

PREPARATIONS OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) AND THE OUTCOME OF THE 2023 GENERAL ELECTIONS IN NIGERIA

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ABSTRACT

While many scholarly works have been dedicated to the study of elections in Nigeria, the preparations for and outcome of the 2023 elections have not received adequate attention. This article seeks to address that gap with an assessment of the preparations of the Independent National Electoral Commission (INEC) and the outcome of the 2023 general elections. Despite earlier concerns about the conduct of Nigeria's 2023 general elections, assurances from the electoral umpire calmed this anxiety and raised some hopes. However, the outcome of the election betrayed the hopes of not only most of the electorate but also local and international observers. The article argues that the outcome should not be a surprise because of the failure to reckon with endemic problems. These include the nature of Nigeria's politics, its elite, a lack of political will, lack of rule of law and constitutionalism, unpopular government policies, and a distrust of the system, particularly INEC and the judiciary.

Keywords: electoral reforms, technology, INEC, electoral malpractice, Nigeria

INTRODUCTION

Election management covers activities from pre-election to election day and post-election. These range from the registration and accreditation of voters, recruitment and training of ad-hoc staff, collation and announcement of results, and post-election audits and litigation. Carter and Farrell (2010) explore the relation between electoral systems and election management as well as the key challenges and opportunities associated with various electoral systems. They emphasise the importance of institutional design, voter behaviour and political context in shaping electoral system effectiveness. They also delve into various aspects of election administration, such as voter registration, candidate nomination, ballot design, polling procedures and results management and examine how different electoral systems affect these processes. The findings of the study show that electoral systems have a significant impact on the quality and legitimacy of elections, but these effects vary depending on the system's specific context and implementation. James et al. (2019) argue that ideal electoral democracy depends on integrity as well as the electoral body.

In Nigeria, scholars documenting elections in Nigeria include Omotola 2011; Olaniyan 2020; Onapajo 2020; and Uchendu and Egbe 2022. Other studies on election management in Nigeria found that thuggery, poor implementation of information and communication technology, poor planning, insecurity, and logistics have diminished the quality of the country's elections (Jinadu 2011; Shuaibu et al. 2019; Iwuoha et al. 2021; Igiebor 2022). Jinadu (2011) traced the various reforms and development trajectory of the election administration. He concluded that ethnicity has not only affected reforms but that the state has never insulated itself from the activities of the supposedly independent electoral umpire. Jinadu highlights the challenges that override Nigeria's election including the abuse of incumbency power, financial and logistical constraints, unreliability of voter register, manipulated nomination process, electoral malpractices, falsification of results, electoral violence, the partisan role of security agencies, and tardy and expensive adjudication processes. Nevertheless, there is still a gap in literature on the conduct of the 2023 elections, which this article addresses.

The article adopts the institutional theory and capacity development framework. Institutional theory explains why organisational structures and practices become entrenched, and also how and why change occurs. The foundations of current institutional theory took root between 1977 and 1983 amid a broader search for understanding the elements that support successful and sustained organisational performance. The theory originated in an article by March and Olsen (1984) on a revolt against the methodological individualism of both behaviouralism and rational choice approaches. Scholars in other fields of

sociology and economics later modified this study. Peters et al. (2000) define an institution as a formal or informal, structural, societal, or political phenomenon that transcends the individual level, which is based on more or less common values, has a certain degree of stability and influences behaviour.

This article explores the preparations of Nigeria's Electoral Management Body and the outcome of the 2023 presidential election, answering the following questions:

- What preparations were made?
- How were the general elections conducted?
- To what extent did it meet the aspirations of the people?
- What factors were responsible for the outcome of the general?

The article argues that the outcome of the general elections failed to meet the expectations of the citizens and observers because it failed to reckon with endemic problems and inadequacies.

The article has six parts: introduction; the structure of the electoral management board; preparations for the general elections; outcome of the general elections; factors responsible for the outcome of the general elections; and conclusion. The study uses the qualitative method and thus relies on both primary sources through participant observation, and secondary sources from textbooks, peer-reviewed journals, and internet documents.

UNDERSTANDING NIGERIA'S ELECTORAL MANAGEMENT BOARD

Nigeria has a long history of military rule which has affected the psyche of the emerging elite, leaders and followers. These military rulers established the 1999 Constitution which included the electoral umpire, the Independent National Electoral Commission (INEC) in terms of Decree No.17 on 5 August 1998 (Sule et al. 2017). INEC has the authority granted by Section 225 Sub-Sections 1-6 and Section 226 Sub-Sections 1-3 of the 1999 Constitution to oversee and regulate all electoral processes and activities in Nigeria. This was further strengthened by Sections 88-92 of the Electoral Act of 2010 which empowers INEC to carry out a variety of tasks, including the registration and deregistration of political parties, monitor their activities, oversee their finances (including income sources, expenditure and campaign spending limits), conduct financial audits and impose sanctions for regulatory violations (Sambo & Sule 2021).

The chairman of INEC is the chief executive and is appointed by the president of Nigeria with the approval of the National Assembly. The chairman is supported by twelve national commissioners, two from each of the country's six geopolitical

zones, namely the North-East, North-Central, North-West, South-East, South-South and South-West. INEC has seven departments: Personnel, Finance and Audit, Political Party Monitoring, Works and Housing, Information and Publicity, Legal Unit, and Operations and Logistics. Members of the governing board, who are directly appointed by the president, oversee the organisation (Sule et al. 2017).

Since 1999, the legal framework governing elections in Nigeria has undergone numerous reforms. The Electoral Act was passed in 2001, and it was followed by four subsequent acts in 2002, 2006, 2010 and 2022. Notably, the 2006 act made significant changes, granting the commission the authority to appoint its secretary, conduct voter education and prosecute violators. Furthermore, the law clarified the uncertainties surrounding the appointment and removal of resident electoral commissioners (RECs). The primary goal of passing the 2010 Electoral Act was to correct flaws in the 2006 act and align it with the revised constitution, resulting in a more cohesive and effective legislative framework (Jega 2012).

Despite some of these amendments, the chairman of the Commission has yet to be appointed by the president and the appointment ratified by a partisan National Assembly dominated by the ruling and majority political party. This also applies to its other officials. For example, several opposition members queried why Professor Yakubu Mahmood would succeed Professor Attahiru Jega who are both from the northern part of the country and from the same geo-political zone as President Buhari.

INEC receives direct funding from the Federation Account, a change made after the 1999 Constitution was amended. Previously, INEC had to submit its budget for approval by the National Assembly and then go through bureaucratic processes to disburse funds, which caused significant delays in the 1999, 2003 and 2007 elections. The establishment of the Independent National Electoral Commission Fund (INEC fund) in the Electoral Acts of 2006 and 2010 enabled INEC to prepare its budget, which is then disbursed directly from the Consolidated Revenue Fund. This funding procedure enables the Commission to independently manage the disbursement of its funds (Guobadia 2009).

By July 2021, INEC had rolled out the schedule for the registration and display of voters and the voter register for the 2023 elections. Registration would commence in September 2021 and end in July 2022 (Gana 2021a).¹ It also introduced some technological innovations. Pilot tests on electronic voting especially the Bimodal Verification Accreditation System (BVAS) were held in Isoko with assurance that all was set to be deployed at later stages (Gana 2021b).

1 Voter registration is both manual and online. The manual registration is by INEC staff in the designated local governments while the online is through the INEC portal. The portal allows a two-step registration process in which prospective registrants login by providing their basic bio-data. They then complete the registration by appearing at designated registration centres. The process also allows for the transfer of voters' card and collection at wherever they reside on election day..

INEC also deployed the Automated Biometric Identification System (ABIS) to clean up its voters register in order to weed out invalid registrations such as under-age voters and double registrations. Professor Yakubu announced that of the 2 523 458 individuals who had completed their registration within June and December 2021, 44.6 per cent (1 126 359) were invalid (Gana & James 2022). This indicates that while there was an attempt to sanitise the system, it did not state or adequately prepare for how these uncollected permanent voters cards (PVCs) would reach their owners. It was also a sign that there were inadequate awareness programmes for the electorate on how to obtain their PVCs. Fundamentally, it could have also been as a result of mistrust of the Commission or the Nigerian state and deliberate and random action by some staff of the commission.

Nigeria is a rogue, post-colonial, appropriated, unproductive and rentier state, according to Whitaker (1991 in Ifidon 1998) and Ebohon (2013). Thus, the state is not only prone to political instability and disregard of the rule of law and constitutionalism. It is also characterised as artificial, underdeveloped, dependent, weak, predatory and neo-patrimonial. Its federal character lies only in its constitution and this character is reflected in almost all its institutions, including the fiscal and monetary responsibilities of states as well as among the elite. This explains the inter- and intraparty issues leading to litigation. INEC chairman Mahmood Yakubu raised the alarm in November 2022 noting that the Commission had been joined in more than 600 cases relating to the conduct of primaries and nomination by political parties for the 2023 general elections. He stated that the situation became worrisome when a political party served 70 court summons on the electoral body in one day on the same issue (Oyeyemi 2022).

The implication of this infighting and litigation would manifest in the electorate either having to vote for other choices or not voting in areas or places where their choices were not on the ballot box. For example, the court voided all the senatorial candidacies and State House of Assembly candidacies in Lagos State. In some other states, gubernatorial candidates were declared illegitimate by the courts. The nature and character of the state has also trickled down to most of its institutions, including security. Nigeria's security sector suffered from inadequate and undisciplined personnel, was underfunded, had inadequate weapons, working tools and equipment. It also had a problem culture of corruption and lack of morale among its personnel (Thompson 2023a). All the security agencies take their orders only from the presidency, and in particular the president. States and local government areas which are closer to the people and are supposed to be autonomous are thus rendered ineffective. Over the years, these enforcement agencies have had neither local trust nor international regard (IPSA 2016; UNODC-NBS 2019; Thompson et al. 2020b; Thompson 2023b).

PREPARATIONS FOR THE ELECTIONS

Imbaruddin (2003) posits that for effective governance or public institutions, certain elements or analysis must be adhered to. These are: public sector dimension, task, and organisation and human resources dimensions. This can also be summarised as individual, organisational and systems.

Not much was done at the national or action level, comprising the social, political and economic conditions. Fuel scarcity added to the abject poverty exacerbated by federal government policy to redesign the naira, and this had begun to take its toll on the nation. Rumours that the fuel subsidy was to be removed had triggered fuel scarcity, and these twin issues of fund and fuel scarcity dominated the public space, leading to anarchy across the country. A few days before the election, Professor Mahmood received assurances that the Central Bank of Nigeria would release the appropriated funds for the election and the fuel issue would be settled. This was a belated respite from the Central Bank of Nigeria; however the issue of fuel scarcity and how the money would get to the 36 RECs including the FCT Abuja, was another hurdle which was eventually settled. There was a sense of insecurity and a tense political atmosphere across the country.

Speaking at the second quarterly meeting of the Inter-agency Consultative Committee on Election Security (ICCES) held at the Commission's headquarters in Abuja on 13 May 2022, INEC Chairman Professor Yakubu noted concerns regarding the security situation. However, while INEC appreciated the cooperation and support of all ICCES members in providing security for the deployment of election materials, protection of INEC officials, party agents, election observers, journalists and voters, the security situation was concerning. He then urged heads of security and law enforcement agencies to increase close monitoring and profiling of political actors, even thugs and their sponsors, no matter how highly placed, who exhibited tendencies to subvert the electoral process, and to trail, arrest and prosecute such persons (Gana 2022a). However, the chairman did not understand the modalities and framework or receive assurances from the security operatives on how they would secure voters in every corner of the country. The insecurity and tension across the country were palpable. On 25 November 2022, 24 lives were reported to have been lost and about 20 people injured in pre-electoral violence. Professor Yakubu decried the worrisome denial of public space for campaigns, and the violence and violations of Electoral Act 2022 by political parties and their candidates. He also warned that such acts could jeopardise the prevailing insecurity in the country and assured them and their supporters once again that votes would count as technology would be deployed (Ibrahim 2022).

The second aspect of analysis is the public sector. This includes rules and regulation, rewards and incentives. Though the Electoral Act of 2022 remained the

most tenable of current rules and regulations, it had many lapses which the elite had realised but failed to address. Following the motion to amend the Electoral Act of 2010 by the Senate Leader, Senator Yahaya Abdullahi in October 2021, the members endorsed the re-committal of some clauses of the Electoral Act No. 6 2010 (Repeal & Re-enactment) Bill, 2021 (SB. 122) to the Committee of the Whole (Ajibola 2021).

By January 2022, INEC announced the deployment of technology to ensure that the will of the people prevailed (Gana 2022b). Professor Yakubu issued an assurance that technology had come to stay, and the teething problems associated with it would be addressed (Gana 2022b). INEC also supported the Electoral Act 2022. After considerable politicking, the bill was finally approved in 2022 (Ajibola 2022) which meant that litigation in the use of technology was now a thing of the past.² Incentives for the ad-hoc staff were disappointing as the honorarium was only slightly more than what was paid in 2019, despite inflation.

The third dimension concerns how to include other sectors or government parastatals to ensure a smooth election. Understanding the role of logistics in elections as a cause of election postponement in Nigeria, INEC inaugurated the Electoral Logistics Committee (ELoC),³ to ensure the safe and speedy delivery of large quantities of sensitive and non-sensitive materials for the 2023 general elections (Gana 2022c). The committee unveiled revised regulations and guidelines for the conduct of elections (2022), seeking the assistance of the Nigerian Air Force (NAF) for the effective delivery of election materials. It also assured local and international stakeholders and civil society organisations (CSOs), including youth and celebrities, that no eligible Nigerian would be excluded and that all eligible voters would receive their permanent voters' card before the elections. Surprisingly, when the Nigeria Computer Society (NCS) offered to assist the Commission by preparing against cyberattacks from the Ekiti and Osun off-cycle gubernatorial elections which took place in June and July 2022 respectively (Adejumoh 2022), INEC rejected the gesture. Yet the NCS went ahead and recommended the need to test for efficiency, penetration testing of the system, and vulnerability analysis, ensuring that the platform was robust and that they

2 See, *Wike Ezenwo Nyesom V Hon. Dr. Dakuku Adol Peterside & Ors* (2016) 7 NWLR (part 1512) 452 At Page 522 A; *Shinkaji v. Yari* (supra); *Okereke v. Umahi* (unreported) SC. 1004/2015 delivered on 5/2/2015 at pages 31- 34."

3 The three-armed services (Army, Navy, and Air Force), Nigeria Customs Service (NSC) and the Nigeria Ports Authority (NPA) Federal Airports Authority of Nigeria (FAAN), the Nigeria Civil Aviation Authority (NCAA), and the Nigerian Air Space Management Agency (NAMA), Nigerian Aviation Handling Company (NAHCO) and Skyway Aviation Handling Company (SAHCO), Nigerian Meteorological Agency (NiMET), staff of the Commission, heads of the Nigerian Immigration Service, the Federal Road Safety Service Corps (FRSC), the Federal Fire Service, and various Aviation agencies. Others are the President of the Nigeria Union of Road Transport Workers (NURTW), and heads of other transport unions in the country are all members of the ELoC

could conduct trial elections (Jaiyeola 2023). Nevertheless, the contribution of the society may have helped address these teething problems.

The fourth aspect regarding the organisational dimension, has to do with structure, processes and resources. The successful conduct of the elections in Ekiti and Osun States not only used technology but was adjudged free and fair by local and foreign observers; Professor Yakubu reiterated the need to repeat a similar process at national level. While receiving two foreign election think tanks, the International Republican Institute (IRI) and the National Democratic Institute (NDI), led by the State of Ohio Secretary of State (United States of America), Frank LaRose, at the Commission's Headquarters, Abuja on Tuesday, 19 July 2022, Professor Yakubu repeated the pledge that he would conduct the best elections in Nigeria's history:

We promised Nigerians that Ekiti was going to be good and Ekiti was a good election. We promised that Osun was going to be better and Osun was (indeed) a better election. We are promising that the 2023 general election will be our best election ever and we are committed to delivering best election ever.

(Gana, 2022e)

Prof Yakubu reiterated this call while delivering a keynote address at the 4th Abubakar Momoh Memorial Lecture with the theme, 'Electoral Act 2022: Imperatives for Political Parties and the 2023 General Election', held on Wednesday, 23 August 2023 at The Electoral Institute (TEI), Abuja. He further noted that winners in the elections would be determined by eligible voters as the Commission had no anointed candidate (Gana 2022f).

Another issue that further illustrates the level of partisanship is the printing of ballot materials, which is still handled by politicians mainly from the ruling elite. There were claims that one of the ruling party candidates for the gubernatorial election had the contract to print the electoral materials (Akintade 2023). The distribution of sensitive materials by interested parties in the elections also demeans INEC independence. For example, INEC stated that it had no choice but to employ the services of an APC chieftain to distribute materials in Lagos and environ (Agency Report 2023), when getting funds for the elections was his next target. However, not only funding but defending the budget to fulfill these promises must be granted to the Commission. The Commission reiterated its need for ₦305 billion for the successful conduct of the 2023 general elections during its budget defence in November 2022. This was an exponential increment from the ₦234.5 billion used for the 2019 general elections and the N18.8 billion used for the 2015 general elections (SB Morgen 2023). Of this amount of ₦305bn (US\$555million), the Commission required ₦161.9bn for electoral operational and

administrative costs, ₦117.1bn for electoral technology costs; ₦18.5bn for electoral capital costs, ₦7.4bn (2.5 per cent of the electoral operational and administrative, electoral technology and electoral capital costs is set aside as contingency for unforeseen electoral expenses) (Adepegba et al. 2022). Non-disbursement of much needed monies before elections would no doubt have dire consequences on preparations, election day activities and outcomes as well as image. Apart from the fact that some ad-hoc staff were stranded, ancillary service providers such as tricycle and motor cycle operators hesitated to operate in the middle of elections, thereby causing delays in delivery to collation centres and the announcement of the results.

Finally, the human resources dimension deals with the management of individuals and the individuals heading the Commission. When INEC initiated a mock exercise, some of the challenges that were identified at the end of the exercise were voter apathy, faulty BVAS, poor BVAS visuals, lack of awareness, and failure of the technology (BVAS and IREV). There were issues of late arrival and low voter turnout, the reassignment of voters to new polling units without prior knowledge, and the high-handedness of security operatives stationed at the mock centres (Nigeria Civil Society Situation Room 2023a). There was understandable concern that these problems would be repeated in the general elections. Youth Initiative for Advocacy, Growth and Advancement (YIAGA) Africa and Nigeria Civil Society Situation Room recommended that INEC must take its cue from the mock elections to prevent a repeat in the general elections (Nigeria Civil Society Situation Room, 2023a). Nonetheless, INEC downplayed these early warnings and reiterated that these issues were insignificant and would be corrected on election day. Training was held for all ad-hoc staff members who would take part in the elections. However, aside from the fact that many of them did not know if they would be selected, the notice of the timing was short and poor, with little or no post-training assessment and poor selection.⁴ The polling unit officers who are usually the first contact in the field and who enter the figures that would determine what is collated at the centre, were trained for only three days under harsh conditions and with low morale.⁵

There was no doubt that conducting such an assignment in a very short time has implications for learning, outcomes and productivity. While speaking during the training on strategic communication for heads of voter education and publicity from the Southern Zone in Lagos ahead of the 2023 general election, Festus Okoye once again listed preparations made. These included that 'the Commission will

4 A woman in a University in Ogun felt that she was not considered for the exercise because her name sounded Igbo and related to the candidate of the Labour Party candidate. The reason she gave was that though she has the requirements those below her level were selected.

5 One of the authors was a polling unit agent in Oyo State.

also upload Polling Unit level results (Form EC8A) and the accreditation data to the INEC Result Viewing Portal. This is also a mandatory provision of section 50, 60 and 64 of the Electoral Act 2022' (@INEC Nigeria, 2023, <https://twitter.com/inecnigeria/status/1622829543022100480>). It thus appeared that all was set for the elections with constant assurances regarding the level of preparations INEC had made. However, while administrative, logistical, technological and manpower preparations were sufficient, the final assessment would be on election day and the election outcome.

ELECTION DAY CONDUCT AND OUTCOME

On 25 February 2023, election day for both presidential and National Assembly elections, complaints ranged from the late arrival of the INEC presiding officers to intentional delay in sending electoral material to opposition strongholds. There were failures of the Bimodal Verification Accreditation System (BVAS) and the transmission of results from the polling units to the INEC Result Viewing Portal (IReV), as well as instances of voter suppression, sophisticated vote buying as a result of the cash scarcity, and ballot snatching. However, the failure to transmit the results from the polling unit was the main concern as both local and international observers expressed their displeasure at the conduct of these elections. At the collation centre in Abuja, the nation's capital, most of the party agents staged a walkout because INEC had failed to transmit the results despite having assured Nigerians and the international community that it would do so, as stipulated in the Electoral Act 2022. After three days, the election results were announced as follows: the All Progressives Congress (APC) Ahmed Bola Ahmed Tinubu scored the highest vote with 8 794 726 (36.61%) votes as against the PDP candidate Alhaji Atiku Abubakar who scored 6 984 520 (29.07%) votes; Peter Obi scored 6 101 533 (25.4%) votes and Rabiu Kwankwaso scored 1 456 687 (6.23%) votes; the others totalled 648 474 votes (<https://liveresults.civichive.org/presidential/2023>).

The result and turnout of about 25 million voters remains the lowest in the country's history. Tinubu's 8.7 million votes were the lowest number scored by any presidential candidate and further tested the issue of legitimacy and future elections. This challenge also applied to the National Assembly elections (Senate and House of Representatives) held the same day, though National Assembly results were transmitted to the IReV during voting.

After the presidential elections, international observers from the African Union, European Union and the US gave some highly critical assessments of the INEC. The EU Observation Mission raised concerns about the presidential elections. It praised the work done by INEC for not postponing the elections despite considerable challenges but noted that INEC's lack of both efficient planning

and effective public communication reduced trust in the process, including on election day. The efforts of INEC were therefore impeded by insufficient planning, insecurity, the prevailing exchange rate of the naira and fuel shortages, abuse of incumbency, vote buying, late deployment and opening. Polling procedures were not always followed, many polling officers failed to paste results at polling units after elections, and despite the introduction of technology as a game changer, they failed to upload the results in real time. The uploading of results long after the event raises more questions than answers about the conduct of the elections (EU EOM, 2023b).

Table 1: Election Results of the 18 Presidential Candidates

Candidate Name	Party	Total Votes
Imumolen Christopher	A	61 014
Hamza Al-Mustapha	AA	14 542
Omoyele Sowore	AAC	14 608
Dumebi Kachikwu	ADC	81 919
Yabagi Sani Yusuf	ADP	43 924
Bola Tinubu	APC	8 794 726
Peter Umeadi	APGA	61 966
Princess Ojei Chichi	APM	25 961
Charles Nnadi	APP	12 839
Sunday Adenuga	BP	16 156
Peter Obi	LP	6 101 533
Rabiu Kwankwaso	NNPP	1 496 687
Felix Johnson	NRM	24 869
Atiku Abubakar	PDP	6 984,520
Kola Abiola	PRP	72 144
Adewole Adebayo	SDP	80 267
AAbdul-Malik Ado-Ibrahim	YPP	60 600
Dan Nwanyanwu	ZLP	77 665

Source: Bolaji (2023)

Knowing that the election had not met its own standards, the INEC chairman demanded that all the polling agents should be retrained in order to address the many controversies that beset the election in order to prevent a repeat in the gubernatorial / Houses of Assembly elections. In one of his remarks a week after the first election, Professor Yakubu noted (2023b):

As we approach the Governorship and State Assembly elections, we must work harder to overcome the challenges experienced in the last election. Nothing else will be acceptable to Nigerians. All staff found to be negligent, whether they are regular or ad hoc officials, including Collation and Returning Officers, must not be involved in forthcoming elections. RECs must also immediately initiate disciplinary action where prima facie evidence of wrong doing has been established... Election Day logistics must be finalized days before the election and handled by the Electoral Officers (EOs) at Local Government level. This has been our standard practice. Centralising the process as was done in some States resulted in delayed deployment of personnel and materials and late commencement of polls. RECs will be held responsible for any tardy arrangement or the failure to deploy electric power generators to collation centres or polling units where such facilities are needed. The Commission has enough facilities in all the States of the Federation. Failure to deploy them is simply inexcusable. Refresher training must be conducted for ad hoc staff that participated in the last election. Where they are replaced for good reason, they must be properly trained so that processed are not delayed or compromised at any stage

After the presidential elections, INEC stated that it was going to re-configure the BVAS. This came as a shock to all the stakeholders because nothing of the kind had been mentioned during the preparations and at the various sessions with the National Assembly and stakeholders. This led to another round of litigation until the court gave it the go-ahead to re-configure the BVAS but ensure that the data were backed up. The gubernatorial elections held on 18 March 2023 were considered an improvement on the presidential/ National Assembly election. The polling officers generally reached their polling units on time and the BVAS were used for accreditation. Where it failed to work, it was replaced. The security agents conducted themselves in like manner. However, violence marred the conduct in Ogun State, Lagos State, Enugu, Abia, Kano State, Edo Oyo, Kaduna, and Rivers States (EU Election Observation Mission, 2023), and there was ethnic violence in Lagos State. The European Union in its report (p. 3) noted that:

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

shortly before and on Election Day appeared to strategically suppress voter participation.

After the gubernatorial elections, the EU EOM (2023c) observed that public confidence and trust in INEC were severely damaged during the elections on 25 February due to a lack of transparency and operational failures in the conduct of the federal level polls; multiple incidents of thuggery and intimidation which interrupted polling in various locations; results displayed on the IReV portal varied across states varied from 62 to 97 per cent; the low participation of women in elective positions; intra-party conflicts compounded by protracted legal deadlines; and that only a few civil society organisations played an active role in raising awareness. This tone was similar to that of the US which noted that the 25 February election in Nigeria ‘failed to meet’ the expectations of Nigerians, but commended the other candidates who lost the elections for comporting themselves and following legal channels (Isilow 2023). The NDI/IRI (2023, pp. 1-2) shared similar views with the US mission. In its report it noted that:

Despite the much-needed reforms to the Electoral Act 2022, the election fell well short of Nigerian citizens’ reasonable expectations. Logistical challenges and multiple incidents of political violence overshadowed the electoral process and impeded a substantial number of voters from participating. Ongoing currency and fuel shortages also imposed excessive burdens on voters and election officials, and Nigerian marginalized groups, especially women, continue to face barriers to seeking and obtaining political office. The delegation observed that late opening of polling locations and logistical failures created tensions and the secrecy of the ballot was compromised in some polling units given overcrowding.

It unequivocally condemned the disturbing acts of violent voter intimidation and suppression that took place during the gubernatorial polls in Lagos, Kano, and other states. The United States Mission Nigeria (2023) observed the elections in Lagos and elsewhere and witnessed some of these incidents first-hand. The use of ethnically charged rhetoric before, during, and after the gubernatorial election in Lagos was particularly concerning.⁶

The inconclusive elections in Kano, Kaduna and Adamawa states which were supposed to redeem its reputation over the presidential and gubernatorial

6 The mission commended all Nigerian political actors, religious and community leaders, youth, and citizens who have chosen to speak out against such violence and inflammatory language, affirming Nigerians’ commitment to and respect for the democratic process.

elections held in February and March, was even farther off. Specific concern was in Adamawa State, with the dubious behaviour of the resident electoral commissioner (REC), the conduct of security operatives and federal apparatus during the announcement of the alleged runner-up, Mrs Aishatu Dahiru Binani as the supposed winner.

Section 25 of the Electoral Act (2022) gave the categories of officers and place/ centre to announce the categories of results. Section 25 (1)(d) notes that the State Collation Officer shall announce the result at the State Collation Centre. Regarding the venue and category of offices, Section 25 (2)(f) states that result shall be announced in 'State Collation Centre in the case of election of a Governor of a State'. However, the REC, Mr Hudu Yunusa-Ari backed by the Commissioner of Police, Mr Mohammed Barde, and an unnamed official of the Department of State Security (DSS) announced Mrs Aishatu Dahiru Binani of the APC as the winner of the Adamawa State election (Ekpu 2023). Usurping the role of the returning officer, Professor Mohammed Mele indicated the level of complacency of the federal authority and perhaps the ruling class. The acceptance speech given by Mrs Binani was a display of a hastily arranged 'civilian coup', displaying the desperation of the ruling class, ruling elite and the banality of the Nigerian state. Although the INEC chair and commissioners had to be deployed to the state to finish the exercise and resolve the issue by announcing the winner, Mr Ahmadu Umaru Fintiri,⁷ the shameful show had further exposed the flaws of the INEC, the flippancy of the federal government and the shallowness of Nigeria's democratic outlook.

FACTORS RESPONSIBLE FOR THE OUTCOME OF THE 2023 GENERAL ELECTIONS

Understanding the factors responsible for the public outcry against the 2023 general election results is necessary to assist future elections and restore confidence in the voters to trust the system. Using institutional analysis, these factors will be divided into three levels, namely: individual; organisational; and system level.

System / Macro Level

The nature and character of the state and politics (Uwais 2008) as well as the weak democratic culture which exudes the 'do-or-die' mentality of the elites are some of the factors responsible for the uproar over the outcome of the general elections.

7 At the end of the voting on March 18 2023 Mr Fintiri scored 421 524 votes while Mrs Binani scored 300 275 votes. However after April 15, Fintiri scored 430 861 as against Binani's 398 788 votes.

State capture is synonymous with elitism, which explains why the elite use all means possible to capture the centre and corruptly acquire wealth. The weak democratic culture also indicates that the elite had not fully embraced the ethos and values of liberal democracy and that elections remain simply a means to an end. For example, 15 298 candidates vied for only 1 491 elective positions. And those not fortunate enough to capture the centre either cross the floor or become willing stooges. The implication of this strips the political elite of ideology or conviction.

This explains why some think-tanks had warned in advance that the 2023 elections would be a repetition of preceding ones. Thus, the usual commentaries that follow Nigeria elections was predicted even before the election and despite the promises of INEC (CAPPA, 2023; Nigeria Civil Society Situation Room, 2023b).

Unpopular government policies

Prior to the election, the fuel scarcity and currency redesign created much hardship across the country. Though the CBN stated that the purpose of the policy was to address incessant insecurity, kidnapping and vote buying, all sectors were affected and INEC claimed that the fuel scarcity and naira redesign would affect its logistics. Although respite came a few days before the election, the impact had already taken its toll on voters, particularly those who would like to travel out of state to cast their votes, and all institutions in general. For example, some of the elite claimed that they were also in need of hard cash (Abubakar 2023). One governor in particular lamented that even in his position, he could not boast of ₦20 000 (US\$40) in cash (Bamigbola 2023).

Distrust of the system, in particular the EMB and judiciary

Polls before the election had shown that many Nigerians did not trust the electoral system. Aside from the electoral system and the EMB, the judgements in the court cases regarding Governor Ademola Adeleke of Osun State at the tribunal and that of the Senate President, Dr Ahmad Lawal at the Supreme Court were two factors which further raised doubts regarding the entire election and judiciary (Ugwu 2023). This distrust was revealed by the poll conducted by a think-tank in 2023 which revealed that only 23% of Nigerians trusted the Independent National Electoral Commission (INEC) 'somewhat' or 'a lot', while more than three-fourths (78%) expressed 'just a little' or no trust at all in the election-management body. Finally, trust in the INEC had declined by 12% since 2017 (NOI Polls 2023). This distrust had its impact on the low voter turnout for the presidential election, as President Tinubu is believed to have had the lowest number of presidential votes since 1999.

**Table 2: Leading Presidential Candidates and Declared Results since 1977
General Elections**

S/N	Year	Leading Candidates and Political Parties	Election Results
1	1979	Shehu Shagari (NPN)	5 668 857
		Obafemi Awolowo (UPN)	4 916 651
2	1983	Shehu Shagari (NPN)	12 081 471
		Obafemi Awolowo (UPN)	7 907 209
3	1993	MKO Abiola (SDP)	8 341 309
		Bashir Tofa (NRC)	5 952 087
4	1999	Olusegun Obasanjo (PDP)	18 738 154
		Olu Falae (AD/APP)	11 110 287
5	2003	Olusegun Obasanjo (PDP)	24 109 157
		Muhhamadu Buhari (ANPP)	12 710 022
6	2007	Umaru Yar' Adua (PDP)	24 638 063
		Muhhamadu Buhari (ANPP)	6 605 299
		Atiku ABubakar (CAN)	2 637 848
7	2011	Goodluck Jonathan (PDP)	22 495 187
		Muhhamadu Buhari (CPC)	12 214 853
8	2015	Muhhamadu Buhari (APC)	15 424 921
		Goodluck Jonathan (PDP)	12 853 162
9	2019	Muhhamadu Buhari (APC)	15 191 847
		Atiku Abubakar (PDP)	11 262 978
10	2023	Bola Ahmed Tinubu (APC)	8 794 726
		Atiku Abubakar (PDP)	6 984 520
		Peter Obi (LP)	6 101 533
		Aliyu Kwakwanso (NNPP)	1 456 687

Source: Yusuf (2023) and authors compilation

Weak, failing or failed institutions

Most of the institutions from the judiciary, legislature, security, and intelligence, media, and civil society including student unions, political parties, religious organisations, schools, and traditional institutions either failed to promote or support the electoral process, or did so weakly. It appears as if they were all partisan. Nigeria today is replete with academics, media, police, judges, and law enforcement agents who are partisan. Although most literature has espoused the

weaknesses and failures of institutions across Africa in general and Nigeria in particular, this was further exacerbated by the political atmosphere. For example, a local traditional ruler in Lagos was alleged to have warned some non-Yorubas in Eti-Osa community of Lagos State to either vote for a particular political party and candidate or be banished from the community (Adelagun 2023). In the rerun in Adamawa state, some security officers had provided cover for the REC who usurped the role and responsibilities of the returning officer. In a viral video, a purported intelligence officer from the state secret service or self-styled Department of State Service (SSS/DSS), was alleged to have confessed that they were paid two billion naira to support the runners-up. It further shows how the DSS has over the years been politicised and weakened (Thompson 2023b).

Organisational/ Meso Level

Complacency of the security operatives

In all the elections, presidential/National Assembly, gubernatorial/ state House of Assembly and the rerun elections held in April 2023, the security agency was partisan. In Lagos, there were viral videos of how police officers looked the other way when suspected political thugs prevented non-Yoruba from voting for a particular candidate. They were equally complacent in Rivers State and other states. To show how partisan the security operatives were, the police immediately moved against a monarch in Lagos who stated that he was going to invite IPOB to Lagos to protect Igbos; while the same police, through its public relations officer, asked Nigerians to take the statement of an APC-cum-transportation chieftain, Musiliu Akinsanya (AKA MC Oluomo) as a joke (Oluwasanjo 2023). This discriminatory practice reveals the lack of professionalism on the part of the police and security agencies as well as weakness of its institutions (Owen 2014; Thompson et al. 2020a; Omeni 2022). As Ikome (2007) posits, 'state security apparatuses have mostly been instruments in the hands of the ruling classes, generally used to eliminate any perceived or imagined threat to their interests'.

Poor or inadequate training and selection framework

The poor and inadequate training given to the polling officers and the lack of framework for the selection of ad-hoc staff also marred the election. A BBC report on a collation officer who had announced one of the results in Rivers State observed that INEC acknowledged that it lacked the wherewithal to properly scrutinise those who took part in the state election. This is indeed an indictment of both the commission and the electoral process.

Poor implementation and the failure to abide by its promises and guidelines

In spite of the promises, laudable plans and assurances that votes would count

and results transmitted on the Independent National Election Commission Result Viewing (IREV) Portal, INEC failed to implement its promises. They stated that its failure to transmit the result from the polling unit was unintentional; the Minister of Information and Culture stated that it was the other way round. Questions arise as to whether the Minister was the mouthpiece of INEC, or the reason for the varying response to the failure to transmit the result in spite of the hope of not only transmitting results but of a credible, fair and inclusive election (*Premium Times* 2023). On this basis over 70 members of CSOs under the auspices of the Nigerian Civil Society Situation Room called for an independent inquiry into the procurement, logistics management and abuse of electoral process in the 2023 general elections (Ogune 2023). One of the implications of this poor implementation was the litigation and few protests that emanated from the conduct of the election, as well as voter apathy that followed in the off-season elections. It also has an impact on the regression of Nigeria's democracy and, indeed, the beginning of its end, leading Cheeseman and Elklit (2020) to aver that there is a global concern over the increasing rate of democratic recessions.

Individuals/ Micro Dimension or Level

Partisanship of the Electoral Management Board

A recent revelation by a former Minister of Transportation, Rotimi Amaechi, and an aspirant of the APC presidential primary election, was that Professor Mahmood was selected from Bola Tinubu's camp prior to the election (Babalola 2023). Amaechi further claimed that:

There are those of us who opposed the reappointment of Mahmood [INEC chairman]. The person who nominated him for appointment is a member of Tinubu's camp. So what are you expecting? Success? Here in Rivers state, Mahmood worked under Wike as executive secretary of TETFUND.

(Babalola 2023)

Aside the chairman, the selection and appointment of some of the national commissioners and resident election commissioners (REC) raised suspicions as to whether the government wanted a credible election. The REC should be non-partisan, but as in past elections, most of the commissioners were selected by cronies of the ruling class. A good example which raised a national outcry was the selection of a purported APC stalwart, Mrs Lauretta Onochie. The controversy sparked a debate about the need for transparent and non-partisan appointments in public institutions, particularly those responsible for conducting free and fair

elections. Though she was later dropped, it took the efforts of many Nigerians across party lines and even in the ruling party itself to do so.

Lack of political will and transparency in the process

It can be argued that from the outset there has been no political will for credible elections. This is deduced from the reappointment of the INEC chairman for a second term even when the 2019 election did not reach the threshold of previous elections. Again, there appears to be a lack of political will in the back and forth that characterised the making and assent of the Electoral Act. The failure of the president to assent to the bill before the 2019 elections indicated that the president lacked the will for a credible election. Professor Yakubu claimed that there were attempts to hack INEC's server during off-season elections in Ekiti and Osun. However nothing seems to have been done to secure the server despite the time INEC had to do so. The Adamawa election could have attempted to atone for the 2023 general elections, but again INEC failed to prove that it was ready to learn from past lessons. The failure to allow the media to cover the gubernatorial elections in states such as Lagos, Rivers, Enugu, and Ogun indicated the lack of transparency of INEC (Ogune 2023).

CONCLUSION

The study has discussed the preparations made by the INEC for the 2023 general elections, ranging from funding and the creation or delineation of more polling units, to the provision of law to support the use of technology. However, all these came to nought when the elections and post-election results ended up much like those in the past, with violence, post-election litigations and distrust or bad blood. The dramatic run-off election in Adamawa State, which would have been used to consolidate and make amends for the general elections, was even worse and further exposed the weakness and failings of the Electoral Management Board (EMB).

However this should not come as a surprise because of the failure to reckon with some factors such as the nature of state and politics, the absence of the rule of law and constitutionalism, unpopular government policies, distrust of the system, in particular INEC and the judiciary, the failure or weakness of institutions, and the lack of political will. The article advances the need for stakeholders to look beyond the prism of the current, narrow, ad-hoc measures to a more permanent holistic resolution.

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