the present study investigates the interrelation between the deficiencies inherent in the 2022 Electoral Act and the challenges encountered in the administration of the 2023 General Elections in Nigeria. Methodologically, this study employed a documentary approach, wherein data was systematically amassed from secondary sources and subsequently subjected to rigorous content analysis. The theoretical framework of structural functionalism proved to be an appropriate lens for the thorough exploration of this inquiry. The findings delineated in this study reveal that the 2022 Electoral Act encompasses several significant deficiencies, including the absence of legislation to facilitate and endorse independent candidacy, exclusion of diaspora voting, technological impediments, underrepresentation of women in elected positions, and the failure to institute an Electoral Offenses Tribunal. In light of these conclusions, the study offers several recommendations, positing that it is critical to revise the Electoral Act 2022 to eliminate the intentional loopholes incorporated by INEC, the Nigerian Government should embark on urgent and robust affirmative measures to ensure substantial representation of women in alignment with the National Gender Policy, party candidates and their affiliates ought to be held accountable for perpetrating electoral offenses. Above all, there exists a pressing necessity for comprehensive data regarding the specific requirements and locations of Persons with Disabilities (PWDs) through the distribution of assistive voting instruments.

Keyword: 2022 Electoral Act, Challenges, Election Administration, Nigeria.

1.1 Introduction

Elections are fundamental to the dynamics of competitive politics in contemporary society, particularly within the context of the "third wave" of democracy (Huntington, 1991; Jega, 2013, 2015; Agbiloko & Chiotu, 2021). In this regard, certain analysts have posited that the regular occurrence of elections alongside the concomitant political rights and civil liberties witnessed in

emerging democracies such as those in Africa serves as a marker of democratic advancement and hopefulness (Agbu, 2016). Paki and Inokoba and Kumokor (2011) assert that elections, as a political phenomenon, epitomize the systematized protocols for electing political office bearers by the electorate of a nation. Nonetheless, Nigeria's electoral experiences and endeavors towards democratization have not been particularly commendable since attaining independence. It is therefore not surprising that previous attempts at democratization have faltered due to distorted electoral practices and processes. The severity of the situation has resulted in election periods becoming synonymous with violence and politically motivated turmoil.

Regrettably, the realm of politics has been transformed into a profit-driven enterprise, thereby reinforcing the perception that elections are contests intended to be won at any conceivable expense (Okoye, 2021). This transformation has rendered electoral proceedings in Nigeria and Africa akin to a state of warfare. This is attributable to the fact that, from its inception, the Electoral Commission of Nigeria (ECN) during the First Republic through to the Independent National Electoral Commission (INEC) of the Fourth Republic has failed to exhibit the requisite competence necessary for the fulfillment of their duties that would engender public confidence in the electoral process. The aforementioned deficiencies account for the prevalence of widespread electoral fraud, intimidation, and disorder. Consequently, these factors have prompted some prominent political parties to abstain from participating in elections, thus engendering a legitimacy crisis (Agbiloko & Okafor, 2023).

In light of these challenges, successive administrations in Nigeria have undertaken initiatives to rectify the deficiencies in the electoral framework, particularly through legal and institutional reforms. In addition, the 9th National Assembly has contributed positively to the political landscape through the enactment of the Electoral Act (2022). The ratification of the amended Electoral Act in 2022 is intended to furnish a legal infrastructure for elections and to address numerous issues afflicting the conduct of elections in Nigeria. Notably, the principal provisions incorporated into the amended Act encompass the establishment of a more robust framework to bolster electoral integrity and the introduction of various innovations, particularly, the procurement of advanced funding for INEC, the integration of electronic technology for voting and results transmission, the introduction of additional verification mechanisms, as well as the obligation for INEC to undertake reasonable measures to mitigate barriers for persons with disabilities (PWDs) and other marginalized individuals in exercising their voting rights (Electoral Act, 2022; Agbiloko & Okafor, 2023).

Nevertheless, the Act is characterized by significant deficiencies, including: the absence of legislative measures to facilitate and authorize independent candidacies, the exclusion of diaspora voting, inadequate representation of women in elected offices, insufficient voting provisions for Persons with Disabilities (PWDs), technological malfunctions, and the failure to institute an Electoral Offenses Tribunal. In the absence of an Electoral Offenses Tribunal designed to address misconduct perpetrated by political parties and to implement incentives encouraging citizen compliance with the law, accountability for transgressors has not markedly improved since the 2019 General Elections, primarily due to a deficiency in the enforcement of such regulations (Preliminary Statement of the Joint NDI/IRI (2023)). It is within this context that the present study investigates the relationship between the deficiencies identified in the 2022 Electoral Act and the challenges faced in the administration of the 2023 General Elections in Nigeria.

Literature Review

2023 General Elections in Nigeria

Nigeria, as a sovereign entity, has engaged in various electoral processes since its transition to a democratic governance framework, with the 2023 General Elections representing the most recent event, which witnessed the inauguration of a new administrative structure at both the national and state echelons (Amao, 2020; Augustus-Daddie et al., 2024). According to Olijji (2023), the 2023 General Elections prompted a significant turnout of Nigerian citizens at polling stations on February 25 and March 18, 2023, for the purpose of electing a new President, National Assembly representatives, as well as 28 State Governors and members of 36 State Houses of Assembly. This electoral event constituted the seventh successive general election since the nation resumed democratic governance in 1999 (DII, 2023). It signifies 23 years of uninterrupted democratic practice, the longest recorded in the annals of Nigeria's political history. Nonetheless, various electoral observation organizations, both domestic and international, have presented divergent evaluations regarding the credibility and quality of the outcomes of preceding elections. Some have posited that the results are evolving from suboptimal to satisfactory; while others contend that the outcomes are diverging further from acceptable democratic norms (Omotayo, 2023; Agbakoba, 2023).

For instance, Omotayo (2023) undertook a study entitled "To Whom 'Too Much' is Given" in The Republic. He investigated the procedural conduct of the 2023 elections and posited that there was an increase in political engagement attributable to the substantial number of youth in Nigeria who registered to participate in the electoral process. He noted that the electoral commission allocated N305 billion for the 2023 elections, reflecting a 62% augmentation compared to expenditures incurred during the General Elections in 2019, thereby rendering it the most financially burdensome election in the historical context of Nigeria's electoral processes. This increment, in conjunction with the implementation of technological innovations intended to guarantee precise voter verification and the near real-time uploading of results, was articulated as a rationale for the heightened expenditure. He further asserted that the extensive promotion surrounding the deployment of the BVAS technology to uphold the integrity of the electoral process was fundamentally misleading. Similarly, Agbakoba (2023) concentrated on the alarming revelations regarding the BVAS system. He disclosed that the 2023 General Elections represent one of the most egregious instances of electoral petitions due to the fact that the BVAS was utilized solely for voter certification, contrary to the representations made to the Nigerian populace by the National Assembly upon the enactment of the Electoral Act of 2022. For Agbakoba, it is, therefore, essential to undertake a comprehensive review of the Electoral Act 2022 to eliminate the intentional gaps introduced by INEC to circumvent the comprehensive application of technology in the conduct and declaration of election results in Nigeria.

Previous research has examined the confusing effects of general elections on Nigeria's political environment, revealing both positive and negative impacts. Furthermore, the existing literature has not sufficiently offered systematic analyses of the phenomenon in question, since most scholarly works have primarily taken the form of subjective opinions in the context of journalistic publications without taking a comprehensive approach to the relevant problem. Addressing this informational gap in light of the previously noted knowledge gap is the aim of the current investigation. For that reason, this academic paper is divided into five parts: An introduction and a review of the literature are given in the first section. The basic theoretical issues

surrounding methodology and discourse are covered in the second section. The third segment evaluates some of the issues facing Nigeria's government in order to look at the country's general elections in 2023. Concluding thoughts are presented in the fourth section, and recommendations are outlined in the final section.

11. Theoretical Framework

The study used the structural functionalism theory as an analytical framework to examine the shortcomings of the 2022 Electoral Act and the difficulties facing Nigeria's general elections administration in 2023. The structural-functional theory has its roots in Aristotle's investigation of ultimate causes, specifically activities that have a connection to their functions or purposes. The French philosopher Baron De Montesquieu made a substantial contribution to the later development of this theory in the 17th century with his theory of the separation of powers, which is based on the idea that some tasks are best carried out when carried out independently, thereby fostering stability and security. Functionalism's importance was highlighted when Darwin's Theory of Evolution started to influence how people now interpret human behavior (Sule, Mart & Sani, 2018). The scholastic works of Durkheim, Parsons (1951), and Merton (1968) provide the foundation of structural functionalism in sociological discourse. These scholarly traditions played a crucial role in the development of contemporary social science thought. Following this, political scientists like Almond & Coleman (1960) adopted and expanded upon the theoretical structures.

According to Emile Durkheim's 19th-century theory, societies are made up of disjointed parts that need to work together harmoniously for the overall societal structure to function as best it can (Durkheim, 1893). Furthermore, according to Durkheim (1893), the effectiveness of social ties is essential; if they are ineffective, society will disintegrate. As a result, since the middle of the 20th century, structural functionalism has become one of the most widely used theories in the social sciences, especially in political science and sociology. It is well known that structural functionalism is an investigative tool and a theoretical approach to the study of political phenomena that aims to clarify the basic roles of political structures within the political system. In essence, it clarifies how the various parts (structures) interact with one another and with the political system as a whole. According to Alabi and Sakariyau (2013), this relationship is expressed in terms of the roles assigned to each component. The theory is relevant and applicable to the study, mainly because it provides deep understanding of the connection between a political structure and its associated functions, which can be impacted by a number of variables that affect how effective or ineffective the structure is. Given the aforementioned factors, the Electoral Act of 2022 as a political component was enacted primarily to fill in some of the gaps and flaws found in the 2010 Act, offering a more comprehensive and improved framework for managing elections and the electoral process.

More precisely, section 3(3) of the Act further enhanced the INEC's financial independence as a commission by directing that funding for general elections be released no later than one year before to the election. To give the Commission and political parties enough time to prepare for the election and wrap up the candidate nomination procedure, sections 28 (1) and (2) stipulated that the commission must issue the Notice of Election for a general election no later than 360 days prior to the election. Other innovative provisions encompass the establishment of a comprehensive centralized database for an electronic register of voters and an electronic national register of election results (Section 62(2)); a subsection pertaining to over-voting, which now delineates over-voting in relation to the disparity between the count of accredited voters and the

total number of votes cast (Section 51(2)); stipulations concerning the Commission's authority to reassess the outcomes of an election that has been declared under duress; and the integration of technological advancements into the result management processes of the Commission, as detailed in sections 24, 25, 27, 41-42, 46-47, 50-51, 56, 60-62, 65-71, 141, and 146-148.

Notwithstanding, the Act reveals significant deficiencies, such as the absence of legislative measures to facilitate and authorize independent candidacies, overseas voting, inadequate representation of women in elected offices, insufficient voting provisions for Persons with Disabilities (PWDs), technological malfunctions, and the failure to institute an Electoral Offenses Tribunal. In the lack of an Electoral Offenses Tribunal to effectively address transgressions by political parties and to implement incentives for civic compliance with the law, accountability for offenders has not appreciably progressed since the 2019 General Elections, primarily due to a deficiency in enforcement accountability. The aforementioned issues elucidate why Nigeria's electoral processes have historically been plagued by persistent irregularities, operational challenges, multifaceted electoral violence, voter intimidation, diminished voter participation, and structural complexities that undermine the fundamental nature and constitutional obligations of the electoral system, thereby exacerbating several of the enduring challenges that beset election administration in Nigeria.

Methodology

This investigation employed an ex post facto research design. Kerlinger (1977) as referenced in Ogbanje (2016) delineated ex post facto research design as a subtype of descriptive research wherein an independent variable has transpired prior to the study, thereby necessitating the researcher to initiate observations regarding a dependent variable. In a comparable context, Cohen and Manon (as cited in Ezeibe, 2012) elucidated that ex post facto design scrutinizes potential causal relationships through the observation of a pre-existing condition and the identification of plausible causal agents. Indeed, the application of ex post facto design is warranted when experimental research is impractical, such as in instances where individuals have self-selected levels of an independent variable or when a treatment occurs organically, beyond the researcher's purview regarding the extent of its implementation. Within this methodological framework, an existing case is examined longitudinally to facilitate its analysis or evaluation. The deficiencies within the 2022 Electoral Act and the obstacles confronted by the administration of the 2023 General Elections in Nigeria represent phenomena over which the researchers possess no control. This condition validates our justification for the adoption of the ex post facto design.

Moreover, the study employed the documentary method of data collection to obtain adequate evidence for its analysis. The documentary method pertains to research executed through the use of official or personal documents as sources of information (Nworgu, 2006). Consequently, the study will rely on secondary data sources, which encompass a collection of resources including books, journals, and diverse articles, in both digital and print formats, that contain relevant information pertaining to the phenomenon under investigation. The decision to utilize the documentary method of data collection is grounded in its numerous advantages, which predominantly include the alleviation of "the research effect," the assurance of material availability for the study, the cost-efficiency and reliability of data that may otherwise remain inaccessible, and the conservation of time. Thus, the advantages associated with this data collection methodology significantly influenced our methodological selection.

Furthermore, the paper adopted a content analytical approach wherein the collected data underwent thorough analysis. The content analysis method encapsulates any systematic technique aimed at deriving inferences through the objective identification of specific characteristics inherent in messages (Ezeibe, 2015). The justification for the selection of this analytical method lies in its capacity to enable researchers to adeptly navigate extensive datasets in a structured and systematic manner. Consequently, the analysis conducted in this study was based upon the interpretation of information sourced from secondary materials, including the 2022 Electoral Act, official documents, scholarly literature, journals, online resources, and various other pertinent articles available in both print and digital formats relevant to the inquiry.

111. The 2023 General Elections in Nigeria: An Assessment of Some Challenges

The defining characteristic of democracy is universally recognized as the occurrence of elections across various global regions. Furthermore, elections serve to empower the electorate, enabling them to hold governmental entities accountable and to advocate for effective service delivery and sustainable development agendas from potential government officials. Undoubtedly, the general elections of 2023 have transpired; however, these elections were marred by several reported deficiencies, which significantly impeded their effective execution due to conspicuous shortcomings within the 2022 Electoral Act (Adebiye, 2023; Augustus-Daddie et al, 2024). These challenges manifested in multiple dimensions and forms, including electoral violence both preceding and following the elections, the absence of legislative measures to establish and facilitate independent candidacy, exclusion of diaspora voting, inadequate representation of women in elected positions, insufficient voting accommodations for Persons with Disabilities (PWDs), the failure to establish an Electoral Offenses Tribunal, low voter turnout, and technological malfunctions, all of which adversely impacted the electoral process, as detailed below:

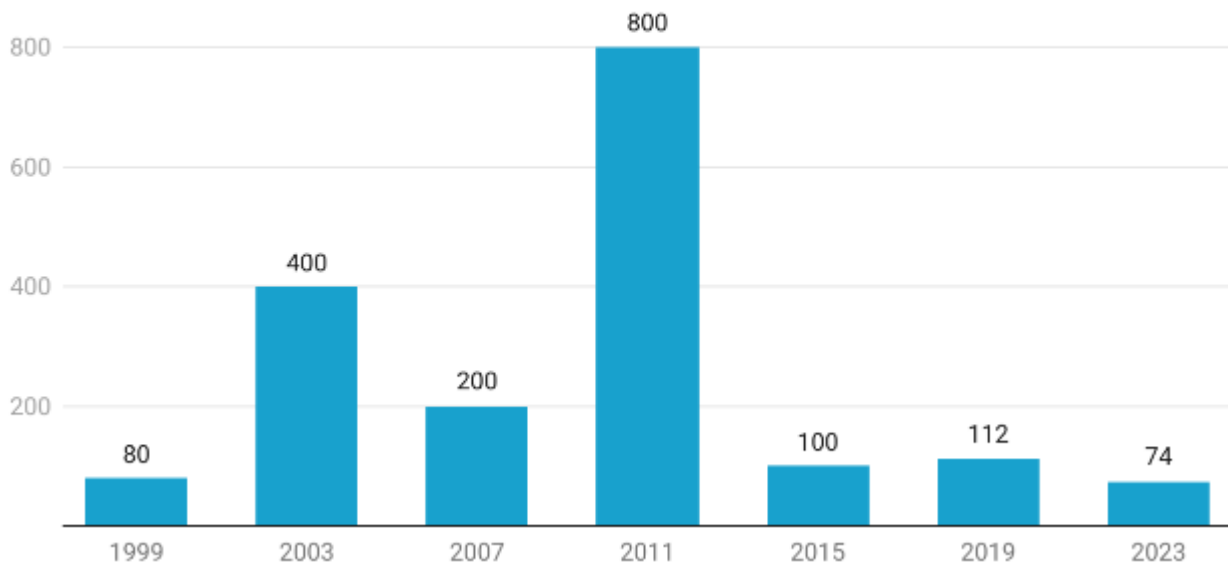
- **Electoral Violence**

Nigeria's electoral processes have persistently been characterized by pervasive irregularities, operational deficiencies, multifaceted electoral violence, voter intimidation, and structural complexities that fundamentally undermine its integrity and constitutional obligations. For instance, during the 2023 General Elections, Usman (2023) documented observations made by the International Centre for Investigative Reporting (ICIR) regarding acts of violence and intimidation directed at voters in the Sabon Gari Local Government Area of Kaduna State, specifically at Polling Unit 008, Hanward Ward, where certain party agents were reportedly observed distributing cash payments of N1000 naira to voters inclined to support their party. Furthermore, there were numerous instances of polling disruptions instigated by political thugs, who engaged in the theft of ballot boxes and the destruction of electoral materials nationwide, with some incidents resulting in the fatalities of voters (Aworinde, 2023). In Rivers State, Godwin (2023) described an incident where an explosion and sporadic gunfire interrupted an All-Progressives Congress (APC) political rally in Ojukwu Field, causing attendees to flee in panic.

In a related context, Willie (2023) reported that during the state assembly elections in Bayelsa State, thugs seized and incinerated electoral materials for four wards in Ogbia Constituency 2, thereby compelling officials from the Independent National Electoral Commission (INEC) assigned to the constituency to seek refuge. In light of the aforementioned circumstances, Biriowo (2023) posited that electoral violence constitutes an integral component of the political

landscape and possesses the capacity to influence the actions of voters and candidates, often resulting in the distortion of the electoral process; the pervasive fear of violence contributes to delays in the announcement of election results and exacerbates disruptions to electoral activities throughout Nigeria. For example, the General Elections of 1999 and 2003, which resulted in the initial election and subsequent re-election of former President Olusegun Obasanjo, were marred by pre-election, electoral, and post-election violence, culminating in 80 and 400 fatalities, respectively. Likewise, subsequent elections have followed a similar trajectory, further complicating the situation (Augustus-Daddie et al., 2024). A report issued by the Civil Society Organisation Kimpact Development Initiative (KDI), as referenced by Biriowo (2023), indicated that the 2023 General Elections witnessed no fewer than 238 violent incidents, resulting in 24 fatalities. The report further indicated that 98 of these violent occurrences transpired during the presidential election on February 25, while 140 were noted during the gubernatorial and State House of Assembly elections in March. Echoing a comparable perspective, the EU-EOM 2023 report documented 101 violent incidents and 74 associated fatalities. A Dataphyte report in line with the above narrated electoral antecedents that validated this trend as exemplified in figure 1 below.

Trend of electoral violence-related deaths during general elections since 1999



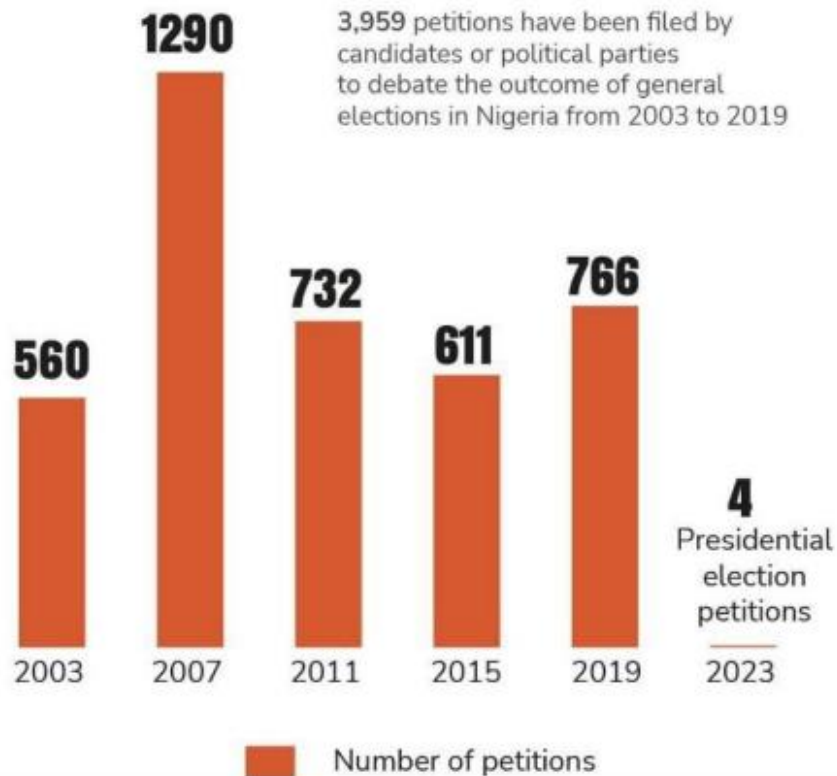
Source: <https://elections.dataphyte.com/insights/eu-eom-report-challenges-and-achievements-of-nigerias-2023-general-elections>

Because of the hostile environment that prevails, election results are frequently contested. In Nigeria's situation, this is especially true after elections, as opponents and resentful parties file lawsuits to contest the outcome. For instance, according to a Dataphyte study, as of March 2023, there were 3,959 petitions filed in Nigeria's general elections between 2003 and 2023, with the highest number of petitions (1290) occurring in 2007. The figure below captures typical instances of these unfavorable situations.

Figure 2: Number of Petitions Filed in Nigeria's General Elections



Number of Petitions Filed in Nigeria's General Elections



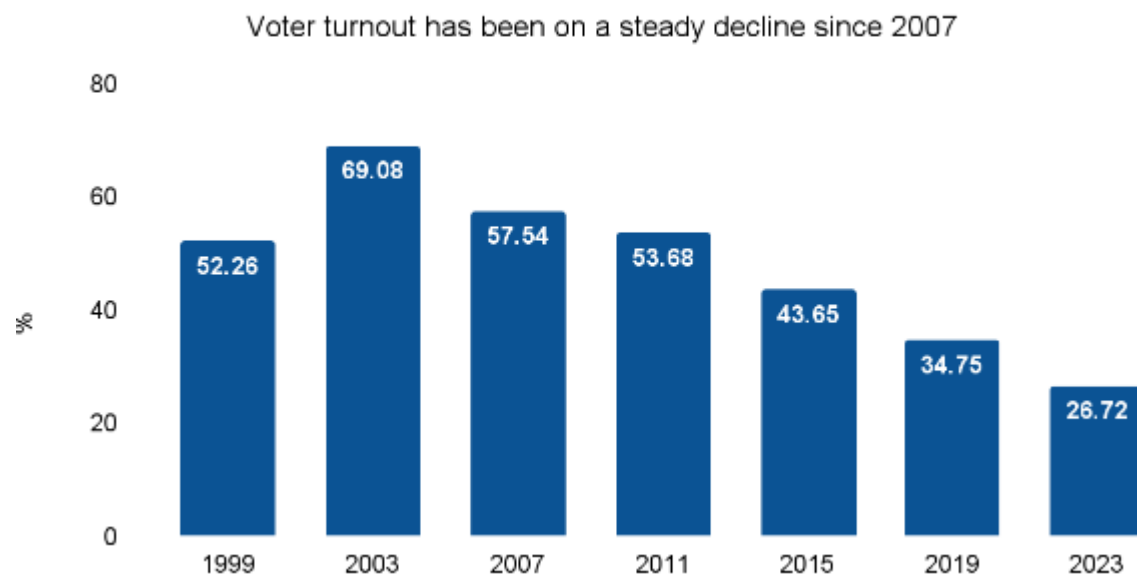
Source: <https://elections.dataphyte.com/insights/eu-eom-report-challenges-and-achievements-of-nigerias-2023-general-elections>

- **Voter Registration and PVC Collection Challenge**

In order to cast a ballot on Election Day, Nigerians must first register as voters and then obtain their Permanent Voters Card (PVC), which is a laborious procedure. The dissemination of PVCs, however, has proven to be particularly difficult. Due to issues like double and underage registration, INEC took steps to purge the voter register, removing over 2.7 million people from it. As a result, the procedures for displaying claims, objections, and delisting voters were unclear and overly burdensome for citizens, raising concerns about potential bias during the voter roll cleaning process, which disproportionately removed voters from certain regions at significantly higher rates (Agbiloko & Okafor, 2023). Given the aforementioned, INEC announced that nearly 7% of PVCs had not been collected by registered voters before election day, and it released disaggregated data on PVC collection by polling unit—which is used to calculate turnout and

margin of lead information—very late in the process. As a result, INEC twice extended the deadline for PVC collection until February 5. However, civil society activists and other stakeholders pointed out several issues with the collection process, such as INEC employees requesting payment in exchange for PVCs, a chaotic distribution, INEC employees not showing up, cards that were unavailable, and voters being instructed to come back later in February to retrieve their cards (Adebiye, 2023). According to Aworinde (2023), the aforementioned factors are the cause of the consistently poor voter turnout in state, national assembly, and presidential elections. According to Dataphyte (2023), the 2023 general elections saw the lowest voter turnout since the nation's restoration to democracy in 1999. For example, the 2023 General Elections had just 24.9 million (about 26.72%) voter turnouts out of 93.47 million registered voters, of whom 93% acquired their PVC as illustrated in figure 3 below.

Percentage of Voter Turnout in Nigeria's General Elections



Source: <https://elections.dataphyte.com/insights/eu-eom-report-challenges-and-achievements-of-nigerias-2023-general-elections>

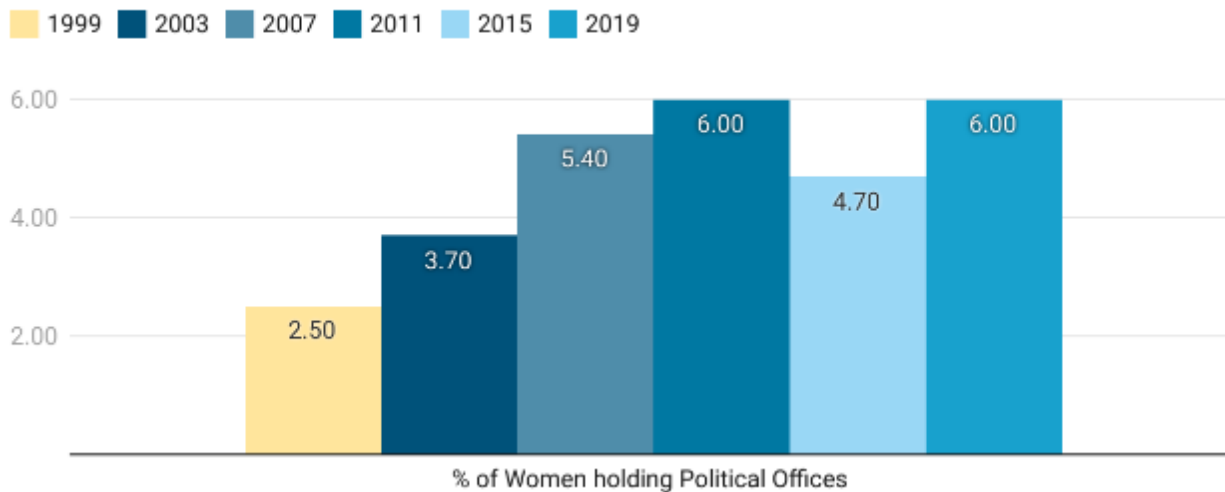
- **Underrepresentation of Women in Political Offices**

Nigerian women continue to be terribly underrepresented at all levels of government, and they encountered social and structural obstacles to their full and meaningful participation in the 2023 elections (Ariemu, 2023). Nigeria already has the lowest percentage of women in political office in Africa, according to dataphyte (2023); since 2015, fewer women have been elected; in 2023, women made up less than 10% of presidential and National Assembly candidates, down from 12% in 2019. For this reason, just one week prior to the 2023 election, the national leadership of the Allied People's Movement (APM), the only party to nominate a female presidential candidate, retracted its support for her and instead endorsed a male candidate reason being that the National Assembly rejected five constitutional change initiatives that sought to advance women's rights and political empowerment at the beginning of 2022.

Furthermore, according to Augustus-Daddie, J. et al. (2024), the preponderance of money in Nigerian political campaigns significantly disadvantaged female candidates, who usually lack

the resources necessary to successfully fight against their male counterparts. In addition, Augustus-Daddie, J. et al. (2024), further reveals that women candidates were often the victims of violence, particularly cyberbullying, sexual harassment and assault, and other physical abuse, which may have ruined their campaigns or stopped them from running at all. Women's representation in political office therefore continued to be negligible. In fact, a Dataphyte (2023) summarized this unpleasant fact in its study by exposing that women's representation in politics has never topped 6% since the start of the 4th Republic as aptly illustrated in figure 4 below.

Percentage of Women Representation in Political Seats



Source: <https://elections.dataphyte.com/insights/eu-eom-report-challenges-and-achievements-of-nigerias-2023-general-elections>

The grave implication of the foregoing is the reason that in the 2022 Global Gender Gap Index, Nigeria ranked 123rd out of 146 countries on the list. Despite the fact that no nation has yet attained complete gender parity, Nigeria appears to be falling behind nations like Iceland and Finland, which rank first and second on the African continent, and South Africa, which ranks 20th respectively.

- **Technological Failure in the Transmission of Election Results**

The INEC Results Viewing Portal (IReV) and the Bimodal Voter Accreditation System (BVAS) are two new technologies that INEC implemented to enhance the administration of the 2023 elections. Voters are biometrically verified by the BVAS, which also electronically sends a picture of the results at the polling unit level to the IReV web page. One of the biggest advancements in election transparency since the 2019 polls is the publication of polling unit-level results via IReV (<https://republic.com.ng/nigeria/bvas-inec-2033-elections/>). However, the management of these technologies, their nationwide functionality, and the public's trust in the systems are all critical to their success. This is because; INEC never carried out a comprehensive nationwide stress test prior to the February polls, despite piloting both systems during three off-cycle elections.

Additionally, there were issues including IReV visuals that were blank, hazy, or for the incorrect polling unit, even though the state pilots perceived an increase in the speed at which results were announced. Since it takes a lot of time and resources to download, transcribe, and tabulate individual forms, the images are not suitable for aggregate analysis. This makes the system

transparent but not always verifiable (Agbakoba, 2023). In view of the aforementioned, Adebisi (2023) and Augustus-Daddie et al. (2024) indicated that the results of the election demonstrated that the 2023 elections presented a variety of obstacles to the use of technology in our electoral process. This is due to the fact that in certain accreditation centers, registered voters were observed complaining about the Bimodal device's incapacity to verify them and the electoral commission's failure to transmit the results of the presidential election in real time, which allowed for possible result manipulation.

- **Inadequate Voting Provisions for Persons with Disabilities**

Persons with Disabilities (PWDs) now enjoy better voting rights thanks to advocacy activities and the Electoral Act 2022, among other steps proposed by INEC to fully realize the aforementioned (INEC Report on the 2023 General Election). This fact is illustrated in the table below.

Table 1: Voting Provisions for Persons with Disabilities (PWDs) across States and their Polling Units.

Table 4.2: Distribution of PWDs and Assistive Voting Devices by State and Polling Unit											
S/N	State	No. of Voters with Albinism	No. of Polling Units with Magnifying Glass	No of Visually Impaired Voters	No. of Polling Units with Braille Ballot Guides	No. of Voters with Hearing Impairment	No. o Polling Units with Ec30pwd Posters	No. of Polling Units with Physical/Mobility Impairment	No. of Voters with Physical Mobility Impairment	No. of Polling Units with Others	No. of Voters with Other Disabilities
1	Abia	319	284	123	100	55	53	168	181	155	242
2	Adamawa	939	548	203	174	171	153	262	385	240	543
3	Akwa-Ibom	367	328	136	128	131	100	186	268	233	300
4	Anambra	437	384	203	184	122	177	383	435	262	450
5	Bauchi	683	512	190	156	160	151	247	245	225	455
6	Bayelsa	215	151	116	55	88	69	124	132	118	329
7	Benue	540	444	181	170	203	170	281	377	200	406
8	Borno	444	359	471	329	133	115	176	204	461	1,313
9	Cross River	282	256	130	119	79	70	148	165	117	278
10	Delta	505	419	287	190	305	221	353	425	603	1,858
11	Ebonyi	199	167	91	85	85	69	159	178	208	519
12	Edo	675	553	174	148	331	250	315	1009	481	990
13	Ekiti	172	159	119	57	90	83	96	116	188	494
14	Enugu	324	280	153	106	149	89	191	217	204	321
15	Gombe	437	323	126	97	165	104	140	374	202	494
16	Imo	428	358	107	104	115	51	212	152	196	365
17	Jigawa	656	448	115	127	56	119	150	261	345	1,132

18	Kaduna	1523	854	141	395	130	205	393	183	707	2,658
19	Kano	1153	904	1263	272	237	272	499	486	679	1,482
20	Katsina	730	548	329	183	298	195	261	1423	467	2,165
21	Kebbi	750	513	207	92	213	97	130	298	234	792
22	Kogi	410	318	105	99	110	76	168	162	139	324
23	Kwara	551	384	106	153	102	130	305	211	287	634
24	Lagos	1294	1,137	208	450	162	423	949	461	1821	3,650
25	Nasarawa	450	358	543	157	519	130	229	1095	296	630
26	Niger	641	446	172	146	146	104	157	273	185	461
27	Ogun	545	476	250	184	117	142	355	233	541	1,232
28	Ondo	346	271	197	99	169	86	174	684	273	487
29	Osun	459	375	126	178	141	190	415	188	930	2,112
30	Oyo	614	542	194	174	219	211	572	567	586	718
31	Plateau	803	648	248	272	298	217	437	319	545	743
32	Rivers	429	382	309	160	238	102	281	504	568	893
33	Sokoto	625	485	169	165	168	114	186	394	833	3,760
34	Taraba	493	349	203	126	132	101	129	292	209	418
35	Yobe	467	296	142	84	106	65	80	218	281	352
36	Zamfara	851	501	109	132	73	118	138	94	486	1,934
37	FCT	394	311	157	108	143	123	276	178	470	629
	Total	21,150	16,071	8,103	5,958	6,159	5,145	9,725	13,387	14,975	36,563

Source: Independent National Electoral Commission Report of the 2023 General Election

However, it is still difficult to consistently and thoroughly implement strategies like EC40H at polling places to monitor PWD turnout. Reason being that under the new Act, INEC allegedly employed Form EC40H at polling places to measure PWD turnout and gathered PWD status as part of the voter registration process. Through both initiatives, INEC would be able to better focus the distribution of assistive devices and on-site polling unit support to PWD and give more precise disaggregated information about PWD participation (Okafor, 2023). Yet, the extent to which poll workers used the EC40H forms on Election Day is unknown. Although, many interlocutors believe that the PWD voter registration data is incomplete and does not represent the entire PWD voting community, despite INEC's purported collaboration with PWD organizations to augment the information on the voters list. The distribution of assistive voting tools, such as ramps, Braille ballot guides, and magnifying glasses for people with low vision and albinism, was insufficient on Election Day to serve all voters with disabilities due to a lack of thorough data on the precise needs and locations of PWDs (Okafor, 2023). For example, it was stated that there were only 6,000 magnifying glasses available to cover Nigeria's over 180,000 polling places ahead of the February 2023 elections. Despite INEC's efforts to increase the number of poll workers with disabilities, including by implementing a five percent quota recruitment policy, PWDs remain underrepresented in politics, with few parties actively seeking to advance them within their organizations (ECOWAS, 2023; EUEOM, 2023).

IV. Conclusion

The ratification of the amended Electoral Act in 2022 is intended to furnish a legal infrastructure for elections and to address numerous issues afflicting the administration of elections in Nigeria. Notably, the principal provisions incorporated into the amended Act encompass the establishment of a more robust framework to bolster electoral integrity and the introduction of various innovations, including significant extensions of electoral timelines, the procurement of advanced funding for INEC, the integration of electronic technology for voting and results transmission, enhancements in results transparency, as well as the introduction of additional verification mechanisms, limitations on the capacity of political parties to substitute candidates post-nomination period, and the obligation for INEC to undertake reasonable measures to mitigate

barriers for persons with disabilities (PWDs) and other marginalized individuals in exercising their voting rights.

However, the Act is characterized by notable gaps/significant deficiencies, including: the absence of legislative measures to facilitate and authorize independent candidacies, the exclusion of diaspora voting, underrepresentation of women in elected offices, insufficient voting provisions for Persons with Disabilities (PWDs), voter registration and the collection of Permanent Voter Cards (PVCs) challenges, technological malfunctions, and the failure to institute an Electoral Offenses Tribunal as stipulated in the Electoral Act. Consequently, the foregoing is the reason that Nigeria's elections have long been fraught with recurring irregularities, operational setbacks, multi-dimensional electoral violence, low voter turnout and structural intricacies distorting its essence and constitutional mandate thereby, contributing to some of the persistent challenges confronting election administration in Nigeria.

V. Recommendations

To significantly improve Nigeria's election system so that it reflects fundamental democratic values and satisfies regional and global electoral requirements. We recommend the following:

- **The Nigerian government should safeguard the interests of voters by ensuring legal certainty for all stages and aspects of electoral processes.** This is done by removing errors and ambiguities from electoral laws and regulations to prevent the possibility of conflicting interpretations and making sure revision processes are inclusive.
- **In order to boost the number of women running for office and holding elected office, the Nigerian government should take swift, decisive affirmative action to guarantee meaningful women's representation through special measures in accordance with the National Gender Policy and the Beijing principles.** The reason for this is that women's representation in politics has never surpassed 6% since the start of the 4th Republic.
- **Election-related actions, such as instigating violence, should result in accountability for party candidates and their followers.** This is achievable via strong, well-defined, and efficient interagency coordination that is regulated by unambiguous nonpartisanship guidelines, optimum utilization of resources, the delivery of efficient investigation and sanctions, and the regular dissemination of consolidated information on results to the public can all help address this.
- **In order to accommodate all voters with disabilities, it is necessary to gather thorough information on the unique requirements and locations of PWDs through the provision of assistive voting tools, such as ramps, Braille ballot guides, and magnifying glasses for those with limited eyesight and albinism.** Even while INEC has taken measures to increase the number of poll workers with disabilities, such as implementing a five percent quota recruiting policy, PWDs remain underrepresented in politics, with few parties actively seeking to advance PWDs within their organizations.

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