

IMPACT OF ELECTORAL REFORMS IN NIGERIA

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ENUGU, ENUGU STATE

JULY, 2026



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**A LONG ESSAY SUBMITTED TO THE FACULTY OF LAW, GODFREY OKOYE UNIVERSITY
IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE AWARD OF THE DEGREE
OF BACHELOR OF LAW (L.L.B) OF GODFREY OKOYE UNIVERSITY.**

JULY 2026.

DECLARATION

I, NDUBIZU CHUKWUMA UGONNAYA, with matriculation number GOU/U21/LAW/332, hereby declare that this project titled IMPACT OF ELECTORAL REFORM IN NIGERIA is my original work. It has not been submitted, in whole or in part, for the award of any degree or certificate in this or any other institution. All sources used in this work have been duly acknowledged.

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CERTIFICATION

This is to certify that this research project, titled "The Impact of Electoral Reforms in Nigeria" was carried out by Ndubizu Chukwuma Ugonnaya with the matriculation number GOU/U21/LAW/332 of the Faculty of Law, Godfrey Okoye University, in partial fulfilment of the requirements for the award of the Bachelor of Laws (LL. B) degree.

This work has been read, supervised and approved as having satisfied the academic requirements of the Faculty of Law and the University.

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DEDICATION

This project is dedicated to God Almighty, the source of wisdom and strength. It is also dedicated to my family for their unwavering support towards my academic pursuit and their endeavours to ensure success towards my academic pursuit. Finally, it is dedicated to all Nigerians who continue to strive for electoral integrity, democratic accountability and meaningful electoral reforms in Nigeria

ACKNOWLEDGEMENT

I sincerely thank God Almighty for his divine guidance, protection and wisdom throughout the period of this research.

My profound gratitude goes to my project supervisor, Dr. Peter Aneke for the patience, constructive criticism and scholarly guidance during the course of this work. His mentorship contributed immensely to the success of this project.

I also express my heartfelt appreciation to my family for their love, sacrifices, encouragement and constant prayers which served as a great source of motivation.

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LIST OF ABBREVIATIONS

BVAS	--Bimodal Voters Accreditation System.....	3
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ERC	--Electoral Reform Committee.....	1
ECN	--Electoral Commission of Nigeria	1
EMB	--Electoral Management Body	14
FEC	--Federal Electoral Commission	2
FEDECO	--Federal Electoral Commission	2
INEC	--Independent National Electoral Commission.....	2
IReV	--INEC Result Viewing Portal	3
NECON	--National Electoral Commission of Nigeria	2
PVC	--Permanent Voters Card	20

ABSTRACT

Electoral Reforms simply means the deliberate systematic method, technique of ensuring positive changes in the conduct and organization of electoral processes with the aim of ensuring credibility, absence of electoral malpractices, malfeasance, vote buying and the use of thug in electoral processes. Reforms have played a very vital significant role both in pre independent era and post independent evolution. The aim of this research project is to critically analyse the impact of reforms in democratic and electoral process and procedure in Nigeria. Electoral reforms have been made possible and achievable through constitutional provision and amendments to the electoral act over the years, which by virtue of this amendment introduced the use of technological innovation in electoral activities. These innovations include, the use of Bimodal Voters Accreditation System (BVAS), INEC Result Viewing Portal (IReV), Smart Card Reader etc. Regardless of the impact and development of reforms in electoral activities, it is still fraught with a lot of irregularities which is being witnessed in the way and manner electoral administration are conducted in Nigeria. However, with the reforms put in place, it ensures that the irregularities faced in electoral activities are curbed.

CHAPTER ONE

INTRODUCTION

1.1 Background of Study

Electoral Reforms simply refers to the changes, improvement, methods or mechanism implemented to bring about changes and restructuring in electoral processes and ensuring transparency, fairness and orderliness in the conduct of electoral processes in Nigeria. Electoral reforms in Nigeria is faced with so many challenges affecting both national and international body, although, emphasis lies more on the impact of electoral reforms in Nigeria. Report on electoral malpractice has been recorded over the years, during the 1999, 2003 and 2007 general elections. The reports reviewed how the conduct of electoral process contravened the the guiding policy of electoral processes, as well as the standard of election. It is pertinent to note that credibility in electoral process constitute a major factor in democracy, democratization and good governance. The transparency or credibility of democratic process in terms of its conduct of being free and fair develops a strong hold of legitimacy, respect and accountability for any democratic or political system.

Electoral irregularities, facing both the colonial and post-colonial periods highlight a major concern or crisis faced in electoral democracy. The 2007 election was tagged as the worst election in Nigeria, it was flawed with so many irregularities and it was devoid of the minimum standard of a free and credible election.

After the widely rigged 2007 election which was described as the worst election in Nigeria, late president Yar Adua appointed a 22- member Electoral Reform Committee

(ERC), headed by Hon. Justice Uwais, they were instructed to review the entire electoral process with a goal of reviving the quality and standard of electoral process¹.

One of the cores contributing factor to electoral reform is the establishment of electoral bodies which regulate the conduct of electoral process in Nigeria. The origin of electoral bodies in Nigeria can be traced back before independence when the Electoral Commission of Nigeria (ECN) was established to regulate and conduct the 1959 elections. Also, the Federal Electoral Commission (FEC) was established in 1960, the FEC was saddled with the duty of conducting the federal and regional elections of 1964 and 1965 respectively.

FEC was later dissolved after the military coup of 1966 which was orchestrated by Major Chukwuma Kaduna Nzegwu in 1966. In 1978, a Federal Electoral Commission (FEDECO) was established under the regime of General Olusegun Obasanjo. FEDECO conducted the 1979 election, which led to the emergence and ushering in of the second republic under the regime of Alhaji Shehu Shagari. The FEDECO also conducted the general elections of 1983. In December 1995, General Sani Abacha established National Electoral Commission of Nigeria (NECON), it organized the election of Local Government Councils in to the National Assembly. However, this institution was not inaugurated before the death of General Sani Abach, in 1989, General Abdulsalam Abubakar dissolved NECON and established the Independent National Electoral Commission (INEC). This commission organized and conducted all transitional election that led to the emergence of the 4th republic in May 29, 1999. INEC till date is saddled

¹ Building legitimacy in democratic process through electoral reforms: prognosis and propects, Samuel Onuoha udeala ph.D

with the responsibility to organize electoral activities in Nigeria.²

The utmost need for electoral reform among Nigerians engineered the inauguration of the Independent National Electoral commission, this commission ensured the credibility of electoral process and itemized several mechanisms or reforms to ensure successful conduct of the 2011 general election.

Irrespective of the success of the 2011 general election, it was flawed with irregularities and malpractices in its conduct. Constitutional and legal framework were flawed with irregularities, electoral violence, electoral malpractices and lack of independence of Electoral Management Bodies.

Prior to the 2015 election, INEC introduced new reforms to enable the success and credibility of the 2015 general election. The introduction of technological innovation contributed immensely to the credibility and transparency of the 2015 general election. Irrespective of the success of the 2015 election, however it was still flawed with irregularities and malpractices in its conduct.

The 2019 general election was recorded as a success, three major impediments were reformed by the INEC which are; weak legal frame work, late funding of the electoral management body and issue of insecurity. Constitutional alterations were made as to the success of electoral process in Nigeria. The not to young to run bill signed on May 31, 2018 contributed to the determination of pre election matter, the bill reduced the time for determining pre-election matter so that dispute does not fall within the time of election. Also, bill no 9 signed by the president gave INEC ample time to conduct run-off

² The commission INEC, <https://www.inecnigeria.org/> the commission.

elections.³

Despite several reforms on electoral process, however, its system is fraught with so many challenges, these includes; the issue of over-voting is a dominant feature of Nigeria electoral process employed to manipulate the outcome of electoral process. The issue of over voting has become a major concern in the conduct of election, it has become almost impossible to prevent over voting or double voting during election process, it is worthy to note that most political parties are the orchestra tors of issue of double voting so as to benefit them secure the desired outcome. Under the electoral act over voting occurs when the total number of voters exceed the number of accredited voters. In proving the issue of over voting by a litigant, it places a huge burden on him to do so. A litigant in proving issue of over voting must tender the voter register, BVAS machines and polling unit level result sheet form to successfully prove the issue of over voting. All these processes place a huge burden on the litigant in tendering all required document and most time out of the lackadaisical attitude of INEC officials it may seem difficult to extract the required material or document needed to prove the issue of over voting.

Another issue facing electoral reform is non-compliance of INEC in obeying its rules, regulations and guidelines, *Section 134(2) of Electoral Act 2022*, gives INEC the liberty to disobey their rules and guidelines without any consequences. Also, the court in the case of *jegede v INEC*⁴ and *Wike v Peterside*⁵, the court held that the guidelines and

³ Unfolding electoral reforms and 2019 general elections; by seasan, Punch E-paper.

⁴ Jegede & Anor V INEC & Ors (2021) LPELR-55481 (SC)

⁵ Wike Ezenwo Nyesom V Hon. Dr Dakuku Adol Peterside & Ors, SC.1002/2015 (2016) NGSC 100 Supreme court of Nigeria.

procedures implemented by INEC have no binding effect. The effect of this judicial position is that INEC has the liberty or free will to violate its own guidelines even if such guidelines are not contrary to the provision of the constitution as well as the Electoral Act 2022.

In conclusion, electoral reforms basically envisages changes, improvements by means of different methods, mechanism implemented to ensure positive changes in electoral process in Nigeria. Over the years electoral reforms have been faced with so many challenges and this is manifested in the conduct of election over the years in Nigeria, however several approaches have been taken to ensure that irregularities in electoral processes are eliminated.

1.2 Statement of the Problem

Electoral reforms in Nigeria are fraught with so many problems, irregularities and challenges. Prior to independence elections conducted were fraught with irregularities, even after Nigeria gained her independence, Nigeria still experience loop holes in the conduct of election over the years still date. There are a lot of issues or challenges that hinder the manifestation of electoral reforms in Nigeria irrespective of efforts made in ensuring credibility in electoral process. We shall examine the issues, problems hindering effective reform of electoral system in Nigeria.

Electoral violence has not gone away; politicians use thugs, bandits and even less privileged Nigerians who are unable to afford basic amenities at their pleasure, they use them at their own selfish benefit to cause chaos during the conduct of election and such is likely to lead to loss of life or severe bodily injury just for the sole purpose of

achieving their selfish aim. A newspaper recorded death of 39 people in the 2023 general election, while the European union at a media briefing recorded or rather claimed death of 21 people. Official record or report as to the death of the victim has not been released by the police or the electoral commission.

Also, eligible voters faced suppression, this was an avenue tagged as deliberate disenfranchisement of eligible voters, this is closely associated with the use of violence, credible and eligible voters were suppressed and intimidated from exercising their franchise.

Third, electoral malfeasance such as falsification of result, alteration of result, over voting, multiple voting, snatching of ballot box contributes to the problems hindering the progress of electoral reforms. In Nigeria it is very much evident in the conduct of election, the above listed electoral malfeasance are very much feasible in electoral process in Nigeria. The 2007 general election was recorded as the worst election conducted because it was fraught with electoral irregularities.

The influence of religion and ethnicity in politics hinders reforms in Nigeria electoral process. Some citizen exercises their franchise based on their religious or ethnic connectivity with such aspirant disregarding the major fact that such aspirant is not competent or worthy of that position. Most people cast their vote based on sentiments without seeing or realizing the bigger picture or view of Nigeria being an indivisible nation irrespective of its diversity in culture and religion. If citizens can move past the stage of religious and ethnic sentiment there would be much more reforms and positive outcome in electoral process.⁶

⁶ Nigera election faced with serious challenges and how to fix them before next poll; by Chikodiri Nwangwu, University of Nigeria.

In conclusion, irrespective of the fact that reforms in Nigeria is fraught with so many challenges, it can be resolved provided that everyone, including those in authority are willing to accept the changes and reforms that will bring about fairness and credibility in the conduct of election in Nigeria.

1.3 Research Question

There are so many challenges facing electoral reforms in Nigeria, however, researches, investigations have been made leading to intellectual and interrogative questions asked concerning the challenges fraught with reforms. This project raises questions such as:

1. Why do our legal system need reform in electoral matters?
 2. What are the appropriate steps, mechanism or techniques to be taken to bring about reforms in electoral process?
 3. How can electoral malfeasance be resolved to ensure credibility in electoral process?
 4. What are the contributions, importance of electoral reforms in Nigeria, if any?
 5. What are the contributions of technological innovation established to bring about reform in electoral process?
 6. How can the use of BVAS, Smart Card Reader be implemented to permanently curb out electoral irregularities?
 7. What are the contributions of judiciary in ensuring reforms in electoral process?
 8. How can the judiciary also hinder electoral reform in Nigeria?
 9. What prompt citizens to be used as tool or vessel for corrupt politician in achieving their selfish desire?
-

10. How can citizens contribute towards promoting reforms in the electoral process in Nigeria?

1.4 Aim and Objectives of the Research

The aim or purpose of the research is to investigate, analyse and study the impact, contributions of electoral reforms in the conduct of elections in Nigeria throughout the years. Reforms have been made or put into manifestation, that is by introducing electoral act which contains all the rules, policies and regulations governing the conduct of electoral reform in Nigeria.

The specific objectives of this study are to:

1. Examine why Nigeria's legal and electoral systems require reforms in electoral matters.
2. Identify the appropriate steps, mechanisms, and strategies necessary for implementing effective electoral reforms in Nigeria.
3. Evaluate how electoral malpractices can be prevented or reduced to ensure credibility and integrity in the electoral process.
4. Assess the contributions and significance of electoral reforms to democratic governance and electoral development in Nigeria.
5. Examine the role of technological innovations, particularly the introduction of BVAS, Smart Card Readers, and electronic transmission of results, in improving electoral credibility.
6. Evaluate the effectiveness of BVAS and Smart Card Readers in permanently reducing electoral irregularities and electoral fraud.

7. Examine the role of the judiciary in promoting and sustaining electoral reforms through judicial decisions and the interpretation of electoral laws.
8. Assess the extent to which judicial actions or decisions may hinder effective electoral reforms in Nigeria.
9. Identify the factors that make citizens vulnerable to manipulation, vote-buying, political violence, and other corrupt electoral practices.
10. Examine the role of citizens and civil society organizations in promoting electoral reforms and strengthening democratic governance in Nigeria.

1.5 Scope of the Study

The scope of this study addresses three important segments, these includes; the geographical coverage, content coverage and subject -matter coverage, irrespective of these three segments there are other areas bothering on this study but due to the broadness of the research we shall limit it to this important segment.

The geographical coverage or segment of this study centers on Nigeria as the case study, the research studies the conduct of election in Nigeria, studies the loopholes of how elections are organized in Nigeria which lead to implementing reforms to ensure credibility and fairness in the conduct of electoral process in Nigeria.

Secondly, the scope of this study is to know, understand and appreciate the impact of electoral reforms in Nigeria over the years, the contributions of Constitution of the Federal Republic of Nigeria as amended, electoral act enacted over the years in Nigeria including the recently amended electoral act of 2022 and INEC contributions in conducting and organizing election in Nigeria.

Thirdly, the scope of study also studies the subject matter related to the study, that is

the the contribution of reforms in electoral process and how this reform ensures changes in electoral laws, processes and institutions concerned in the organization of electoral process in Nigeria. The subject matter also encompasses the need to eliminate electoral malfeasance and bring about credibility and fairness in the conduct of election, also ensure voters participation, flexibility in democratic governance and independence of INEC body in the conduct of election.

1.6 Significance of the Study

This study is significant because it examines how electoral reforms have influenced the conduct of elections, democratic governance, and political stability in Nigeria. It assesses whether the reforms introduced through the Constitution of the Federal Republic of Nigeria 1999 (as amended) and the Electoral Act 2022 have enhanced the credibility, transparency, and fairness of elections.

The study will benefit policymakers and legislators by identifying the strengths and weaknesses of existing electoral laws and providing recommendations for future reforms. These findings can guide the amendment of electoral legislation to improve Nigeria's electoral system.

The research will also be valuable to the Independent National Electoral Commission (INEC) by evaluating the effectiveness of recent innovations, such as the use of the Bimodal Voter Accreditation System (BVAS) and the INEC Result Viewing Portal (IReV). The study may help improve election administration and increase public confidence in the electoral process.

Political parties, candidates, and civil society organizations will benefit from the study by gaining a better understanding of the legal framework governing elections and the

role electoral reforms play in promoting free, fair, and credible elections. This knowledge can encourage greater compliance with electoral laws and democratic principles.

The judiciary will also benefit, as the study highlights how electoral reforms have affected the resolution of election disputes and the development of electoral jurisprudence in Nigeria. It may serve as a useful reference in interpreting electoral laws and deciding election petitions.

Academically, the study will contribute to existing literature on electoral law, constitutional law, and democratic governance in Nigeria. It will provide a useful reference for students, researchers, lecturers, and scholars undertaking further research on electoral reforms and related subjects.

Finally, the study is significant to the Nigerian public because credible elections are essential for democratic legitimacy, accountability, good governance, and national development. By identifying the achievements and challenges of electoral reforms, the study offers practical recommendations that can strengthen Nigeria's democracy and promote greater public trust in the electoral process.

1.7 Research Methodology

The study adopted the doctrinal research design, reliance for data was placed on both the primary and the secondary sourced data. The primary sources of data relied on include statutes, case law, conventions and treaties. The secondary sources of data relied on include relevant textbooks, journal articles and internet sourced materials. The data gathered were subjected to content analysis.

Also, the study adopted non-doctrinal approach, by use of questionnaire, carrying out

interviews on peoples opinion, ideals and view on electoral process in Nigeria and the contribution of the electoral act and INEC towards ensuring credibility in the conduct of election in Nigeria.

1.8 Literature Review

This research intends to review an article on Electoral Reforms and the Introduction of BVAS in the Electoral process: A study of 2023 General Elections in Nigeria authored by Vincent Onyekwelu Sunday, Cyprian Uchenna Udegbumam and Ibe Steve Ojiridike. This article is closely related to the subject matter of the study which is the impact of electoral reforms in Nigeria.

Since the inception of the 4th republic in Nigeria when democracy took the highlight of the stage after the military rule, discourse, meetings were held on the appropriate electoral system for the country. The need to bring about this reform emanated from the irregularities faced with electoral system. In addressing these issues, the *Electoral Act of 2022* was enacted to legitimize the use of technological innovations during electoral system. The main objective of this article is to examine the impact of electoral reform and the introduction of BVAS in the conduct of electoral processes in Nigeria.

Aside the introduction of BVAS, the act also made provision for financial autonomy of aspirant of electoral umpire, exclusion of political appointees from acting as voting delegates or aspirant among others. The article also envisaged the problems encountered in the use of technological innovation in electoral system.

The article examined, gave a critical over view regarding the conduct of the 2023 general election and the impact of BVAS towards the conduct, BVAS played a major role in the preparation of the 2023 election, it facilitated accreditation process of voters,

although it was fraught with some challenges, the system was recorded to have malfunctioned with regards to thumb print recognition, BVAS could not successfully transmit election result and INEC personnel complained of poor network connectivity. However, citizens observed and witnessed the the improvement of BVAS in the conduct of the gubernatorial and state elections.

The article envisaged that the challenges of the 2023 general election in Nigeria was the technical defaults BVAS experienced, voters' attitude and sentiments towards the election, the selfish mindset and mind games of Nigerian politician towards the conduct of the 2023 general election.

In concurrence to the above statement, the article also postulated other factors that affected the successful implementation of the use of BVAS in the 2023 general election, these includes; Technological adaptation in an infrastructure challenged environment, Electoral violence and insecurity, weak institutions and systemic peculiarities, division in ethnicity and religion, vote buying, high cost of nomination fees, election rigging.

Conclusion and Recommendation, the article envisages on the importance and obligation of electoral reform needed by a country fraught with so many challenges in its electoral system, the need for electoral reform cannot be overemphasized. When election are conducted credibly is brings about legitimacy, that is the peoples mandate has been lawfully recognized. This improves the growth, stability and security of a nation through legitimate authority under the rule of law. The electoral act identified loopholes in the concluded 2023 election which are capable of being exploited by corrupt and selfish politicians in manipulating the electoral process.

In view of this, the article postulated the following recommendations that will enable

the positive reform in electoral process in Nigeria. These recommendations include;

1. Nigeria electoral system should be strengthened.
2. The number of voters who have been accredited should also be transmitted by INEC and the result of the election be published electronically using the appropriate system.
3. Under age voting should be addressed properly and taken into consideration
4. Government should deal with the issue of mass poverty and unemployment reasons be that victims of such circumstance a usually used by politicians as thugs to cause chaos and violence during election or take advantage of their predicament in order to secure votes.
5. Parties involved in electoral process must by all means necessary abide by the law and regulation governing the conduct of election and politics.

CHAPTER TWO

CONCEPTUAL AND THEORETICAL FRAMEWORK

Conceptual Framework:

2.1 Concept of Electoral Reforms in Nigeria

The concept of electoral reform in Nigeria elucidates the means by which changes, restructuring is employed to amount to a target of positive outcome and response to electoral process in Nigeria. It is well evident that Nigeria electoral system is fraught with so many irregularities such as electoral malfeasance, double voting, electoral violence, apathy from citizen in exercising their franchise. Electoral reforms with its saddled responsibility endeavours and strive to project towards a positive change. "It is worthy of note to envisage that electoral reforms may be different from electoral change, reason be that electoral change aims at a sound, just and illimitable electoral system in Nigeria, whereas the former serves the same purpose but the issue here is that the reform set up can either be influenced positively or negatively to the advantages of political parties or officials. Different electoral act has been enacted and amended over the years with the sole purpose of ensuring a change in the ill process of electoral system in Nigeria, there were successful accomplishment but also areas of loopholes where the act was unable to cover which was manipulated at the pleasure of political parties.

With regards to the irregularities fraught with electoral process in Nigeria, there are numbers of objectives to be accomplished via electoral reforms.

2.2 Objectives of Electoral Reforms in Nigeria

The core objective of electoral reform is to eliminate irregularities affecting electoral

system in Nigeria, starting from reviewing the content of the amended Electoral Act, those at the top and coming down to the grass root level. One could vividly postulate that the Electoral Act has numerous loopholes in it which are exploited to the advantage of corrupt politicians, reforms aims at reviewing and analysing critically the lacuna in the provisions of the Act but the issue here is that difficulty will be encountered in this process reason be that Nigeria legal system practices a rigid formalities in its amendment process and most time is may be impossible to achieve the desired outcome due to this system of rigidity.

Secondly, those at the top constitute the electoral body (INEC), its officials, political parties and the influence of God-Fatherism. The Independent National Electoral Commission (INEC) is saddled with the responsibility to organize, regulate, control and conduct a credible, free and fair election. Sadly, it is painful to elucidate that INEC has fallen short of its prescribed duties and responsibilities. Official of INEC, chairman inclusive now falls to the will or mandate of an individual or group of individuals just to grease their pocket abandoning their sworn duty and responsibility to achieve a credible electoral process.

Also, in Nigeria, the influence of God-Fatherism plays a big role negatively in achieving a credible electoral system in Nigeria. God Fathers are considered as those with the influence, connection, wealth and power, these set of individuals indirectly put out their puppet to the eyes of the public whom the citizens have given their trust and mandate to represent and cater for their wellbeing, however, such person (puppet) succumbs to the desire of his godfather neglecting the sole purpose why he or she was elected into power by the citizens.

Summarily, there are so many laid down objectives of reforms to be carried out to sweep away irregularities in the conduct of election in Nigeria, however, the process or means of implementation may or may not prove abortive.

2.3 Key Element of Electoral Reform in Nigeria

Electoral reform in Nigeria is aimed, geared towards achieving credibility, transparency in electoral process in Nigeria. The key element of reforms is divided into three parts; Legal and Institutional Framework, Electoral Management Bodies and lastly, Electoral Technology.

2.3.1 Legal and Institutional framework

The legal framework or element of electoral reforms includes the laid down laws, rules and relevant provisions of the constitution that provided for the conduct and organization of a credible, free and fair electoral process. Pursuant to constitutional provisions, it envisages the right conferred on eligible citizen to exercise their franchise, that is the right to vote, also the constitution elucidated the provision containing the establishment of an Independent Electoral body vest with the responsibility to conduct and organize a transparent election. Also, the constitution laid down provision enumerating criteria of qualification and disqualification of candidates.⁷

Also, the Electoral Act is saddled with the responsibility to ensure that its provision is fully met and complied with in the conduct of election. The act envisages provision on the requirement, formalities in the registration of voters, the process in counting election votes and declaration of result. It also stipulates the time frame provided for an election and most importantly, defines the offenses and punishment of irregularities in the conduct of election such as bribery, malpractices, vote buying, use of thugs to cause

⁷ Constitution of the Federal Republic of Nigeria (1999) As Amended.

violence in election. The act defines and stipulates the prescribed punishment of these offenses.

Institutional element of electoral reforms envisages the different organizations, that are saddled with the responsibility to organize, coordinate, supervise, regulate and conduct a credible, free and fair electoral process in Nigeria. The objective of reform in this field is to strengthen the institution saddled with the responsibilities of electoral process to eliminate irregularities in the conduct and administration. The legal and Judicial Institution also play a key role in enforcing electoral reforms in Nigeria. This institution is saddled with the responsibility of enforcing electoral law and providing interpretation to electoral law in cases of ambiguity and dispute. Also, the judicial institution is saddled with the duty to hear and resolve election dispute arising from the conduct of a concluded election and also enforces penalties and punishment where the provision of the electoral act or laws is in contravention. The judicial institution must not in any circumstances be subject or dependent to the will of anyone, its decision should be independent and in nexus with the provision of the law, by doing so the essence of reforms geared towards electoral process will be achieved.

2.3.2 Electoral Management Bodies

Electoral Management Body is also a key element of electoral reforms, It refers to the body saddled with the responsibility to organize, supervise and conduct election in Nigeria with the core objective of ensuring a successful and credible free and fair election. This body includes the Electoral Commission, Independent National Electoral Commission (INEC) whose responsibility is to ensure transparency in the conduct of

election. These body regulate the registration of political parties, set out requirements for qualification and disqualification of a candidate, registers voter who are eligible to vote. The Electoral Management Body is a vital and crucial central body system in the conduct and affairs of electoral process in Nigeria

The Electoral Management Body (EMB) is the most vital and crucial central institution vested with the responsibility to oversee the affairs of electoral process in Nigeria. The EMB comprises of Election Commission and the Independent Electoral Commission (INEC). The Electoral Management body is vest with the responsibility to carry out registration of voters eligible to vote during election, screening and registration of qualified candidate of a political party, organization, supervision and conduct of the entire electoral process and certification and announcement of electoral result. For the effective organization and administration of Electoral Management Body in exercising its laid down duty, the body should be independent, neutral and impartial in exercising its functions, by doing so the purpose of reforms have been successfully achieved.

2.3.3 Electoral Technology

Electoral Technology, is also a key element of electoral reform in Nigeria. Electoral technology involves the use of digital tools, modern innovations and computerized system in the organization and conduct of election to ensure a smooth, easy process and credibility in the conduct of election. The use of electoral technology aims at achieving credibility, transparency in the conduct of election in Nigeria. Areas where electoral technology applies include; in registration of voters, the use of Biometric Voter Accreditation System (BVAS) is employed in the registration of voters, BVAS captures fingerprints as well as facial identification of eligible voters, this is important in order to

prevent issue of multiple registration.

Smart Card Reader is also used in the identification and registration of voters, it identifies registered voters at polling unit and ensure that only registered eligible voters are allowed to vote. The employment of electoral technology in the organization and conduct of election plays so many vital importance and benefit to reforms, some of the many importance include reduction or elimination of electoral malpractices, ignites the confidence of public in electoral process and ensures accountability and transparency.

2.3.4 Voter Education and Participation

Voter's education simply means the enlightenment, awareness aimed at educating citizens of the importance of electoral process relating to exercising their franchise, educating citizens on their civic right contained in the constitution and also educating citizens on why to vote, when to vote, how to vote and the relevance of exercising their franchise. There are organizations, bodies or agencies who takes the responsibility to educate and enlighten citizens on the importance of voting, these include; electoral bodies, Government Agencies, Civil Society Organization, Media Organizations, Schools and Community groups.

The objective of voter education is the enlighten citizens on the processes involved in registration of voters, it educates on the eligibility of a citizen to be able to vote, to debunk the ill thought or conception of citizens towards electoral process in Nigeria.

Voter participation simply refers to the active involvement and participation of citizens in electoral process in Nigeria. Theses involve citizens registration as an eligible voter, partaking in election campaign and contributing thoughts, ideas towards election, voting during election.

There is a nexus or connection between voter education and participation in the sense that the former leads to the latter. Where citizens are duly educated on voting and electoral processes it helps change the conception, view most citizens have concerning electoral process in Nigeria, when this conception is finally debunked, it gives rise to active participation of citizens in electoral process in Nigeria. Active participation of citizens in election strengthens democracy. Education of citizens towards developing their awareness on electoral process in Nigeria and active participation of citizen in election is a one-step progress of achieving a successful reform in electoral process.

2.3.5 Political parties and Candidate Regulation

The concept of electoral reforms is also geared towards the rules and regulation governing political parties and candidates, reforms in this area is vital adherence of regulations by political parties and candidates is a start point in eliminating electoral irregularities and malfeasance. Where there is a lacuna in the rules and regulation, reforms should be made to prevent the exploitation of loop holes in the rules by political parties.

Political party regulations are rules, laws, guidelines, regulations that stipulate the conduct of a party in electoral process, it stipulates the requirement for registering an eligible candidate of that party, how funds are spent and controlled.

2.4 Theoretical Framework

The theoretical framework of electoral reform is analysed on three criteria; political, democratic and institutional theory, these criteria elucidate why electoral reform is of utmost importance aimed at achieving changes to laws, rules and regulation concerning

electoral processes.

Democratic theory envisages on citizens active will to participate in democratic process, it elucidates on the protection of civil liberties, equality in politics. This theory strives to reflect a sound and effective democratic system with regard to the conduct of electoral process in Nigeria, election is seen as a medium by which citizens eligible exercises their sovereignty.

Democratic theory express that electoral reforms is beneficial to fostering change regarding the malfeasance method election is being conducted, it shows that reforms aids to ensure a free, fair and credible electoral processes.

Also, democratic theory portrays the need for reform in electoral process by educating citizens on the importance and need to actively partake in electoral process and also strengthen democratic legitimacy.

Institutional theory as relate to a framework of electoral reform elucidates on institutions set up by law to ensure credibility in electoral processes, it important to note that weak electoral institution amounts to weak democratic governance and defect in electoral process. This theory envisages on institutions that are crucial to the determination of a free, fair, transparent and credible electoral process in Nigeria. These institutions include; Independent National Electoral Commission (INEC), Electoral tribunals, political parties and many other. The independence, autonomy, administrative efficiency and adequate enforcement is of great consideration to bring up the idea of a reform, when these reforms are achieved, institutions that deals with the conduct, organization and planning of electoral process will be adequately enforced without dependency to any body of authority.

Summarily, institutional theory elucidates why irregularities in electoral process occurs and provide possible solution to fill the defect.

Political theory of the frame work of electoral reforms envisages on the tussle of power among elites, political parties, it stresses on competition among different elites backed by their political parties with the aim of obtaining the sovereignty and legitimacy of the people. In Nigeria elections conducted is basically a real-life example to buttress this point, the aim of election is citizens giving their legitimacy and sovereignty to a person whom they believe is capable of representing their interest. This is the major aim of election, also election conducted as already highlighted in the political theory, stresses on competition and tussle of power among different elites to secure the legitimacy of the citizen.

Electoral reform in this effect is in concord with the planned objectives of an elite in power, that is, if the reforms is such that it is ideal and suitable to his administration it will be put into effect. Reform that goes against an elite administration may be resisted; this raises a very crucial critique on the fact that elite may implement a reform to their own advantage which may be of positive or negative effect. A reform in electoral process should be implemented without any contradicting authority to it provided such reform was implemented for the sole purpose of achieving transparency and credibility in electoral and democratic process.

2.4.1 Historical Development of Electoral Reform

Electoral reform in Nigeria was believed to have emanated due to the persistent issue of electoral crisis and challenges in the legitimacy of a government in power. Election in Nigeria began during the colonial era, Clifford constitution of 1922 was the off shoot of

the beginning of election in Nigeria. During the Clifford constitution participation in electoral process was limited, it was limited to only Lagos and Calabar to partake in electoral process, however subsequent reforms were put in place to expand the limited participation of Nigeria in electoral process.

The post-independence election that was conducted in 1964 and 1965 was flocked with electoral irregularities, violence, manipulations, this malfeasance questioned the capacity and stability of a democratic system, as a result of this, it led to the military seizing power by a coup led in 1966, one of the objectives of the coup was the need for electoral reform.

Under the Military regime an orientation programme was organized and it established a commission, FEDECO to organize, conduct and manage election related matters, also at the orientation programme, presidential system was established.

During Babangida regime, he introduced new reforms such as two-party system and option A4 voting system, these reforms were effective in the conduct of the June 12, 1993 general election, unfortunately, the election was annulled, this act of annulment questioned and portrayed the manipulation of elites to the reform thereby demonstrating the vulnerability of the reform set out during Babangida regime.

With the return of democratic government in 1999, the need for reform intensified, this was made manifest in the general election of 2003 and 2007 which was seen to be flawed with irregularities and malfeasance. As a result of this, the electoral reform committee set up by Uwaish suggested recommendations, measures to be taken to enhance the independence of INEC to ensure credibility in election.

Also, the electoral act of 2022 in its effort to provide reforms to electoral process,

introduced the use of technology in electoral process, such as the use of Bimodal Voters Accreditation System, the use of Electronic transmission of result which helps to enhance the credibility and transparency of electoral process in Nigeria.

In conclusion, electoral reforms began from the time of colonial period, transcending to the military era and finally a democratic administration. Each of these periods have been faced with irregularities in the conduct of election which as a result of such gave rise to reforms. These reforms have contributed in achieving a successful conduct in election, however there were areas of defect electoral reform was unable to unravel these is as a result of the challenges faced with its implementation, interference of elites and lack of independence of electoral bodies. To ensure a positive outcome of electoral reform, reform should first be manifested within institutions saddled with the responsibility to conduct and organize election, political parties and elites should detach from having a control or say over an independent body or institution. If these can be achieved electoral reform in Nigeria will succeed.

2.4.2 Key Theories of Electoral Reforms

2.4.2.1 Democratic Theory of Electoral Reform

Democracy theory provides that the legitimacy of a government is anchored, cantered on the express consent of the people, the governed which is expressed through the conduct of free, fair and credible election. The theory envisages on the concept of sovereignty, political participation, accountability, transparency and the principle of rule of law as propounded by A.V Dicey, which are essential component of democratic governance. According to democratic theorist, election serve as the principal mechanism through which citizens exercise political authority and hold elected officials

accountable.⁸

Democratic Theory originated from the works of John Locke, Jean Jacques Rousseau and John Stuart Mill, who advocated the principle, the rule that political authority must come from the people. John Locke argued that governments obtain their powers from the express consent of the people they governed⁹. Jean Jacques Rousseau envisages that sovereignty rest in the people and must be exercised through collective and active participation in governance.

The theory expresses that electoral system and institution must guarantee equality, transparency, fairness, credibility and inclusiveness in electoral process. Electoral reforms therefore became necessary where electoral processes are faced with challenges such as fraud, manipulation, violence, voter suppression, institutional weakness. Such electoral reforms are designed to improve electoral integrity and strengthen democratic consolidation.¹⁰

In Nigeria, electoral reforms have been introduced to address and tackle persistent challenges such as electoral violence, ballot box snatching, vote buying, multiple voting, underage voting, result manipulation and lack of public confidence in electoral outcomes. Reforms such as the establishment and strengthening of the Independent National Electoral Commission (INEC), the introduction of Permanent Voters Card (PVC), Smart card Readers, the use of Bimodal Voters Accreditation System (BVAS), and electronic transmission of results are aimed at ensuring improvement in the credibility, fairness and transparency of elections.

⁸ Dahl, R. A. (1989). *Democracy and its Critics*. New Haven: Yale University Press

⁹ Locke, J.S. (1960). *Two Treaties of Government*. London: Awnsham Churchill.

¹⁰ Norris, P. (2014). *Why Electoral Integrity Matters*. New York: Cambridge University Press.

According to Jega (2017)¹¹, electoral reforms are indispensable for deepening democracy and ensuring that election outcomes genuinely reflect the will of the people. Similarly, according to Professor Ben Nwabueze (2003), he contends that credible election constitute the foundation of constitutional democracy and political stability. Also, according to Ake (1996)¹² he postulated that essential democratic development in Africa depends on transparency and participatory electoral processes capable of guaranteeing popular representation.

The Democratic theory is particularly relevant to this study because it provides a framework for understanding how electoral reforms immensely contribute to democratic development and consolidation by improving integrity in electoral process, promoting active participation of people in elections and strengthening the confidence of the public and ensuring governmental accountability.

Democratic theory is based on the following assumptions:

1. Sovereignty belongs to the people.
2. Government derives legitimacy from the consent of the people it governed.
3. Elections are the principal means of achieving political participation.
4. Electoral processes must be free, fair, transparent and foster health competition
5. Citizens must've equal opportunities and privileges to participate in governance.
6. Political leaders must remain accountable to the electorate.
7. Strong political, independent electoral institutions are necessary for a strong democratic system.

¹¹ Jega, A.M.(2017). Electoral Reforms and democratic consolidation in Nigera. The Nigerian Journal of Electoral Studies, 2(1), 1-18

¹² Ake, C (1996). Democracy and Development in Africa. Ibadan: Spectrum Books.

The relevance of democratic theory is its concurrent emphasis on electoral integrity, active and collective participation of people in the conduct of electoral processes, governmental accountability to the governed. Electoral reforms are introduced to improve the quality of elections and strengthen democratic institutions. Since the objective of this research is to examine the impact of electoral reforms in Nigeria, democratic theory provides a well-defined analytical framework for assessing whether such reforms have contributed immensely in ensuring transparency, accountability, voter confidence and democratic governance.

Despite the relevance of this theory, the democratic theory has been criticized for equality of political participation, despite prevailing socio-economic inequalities. Critics also argue that elections alone do not guarantee democracy because political elites may manipulate electoral institutions for personal or partisan interest. Also, the existence of democratic institutions does not necessarily translate into effective democratic governance, particularly in developing democracies where institutional capacity remains weak.

Regardless of this theory being criticized, it remains the most suitable framework for this study because electoral reforms are fundamentally designed to improve democratic processes and ensure that government reflects the genuine will of the people.

2.4.2.2 Institutional Theory of Electoral Reform

This theory elucidates the role of political institutions in shaping political behaviour and governance outcomes. According to this theory, strong institutions are very much essential and vital for effective electoral administration. The theory argues that the

effectiveness of any political system depends largely on the strength, independence and functionality of its institutions rather than merely on the individuals' occupying positions within those institutions.

This theory was propounded by scholars such as Douglas North, who defined institutions as the regulation of the games that Molds political, economic and social interactions. According to North (1990), institutions consist of formal rules, regulations and informal norms such as traditions, customs that regulate and guide the behaviour of people.

In the context of electoral reform, institutional theory emphasizes that credible elections is subject to the strength and effectiveness of electoral institutions such as the electoral commission, judiciary, political parties, security agencies and electoral laws. Electoral reforms therefore focus on developing and improving these institutions to achieve transparency, accountability and electoral integrity.

This theory postulates that electoral reforms will only be attainable and succeed if these institutions are independent, adequately funded, professionally managed and free from political interference. Also it argues that where the institutions are weak, reforms may exit only on paper without producing meaningful results.

2.4.2.3 Political Theory of electoral reforms

This theory envisages that electoral reform is a product of political struggles, interests, power relations and strategic calculations among political actors. The theory argues that electoral reforms do not occur in a political vacuum, rather, they emerge from competition among political actors who seek to shape electoral rules in ways that maximize heir chances of winning elections or retaining political power. Electoral

reforms are viewed as political process driven by the interest and calculations of those who control political institutions.

The political theory is built on the following assumptions such as:

1. Politics revolves around power; political actors seek to acquire, hold, retain and exercise power. Electoral reforms are therefore often designed with power considerations in mind.
2. Electoral reforms are politically motivated; Reforms are not always introduced solely to improve democracy, they may be influenced by political interests, elite bargains and partisan calculations
3. Political elites influence reform outcomes; The success or failure of electoral reforms depends largely on the willingness of political elites to support and implement them.
4. Electoral Institutions reflect political realities; Electoral laws and institutions often mirror the balance of political forces within a state.
5. Outcome of reform is subject to political will; A well designed reforms may likely fail if political actors lack commitment to implement the reforms.

Political theorist argues that many of these reforms emerged from pressure by opposition parties, civil society organizations, election observers and public dissatisfaction with flawed elections.

For example, following the widely criticized 2007 election, the Nigerian Government established the Electoral Reform Committee chaired by Justice Mohammed Uwais. While many recommendations were accepted, others were modified or rejected due to political considerations and resistance from political actors.

Political theory therefore explains the reason why some reforms proposals are

implemented while others remain unimplemented despite widespread public support.

Shola Omotola argues that electoral reforms in Nigeria are deeply intertwined with political interest and elite competition. According to him, reforms are often shaped by the strategic interest of political actors rather than solely by democratic objectives.

He also maintains that electoral reforms can only succeed where political actors demonstrate genuine commitment to democratic principles and electoral integrity.¹³

¹³ Omotola, J.S (2011). Electoral reform and prospects of democratic consolidation in Nigeria. *Journal of African Elections*, 10(10, 187-207

CHAPTER THREE

EVOLUTION OF ELECTORAL SYSTEM IN NIGERIA (PRE AND POST INDEPENDENCE)

3.1 Pre-Independence Era of Electoral Evolution in Nigeria

3.1.1 Clifford Constitution of 1922

The evolution of electoral reforms in Nigeria could be traced back to the colonial administration under the Clifford constitution which introduced elective principle. This constitution was enacted and promulgated by Sir Hume Clifford. The introduction of elective principle marked the first formal attempt to incorporate Nigerians into governance through elections, however, the system was highly restrictive, as voting rights were limited to adult males in Lagos and Calabar who met stringent property and income qualifications. The exercise of franchise excluded majority of Nigerians, including women and rural population.

Elections were conducted on a narrow, elitist basis, thereby reinforcing colonial control rather than promoting democratic awareness and participation. This system reflected the British objective of gradual political inclusion without relinquishing authority.

It has been argued by scholars that the Clifford constitution which introduced elective principle marked the beginning and evolution of electoral system and constitutionalism in Nigeria.¹⁴

3.1.2 Richard Constitution of 1946

¹⁴ A.B. Kasunmu, Nigerian Constitutional law

This constitution was introduced by sir Arthur Richards, it constitution contributed to evolution of electoral process and reforms in Nigeria. Richard constitution expanded representation and introduced legislative councils. The constitution aimed to inculcate and promote unity while recognizing Nigeria diversity, it maintained indirect electoral technique in most regions, especially the northern region where traditional institutions played a dominant role. Participation in electoral activities remained limited and largely controlled by colonial authorities and traditional rulers. The absence of a uniform electoral system across regions in Nigeria hindered democratic development.

It is important to note that there were no significant judicial authorities from this period due to the dominance of colonial control and limited access to court with regards to issues, grievances arising from electoral conduct. Nevertheless, this phase laid the groundwork for subsequent reforms by acknowledging regional representation.

3.1.3 McPherson Constitution of 1951

This constitution was enacted by John McPherson, which came into lime light from the extensive consultation with Nigerians. A vital shift occurred with the McPherson constitution. This constitution expanded electoral participation and introduced a better representative system through a synchrony of direct and indirect elections. For the first time, a larger segment of population could participate in the electoral process, however it was fraught with inequalities. The constitution also established a central legislature with representatives from regions, thereby promoting political participation. Electoral reforms during this period encouraged political party formation and competition, leading to the evolution of major nationalist parties. Irrespective of these improvement,

electoral disputes were still minimal in reported cases by virtue of the nature of governance and limited involvement judicial activism and contribution in matters pertaining to electoral processes in Nigeria.

3.1.4 Lyttleton Constitution of 1954

The Lyttleton constitution of 1952 was enacted, introduced by Oliver Lyttleton, he envisaged on the concept of federalism and furthermore brought about electoral reforms by granting autonomy to regions. Each region developed its own electoral process and conduct; this led to the increase of political participation and efficiency in its administrative process. During this period, electoral institutions were strengthened and there were a clear division and delineation of power between the region and the central government. However, the decentralization of electoral process also strengthened ethnic and regional division, political party became regionally based. The constitutional framework provided during this period played a significant role to reforms witnessed in the post-independence era with respect to the conduct and organization of electoral process in Nigeria.

In summary, the pre-independence electoral system in Nigeria evolved from a highly restricted, colonial controlled system. These reforms were initiated by colonial administrative, pursuing their interest rather than a genuine democratic ideal. The gradual expansion of electoral process and representation did not eliminate inequalities; electoral participation was witnessed among all region. Also, the absence of judicial activism and intervention weakened the credibility and accountability of electoral process. The constitutional development of the pre-independence era laid the

foundation for Nigeria post-independence electoral system.”

3.2 Post-Independence Era of Electoral Evolution in Nigeria

3.2.1 Electoral Crisis in the First Republic (1960-1966)

After gaining independence in 1960, Nigeria adopted a parliamentary system of government with an electoral framework that was inherited from the colonial administrators. The system however, was fraught with electoral malfeasance, political instability and tension arising from region. The 1964 general election and the 1965 western region elections were marred by widespread rigging and violence, leading to electoral crisis. This issue of instability led to intervention of judicial activism in electoral matters. *In Adegbenro v Akintola (1963) AC 614*, the dispute arose over the removal of the premier of the western region. The privy council held that the governor acted ultra vires in determining loss of majority support without a legislative vote. The decision of the court elucidated the adherence to constitutional procedures and pointed out the fragility of Nigeria electoral and political system during that period.

3.2.2 Electoral Jurisprudence in the Second Republic (1979-1983)

The second republic introduced a presidential system and made provision for the establishment of the Federal Electoral Commission (FEDECO) to oversee, organize and supervise the conduct of election in Nigeria. This period witnessed the development of electoral jurisprudence through interpretation made by the judicial system with respect to constitutional provision. A landmark case for determination is the case of *Awolowo v Shagari (1979) 6-9 SC 51*. The facts of this case cantered on whether the winning candidate satisfied the constitutional requirement of securing one-quarter of votes in

two-third of the states. The supreme court interpreted two-third of 19 states. The supreme court judgement was in favour of Shehu Shagari, affirming his election. This judgement serves and remains as a cornerstone and foundation in Nigerian electoral law, capturing the significant role of judiciary in resolving electoral disputes and ambiguities.

3.2.3 Electoral Breakdown and the June 12, 1993 Crisis

The third republic marked a significant and critical turning point in Nigeria electoral history. The June 12, 1993 presidential election, was widely regarded as the most free, fair and credible election. However, it was annulled by the military government, leading to a nationwide unrest. *In Abiola v Babangida*, Moshood Abila challenged the annulment of his presumed victory. Although the court were constrained by the military decree, the case captured the limitations of judicial independence under the rule of military government. The annulment elucidated on the need for a stronger electoral institutions and strict adherence to the principle of rule of law, which later became a central issue for determination in subsequent reforms.

3.2.4 Democratic Consolidation in the Fourth Republic (1999-present)

With the return of democracy in 1999, Nigeria has undertaken a vital and significant electoral reform geared towards enhancing transparency, credibility and accountability with respect to electoral process in Nigeria. The establishment of Independent National Electoral Commission (INEC) highlighted a vital and major institutional development. Judicial contribution, participation and decision have continued to shape electoral governance in Nigeria. *In Amaechi v INEC (2007) 9 NWLR (Pt 1040) 504*, The supreme

court held that votes belong to the political party rather than the individual candidate. The court declared Rotimi Amaechi as the rightful governor despite not being on the ballot. This decision significantly influenced party supremacy in Nigerian electoral law.

3.3 Contemporary Reforms and Evaluation

Recent Electoral reforms, particularly the *Electoral Act of 2022*, have introduced the use of technological innovation in the conduct of electoral process in Nigeria, such as Bimodal Voter Accreditation System (BVAS) and the use of electronic transmission of results. These reforms aim to address the challenges fraught with electoral process such as vote rigging, electoral violence and absence of transparency. Judicial enforcement remains vital and important in ensuring compliance and strict adherence to electoral laws. The evolution of Nigeria electoral system in the post-independence era envisages a continuous struggle to equate political interest with democratic ideals. While progress has been made, achieved, persistent issues, challenges indicate that electoral reform is an ongoing process. Irrespective of this, the role of judiciary and introduction of the use of technological innovation provides hope for a more credible, free, fair and accountable conduct of electoral process in Nigeria.

3.4 Key Electoral Act and Amendment 2002, 2006, 2010 AND 2022

In Nigeria, one of the way or mechanism to achieve effective electoral reform in Nigeria aside from constitutional provision and the establishment of electoral commission is the enactment of electoral act. Over the years different electoral act have been enacted to tackle issues and challenges fraught with electoral processes in Nigeria. This part is aimed at reviewing the impact of the different electoral act enacted over the years, also

reviewing the challenges faced by the electoral act with respect to the conduct of electoral process in Nigeria.

3.4.1 Electoral Act 2002

The *Electoral Act 2002* was enacted by virtue of the provision of the constitution of the federal republic of Nigeria 1999, especially with reference *to sections 76-78, 166-188 and 132-134 of the constitution* which empowers the conduct of election into offices. The Act establishes the legal framework providing guidelines for INEC in organizing election which include the registration of voters, the nomination of party and the processes and procedures involved in election. However, the act is fraught by weak enforcement technique and excessive administrative discretion.

A major judicial authority to highlight on the above is the case of *Amaechi v INEC*¹⁵ Rotimi Amaechi was substituted by his political party (PDP) after winning the primary election and Celestine Omehia contested the 2007 governorship election in Rivers state. The issue for determination was whether a political party could substitute a candidate who validly emerged from its primaries. The supreme court held that the party had no power to arbitrarily substitute Amaechi and that votes belong to the party, not the candidate. Amaechi was declared the rightful governor. The significance of this case is that it exposed the default in party nomination procedure and processes under earlier electoral laws.

3.4.2 Electoral Act 2006

¹⁵ Amaechi v INEC (2007) 9 NWLR (Pt.1040) 504 (SC)

The Electoral Act 2006 was enacted with the purpose of correcting the flaws, challenges, weakness of the 2002 Act and to strengthen electoral administration. It introduced more structured procedures for primary election and empowered INEC to effect disqualification of any candidate who failed to meet up with the requirement as provided for in the constitution with particular reference to sections 65, 66, 106, 131 and 137 of the constitution.

However, the power led to significant litigation, as seen in *Action Congress v INEC*¹⁶ INEC disqualified several candidates by virtue of the interpretation of the constitutional requirement. The issue here was whether INEC had the power to disqualify candidates. The supreme court held that INEC lacked such power and that only court of law in Nigeria could determine disqualification of any sort. This decision limited INEC excessive discretion and directly led to the influence of the amendment of the Act as well as having great influence on electoral reforms in Nigeria.

Another relevant case is *A.G Federation v Abubakar*¹⁷, the supreme court reaffirmed the supremacy of constitutional provisions over administrative actions by INEC, particularly in matters of eligibility and defection.

3.4.3 Electoral Act 2010 (as amended)

The Electoral Act 2010 marks a vital and major mile stone in Nigeria electoral reforms, which was enacted in sequence with the required recommendation from the Uwais Electoral Reforms Committee. It reflects it strong hold in the independence of INEC and

¹⁶ *Action Congress v INEC* (2007) 12 NWLR (Pt. 1048) 222 (SC)

¹⁷ *A.G Federation v Abubakar* (2007) 10NWLR (Pt. 1041) 1 (SC)

curbed out its power to disqualify candidates with respect to the supreme court decision and position in *Action Congress v INEC*¹⁸. it also introduced greater transparency, credibility and accountability in voter registration, result collation and election petitions matters.

An important case of study under this regime is *CPC v Ombugadu*¹⁸, the Congress for Progressive Change (CPC) challenged the outcome of the Nasarawa gubernatorial election. The issue for determination here was whether the noncompliance with the Act subsequently affected the election. The supreme court held that for an election to become null and void, the petitioner must prove substantial noncompliance with the requirement and as a result of noncompliance it affected the result of the election. The significance and importance of this case strengthened and reinforced the provision under section 139(1) of the Act pertaining to the burden of proof in election petitions.

Also, another important case of overview, is the case of *INEC v Oshiomhole*¹⁹, the gubernatorial election in Edo state was challenged on grounds of irregularities. The court envisaged strict adherence with electoral procedures and the importance of credible evidence in proving electoral malfeasance. This act as an improvement in strengthening the scrutiny of electoral processes.

3.4.4 Electoral Act 2022

The Electoral Act 2022 is the most progressive electoral act in Nigeria reason be that the Act paved way for the introduction and implementation of technological innovations in the conduct of electoral process in Nigeria ensuring transparency towards its conduct.

¹⁸ CPC v Ombugadu (2013) 18 NWLR (Pt.1385) 66 (SC)

¹⁹ INEC v Oshiomhole (2009) 4 NWLR (Pt. 1132) 607 (CA)

It works closely with the provisions and dictates of the constitution.

By virtue of the provision of the constitution, it guarantees the independence of INEC²⁰, the act legalizes accreditation electronically and electronic transmission of result with the aid of BVAS and made provision for a strict timeline and financial regulations for political parties.

A leading case elucidating the interpretation of use of electoral innovation and technology is the case of *Oyetola v Adeleke (2023) LPELR-60392 (SC)*, the Osun state governorship election was in contention based on the alleged issue of over voting and discrepancies between BVAS accreditation and recorded votes. The issue here for determination was based on the evident value of BVAS and electronic accreditation date. The supreme court held that BVAS data must be properly demonstrated and aligned to polling unit result to prove over voting. The major importance or significance of this case is that it clarified and envisaged the importance of the role of technological innovation introduced and implemented under the electoral act 2022.

Also, another important and relevant judicial authority is the case of *Adesanya v INEC (2023) LPELR-59761 (CA)*, where the Court of Appeal emphasized on the adherence with the new provisions on party primaries and candidate nomination.

In conclusion, the progression, development of Electoral Acts from 2002 to 2022 reflects a gradual but continuous shift from administrative control and dominance and weak enforcement of judicial oversight, technological innovations and implementation.

²⁰ Section 153 of CFRN 1999 as amended
Section 160 ibid

Court decision such as the decision in *Amaechi v INEC*, *Action Congress v INEC* and *Oyetola v Adeleke* have played a significant role in ensuring the enhancement of electoral reforms and not merely proviso of statue but adequately providing interpretation to statutory provisions. Nevertheless, the effectiveness of these reforms ultimately is subject to the adherence, integrity in the conduct of electoral process.

3.5 Role of The Judiciary and Civil Society in Electoral Reforms

Electoral reforms are essential and fundamental to the consolidation of democracy, it ensures that elections are conducted freely, fair and credible. While legislation and electoral commission provide the structural overview and framework for elections, the judiciary and civil society organization plays a significant role in ensuring accountability and public engagement to electoral processes in Nigeria. Their roles are vital and complementary, the judiciary enforces the legal adherence and compliance to decision and statutory provision and provide a platform to resolve dispute among parties. The civil society advocates, educates and enlightens the populace on electoral processes. Both plays a very crucial and vital role and they are indispensable in strengthening democratic governance and promoting citizen confidence in the electoral system.

3.5.1 Role of the Judiciary in Electoral Reforms

The judiciary serves as the guardian and custodian of the constitution and plays a vital and decisive role in bring about electoral reforms through litigation and adjudication process, interpretation of statutory provision and strict enforcement of electoral laws. Court ensures that electoral bodies such as INEC dispenses its duties and obligation within the confines and provision of the law and uphold the tenet of democratic

principles.

A land mark case is the case of *Amaechi v INEC*^{ibid} where the supreme court held that it is the political party and not the individual candidate that wins the election. This judgement in the above case reshaped the jurisprudence of electoral processes in Nigeria and give clarification to the supremacy of party. Similarly, in *INEC v Oshiomhole*^{ibid}

The court emphasized on the strict adherence of the guidelines of electoral processes and procedure, strengthening the need for legality in party primaries and nominations

The judiciary also provides protection for the fundamental right of candidates and voters. In *Adesanya v INEC*^{ibid}, the court addressed the issue of locus standi in electoral issues, envisaging its influence on who can challenge electoral malpractices or any form of irregularities. Also, in *Action Congress v INEC*^{ibid}, the court emphasized on the judiciary authority to review the actions of electoral bodies, there by elucidating on the capability of its decision, thereby strengthening the oversight mechanism.

Also, the judiciary is tasked with the responsibility to resolve dispute amicably arising from electoral processes. In *CPC v Ombugadu*^{ibid}, the Court of Appeal annulled the election on the grounds of not complying with the requirement and guidelines stipulated in the electoral act, emphasizing on the role of judiciary in reforming and correcting the challenges, irregularities flawed with electoral process. Also, in *Oyetola v Adeleke*^{ibid}, the supreme court reemphasized the importance of complying with the relevant requirement, processes and procedures and providing credible evidence pertaining election petitions.

Through this process, the judiciary does not only aid in settling dispute, issue but also aid in identifying lacuna in electoral laws, by doing so, it influences the legislative in amending lacuna in electoral laws and ensuring policy reforms.

3.5.2 Role of Civil Society in Electoral Reforms.

Civil society organization plays a significant, vital and important role in transforming and advocating for electoral reforms and striving towards aiming for credibility and accountability in its conduct. Organization such as Transition Monitoring Group (TMG) and Civil Society Legislative Advocacy Centre (CISLAC) have aided in advocating and pushing for reforms in Nigeria electoral processes.

CSO engages in activities with the aim of influencing changes, campaigns organized by this organization contributed immensely to the enactment of the *Electoral Act 2022* which introduced and implemented technological innovations such as the electronic transmission of result. They also aid in promoting transparency by actively supervising and monitoring electoral process and publishing independent report on the conduct of election.

Another vital role of Civil society is enlightenment on civic education. Civil society groups educate the populace on their fundamental right as citizen and the importance of their participation in electoral process thereby eliminating the mind set of electoral apathy. Civil society also enlighten the people on the dangers of electoral malpractices and how it affects electoral system thereby making it impossible to achieve reforms in electoral process. CSO station and deploy electoral observer who monitor any form of irregularities arising from the conduct of election, which gives a ground for judicial

intervention.

Civil Society also collaborates with international organization to promote electoral practices and governance in Nigeria. The presence of international organization helps to identify challenges facing electoral processes and mobilize public support for reform initiatives.

3.5.3 Relationship between Judiciary and Civil Society

The relationship and intersection between judiciary and civil society is geared towards promoting electoral reforms. Civil society often organize and initiate public interest litigation to challenge ultra vires practices seen to be unconstitutional and flawed electoral practices. This provides court with the avenue to interpret electoral laws and establish precedent to that effect. For example, CSO may challenge the provisions of electoral laws not in line with the conduct of electoral process in Nigeria, thereby, leading to judicial pronouncements that expand democratic participation. The decision of the judiciary empowers the civil society by supporting and legitimizing their effort towards providing legal backing in respect to electoral reforms.

This relationship creates an avenue where the CSO identifies issues, challenges fraught with electoral process, the judiciary comes into play by addressing issues identified by CSO, thereby interpreting the provision of electoral laws and the legislative responds with reforms.

3.5.4 Challenges Facing Judiciary and Civil Society

Regardless of the significant role of judiciary and civil society in electoral reforms, both

institutions are faced with challenges in their implementation. The judiciary is often faced with issue of delay in court processes, delays in adjudicating electoral reforms, which can undermine timely justice. One the maxim of equity which states that delay defeats equity elucidates on the issue of time affecting court processes. Also, corruption in the judicial system also affect and weakens public confidence.

Civil Society Organization also experiences challenges such as financial issue, limited access to remote area enlightening them on the need for active participation in electoral process. Also restriction from government. In some situation, their neutrality is questioned, which can affect credibility. In addition, poor enforcement decision of judiciary hinders the effectiveness of electoral reforms.

In Conclusion, the Judiciary and Civil Society are very much indispensable to the development and promotion of electoral reforms in Nigeria. The judiciary ensures the strict adherence and compliance with the provisions of electoral laws and provide a platform for dispute resolution. The civil society organization aids in promoting credibility, transparency in electoral conduct and strengthens democratic governance. It is important to note that for both institutions to be effective, they must be independent and effective in carrying out their roles and responsibilities in ensuring reforms.

3.6 Challenges in Implementing Electoral Reforms in Nigeria

The implementation of electoral reforms in Nigeria has been fraught with so many challenges since the evolution of electoral system in Nigeria dating back from the pre independence era to the post-independence era. Despite the effort and mechanism introduced by electoral act and amendment of the act to tackle challenges faced with

electoral conduct, the translation of reform provisions into effective practice remains problematic. These challenges affect the credibility, transparency of election in Nigeria and also weakens democratic governance.

One major challenge in implementing electoral reforms in Nigeria is political interference. Electoral reforms in Nigeria are mostly influenced by political elite, god fatherism whose selfish interest in flawing electoral system benefit from the flaws in the system. As a result of this, reform may be selective, delayed and manipulated by political elites. INEC often faces pressure from ruling parties. Interference in electoral process can affect the decision of INEC such the appointment of key officials, organization and management of electoral result.

Secondly, another significant challenge is ineffectiveness and poor administrative and institutional operation. INEC struggles with challenges such as late disbursement of electoral materials, lack of adequate and trained INEC officials and poor coordination. This issue often led to delays in electoral processes, political apathy and in some situations may lead to the cancellation of electoral results. The implementation of technological innovation is also fraught with challenges, electronic transmission of result faces resistance such as technical glitches and inconsistency in application across regions.

Also, another challenge in implementing reform is the issue of vote buying. Despite the provision of electoral law which frowns against any sort or form of electoral malpractices, the enforcement tends to remain weak. Politicians manipulate poor citizens and exploit them making false promises to citizens, giving them peanut to

secure their vote.

In addition, another major challenge fraught with the implementation of electoral reforms is voter apathy and lack of political awareness. Voter apathy simply means the lack of interest, zeal of people to electoral and political activities. This is a major challenge reason be that where citizen demonstrate lack of interest in electoral activities it defies the whole purpose of electoral reform. Voter apathy may be due to past irregularities in electoral system leading to low vote turn out. When citizen disengage themselves from political and electoral activities government pays little or no attention to implementing reforms.

Also, technological challenges affect the implementation of electoral reforms in Nigeria. Despite the introduction of technological innovation in the conduct of election whose impact has been evidenced, however, issues such as poor infrastructure, unreliable electricity and limited internet access pose a significant challenge in implementing electoral processes especially in remote areas.

Also, electoral violence and insecurity pose as a significant challenge in Nigeria affecting electoral reforms. Currently, Nigeria is experiencing high level of insecurity, past elections conducted evidenced the use of thugs, hoodlums, bandit to cause chaos during election. Based on research conducted, this so-called bandit, thugs are fuelled by political elites and their parties with the sole selfish purpose of obtaining power at the expense of the life and security of citizen. The issue of insecurity and electoral violence is a major problem affecting the entirety of Nigeria political and electoral system.

In Conclusion, the challenges in implementing electoral reforms are diverse, each eating

deeply into electoral system and becoming a normal phenomenon which on a common parlance it is abnormal. Addressing these challenges requires a strong and dedicated political commitment, non-corrupt judicial activism, effective institutional operation and adequate technological investment and most importantly, citizens awareness and participation to ensure credibility and accountability in electoral conduct.

CHAPTER FOUR

LEGAL AND INSTITUTIONAL FRAMEWORK OF ELECTORAL REFORM IN NIGERIA

4.1 Legal and Institutional Framework of Electoral Reform in Nigeria

The legal and institutional framework of electoral reform in Nigeria refers to the body of constitutional provisions, statutory laws, regulations, and institutions established to govern the conduct of elections and ensure that the electoral process is free, fair, credible, transparent, and democratic. Electoral reforms have become an important feature of Nigeria's democratic development due to persistent electoral challenges such as electoral violence, vote buying, ballot box snatching, manipulation of election results, and lack of public confidence in the electoral process. Consequently, successive governments have enacted laws and strengthened institutions to improve electoral administration and democratic governance.²¹

4.1.1 Constitutional Framework

The Constitution of the Federal Republic of Nigeria, 1999 (as amended) is the supreme law governing elections in Nigeria. It establishes the legal foundation for democratic governance and guarantees the political rights of citizens.

Section 14(2)(a) states that "sovereignty rests with the people from whom all powers and authority in Government comes". This rule underscores the importance of free, fair and credible elections, which form the basis of the legitimacy of governments.

Every citizen of the Federal Republic of Nigeria has the right to assemble and associate with others freely, including the right to form or join political parties for purposes of political participation according to section 40 of the Constitution of the Federal Republic of Nigeria.

²¹ Nwabueze, B.O. (2003). Constitutional Democracy in Africa.

Section 42 bans discrimination on the grounds of ethnicity, religion, sex or place of origin, thus creating equal political participation.

Section 76 to 81 stipulate the process of electing members into the National Assembly and Section 116 to 121 do the same for the State Houses of Assembly. Presidential elections are governed by Sections 132-137 while governorship elections by Sections 177-182.

The Independent National Electoral Commission (INEC) is established under Section 153 of the Constitution, and its constitutional duties are specified under Paragraph 15 of Part I of the Third Schedule of the Constitution, which include the registration of voters, conducting elections, monitoring of political parties, voter education and the preparation of the voters' register.

Chapter 12 (sections 239-285) creates Election Petition Tribunals and election appellate courts to resolve election disputes. The basis of electoral justice in Nigeria is provided by these constitutional provisions.

4.1.2 The Electoral Act 2022

The major laws that govern elections in Nigeria are: Electoral Act 2022. It replaced the Electoral Act 2010 (as amended) and added a number of changes in the electoral process aimed at enhancing electoral credibility, transparency and accountability.

It is one of the most innovative features of Section 47, which allows for the use of the Bimodal Voter Accreditation System (BVAS) for voter accreditation using fingerprint and facial recognition technology.

In accordance with procedures prescribed by INEC, Section 60 mandates that Presiding

Officers submit the results of the elections electronically. This reform is in place to minimise tampering with the results of the ballot box during collation.

Transparency of primary elections before candidates are nominated as a result of section 84's measures to improve internal democracy in political parties.

Section 88 to 92 control campaign finance, limits on candidates' expenditure, limits on expenditure on political parties, and bans anonymous donations.

The Act also contains provisions which make various electoral offences criminal, such as vote-buying, ballot box snatching, intimidation of voters, falsification of election results, destruction of electoral materials and bribery of electoral officials.

All these reforms have taken Nigeria's electoral legal architecture to a great extent into the modern era.

Independent National Electoral Commission (INEC) 4.1.3

The Independent National Electoral Commission (INEC) is the main body to implement electoral reforms in Nigeria. A constitutional duty of INEC is to exercise its constitutional powers independently under Section 153 of the Constitution.

It is tasked with holding elections, registering political parties, keeping the National Register of the Electorate, educating voters, delimiting constituencies, and monitoring political parties, giving guidelines before elections and declaring election results.

With recent changes, INEC has been able to incorporate technology into the electoral process including the BVAS and INEC Result Viewing Portal (IREV), which have improved the transparency and minimized electoral fraud.

Although these are successes, INEC still has a number of challenges such as lack of resources, insecurity, political interference, logistical problems, and election-related

litigations.

4.1.4 The Judiciary

The Judiciary is the guardian of electoral justice which interprets Electoral laws and resolves Electoral disputes.

Electoral disputes relating to elections are heard by Election Petition Tribunals, Court of Appeal and Supreme Court.

Landmark decisions such as reaffirmed that votes belong to political parties, while emphasized strict compliance with the Electoral Act in determining election petitions.

Judicial review has helped enhance democratic accountability, ensured the protection of electoral rights, and promoted the observance of the constitutional principles.

4.1.5 Political Parties

Parties play an important role in Nigeria's electoral process. They recruit members, develop public policies, organize political involvement, and vie for public positions.

The Electoral Act 2022 mandates political parties to hold democratic primary elections, publish and maintain transparent membership lists, abide by campaign financing limits and submit INEC with audited financial reports.

Despite this, a number of obstacles, including the imposition of candidates, delegate manipulation, monetisation of primary elections and frequent defections threaten the internal party democracy.

4.1.6 Security Agencies

Security agencies are an important pillar of peaceful elections. Security agencies – including the Nigeria Police Force, Armed Forces, Department of State Services (DSS), Nigeria Security and Civil Defence Corps (NSCDC) and others – ensure law and order in

Nigeria before, during and after elections.

The formation of the Inter-Agency Consultative Committee on Election Security (ICCES) has helped to boost coordination among security agencies during elections.

However, charges of overuse of force, intimidation of voters, political interference have been issues that must be continually addressed through institutional changes.

4.1.7 Civil Society Organizations and Election Observers

Civil society organisations play an important role in electoral reform by providing information and education to voters, monitoring elections, advocating on civic issues and recommending policies.

These organisations have been regularly observing elections and producing independent statements on electoral credibility.

4.1.8 Conclusion

The legal and institutional environment for electoral reform in Nigeria has undergone significant changes over time, guided by constitutional amendments, electoral laws and regulations, judicial rulings, and institutional development and strengthening. The framework for credible elections is provided by the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Electoral Act 2022 and institutions like the Independent National Electoral Commission (INEC), Judiciary, political parties, security agencies and civil society groups. While there has been significant improvement, issues of electoral violence, vote buying, insecurity, abuse of incumbency, and lax enforcement of electoral laws remain. Thus there is need for continuous legal reforms, improved institutions, technological innovations and political will to consolidate democracy and make the elections true reflection of the will of the Nigerian people.

In Nigeria's electoral history, the Electoral Act 2002 was the last law to be enacted before the Electoral Act 2022, which has already come into effect. The Electoral Act of 2002 was the previous election law that was promulgated before the Electoral Act of 2022 which is now effective.

4.2.1 Introduction

Since its return to democratic rule in 1999, the electoral law in Nigeria has been amended more than once. The reforms were implemented because of the shortcomings of the previous elections and to enhance democratic government. Since the inception of the Fourth Republic of Nigeria, the country has had four major Acts on Electorals which were passed in 2002, 2006, 2010 (as amended) and 2022. All the Acts aimed at improving electoral administration, credibility of elections, strengthening the powers of the Independent National Electoral Commission (INEC) and curbing electoral malpractices. These laws have been enacted in a sequential manner, reflecting a commitment by the Nigerian government to enhancing the electoral system, but there are still implementation issues.

4.2.2 The Electoral Act 2002

The Electoral Act 2002 was the first detailed Electoral Act that was adopted since the return of democracy in Nigeria. It facilitated the general elections held in 2003 and gave legal framework for voter registration, political party registration, nomination of candidates, political campaigning, election petitions and electoral process.

One of the significant successes of the Act was the provision of more transparent processes for political party and candidate registration. It also gave INE the power to organise and conduct elections across the Federation. The Act had some flaws,

however. It imposed very light penalties for electoral violations, had weak provisions for technological innovation, and was not effective in controlling campaign finances or intraparty democracy. These weaknesses were highlighted during the 2003 elections when the entire electoral process was marred by electoral violence and irregularities.

4.2.3 The Electoral Act 2006

In response to criticisms on the elections that took place in 2003, the Electoral Act, 2006 was passed to reinforce the electoral system in Nigeria for the 2007 general elections. The Act granted more powers to INEC including increased competences in voter education, prosecution of electoral offenders, and regulation of political parties.

It brought transparency in the aspect of nominations, funding of campaigns and election petitions. The Act also clarified some ambiguities concerning the appointment and removal of Resident Electoral Commissioners (RECs). Despite these advancement, the 2007 elections were considered one of the least credible elections in Nigeria's history due to the extent of electoral malpractice, violence, ballot stuffing and the weak administration of the elections. The shortcomings of the Act led to the formation of the Justice Mohammed Uwais Electoral Reform Committee that had a significant impact on subsequent reforms.

4.2.4 The Electoral Act 2010 (as Amended)

The Electoral Act 2010 was a significant milestone in the electoral reforms of Nigeria. It was passed on the recommendation of the Justice Mohammed Uwais Electoral Reform Committee, and in line with constitutional changes that were made prior to the 2011 general elections.

The Act enhanced the autonomy of INEC, established a more robust system of voter registration and nomination of candidates, made provisions for a more transparent campaign financing system and increased the mandate of election tribunals. It also established firmer deadlines for electoral activities and strengthened the legal mechanisms to address disputes over elections.

The Electoral Act 2010 was amended on several occasions prior to the 2011 elections, to reflect constitutional changes and to facilitate the smooth conduct of elections. In compliance with this Act, Nigeria has conducted general elections in 2011, 2015 and 2019. Nigeria has successfully held general elections in 2011, 2015 and 2019, pursuant to this Act. Though there were some signs of electoral administration improvement in these elections, issues like vote buying and ballot snatching, violence, manual collation of results, and delays in election logistics persisted, which threatened electoral integrity.

4.2.5 The Electoral Act 2022

The Electoral Act, 2022 is the most important electoral reform legislation since Nigeria's return to democracy. It was signed into law on 25 February 2022, replacing the Electoral Act 2010, while incorporating a number of innovations that will enhance transparency, accountability and public trust in the electoral process.

Section 47 of the Act legalizes the use of the Bimodal Voter Accreditation System (BVAS) for electronic accreditation of voters using both fingerprint and facial recognition technology. It also gives Presiding Officers authority to electronically send election results, following INEC procedures, under Section 60.

Moreover, Section 84 empowers political parties to enhance their internal democracy with regards to the conduct of political primaries and nomination of candidates. The Act

also introduces more stringent regulations regarding campaign funding, electoral crimes and safeguarding of electoral documents.

The 2022 Act has brought a wide and significant reform to the electoral law of Nigeria, incorporating technology and accountability elements to the extant law. However, implementation issues such as technical failures, insecurity, logistical problems, and litigation resulting from elections remain to be a hindrance to its effectiveness.

4.2.6 Comparative Analysis of the Electoral Acts

The Electoral Act 2002 was chiefly geared towards providing the legal framework of democratic elections following military rule. It focused on voter registration, party registration and electoral administration with little measures against electoral malpractice.

The Electoral Act 2006 broadened the powers of INEC and sought to reform the electoral administration process with a tighter control of political parties and electoral processes. Enforcement, however, was weak and there was a lack of institutional capacity.

More comprehensive reforms were introduced by the Electoral Act 2010, which expanded INEC's independence, helped to improve voter registration, expanded judicial oversight and gave voters clearer electoral timelines. This was a substantial improvement from the previous Acts, but mainly manual voting.

The Electoral Act 2022 is a new Act and stands in contrast to its forebears as it has introduced new technology into the administration of elections. It is the most progressive electoral law introduced in Nigeria through the introduction of BVAS, introduction of electronic accreditation, electronic transmission of results, better

campaign finance regulation and better party democracy.

Another big contrast is with regard to electoral transparency. The 2010 Act and 2002 Act were mainly comprised of manual accreditation and result collation, whereas the 2022 Act radically limits opportunities for manipulation through technological innovations.

Likewise, there has been a dramatic change in laws governing political party primary elections. Under the Electoral Act 2022, there are more legal obligations and requirements regarding candidate selection to ensure internal democracy and transparency, compared to the previous Electoral Acts.

Penalties for electoral offences have also evolved in time. Compared to the previous Acts, the Electoral Act 2022 includes more stringent penalties for vote buying, ballot box snatching, intimidation of voters, destruction of electoral materials and falsification of election results.

4.2.7 Major Similarities

While there are variations among the four Electoral Acts, they have several common goals. They understand that INEC is charged with conducting elections, monitor voter registration and political party activities, offer procedures for candidate nomination, create election petition procedures, and work to ensure that elections are run according to constitutional principles.

Each of the Acts also reflects the persistent attempt of successive governments towards enhancing electoral integrity and good governance in Nigeria.

4.2.8 Conclusion

The Electoral Acts have been a progressive development of Nigeria's efforts to enhance

democratic governance with an on-going process of legal reform. The Electoral Acts 2002 and 2006 focused primarily on setting up and streamlining the electoral process, while the Electoral Act 2010 brought a number of institutional changes. *The Electoral Act 2022* represents the most comprehensive reform by integrating technological innovation, strengthening internal party democracy, enhancing electoral transparency, and expanding accountability mechanisms. Although challenges relating to implementation, security, political interference, and electoral offences remain, the progressive development of Nigeria's electoral legislation reflects the country's commitment to improving the credibility, transparency, and integrity of its electoral system.

4.3 Comparative Analysis of Electoral Act of 2022 and Electoral Act of 2026

The Electoral act of 2022 officially acknowledged the use of technology in electoral process. The limitations of the BVAS were introduced in Section 47 and the INEC was given powers in Section 60 to determine the procedure for the transmission of election results. The Act was praised for introducing transparency and minimizing electoral fraud by introducing electronic voter accreditation.

In 2026, the Electoral Act was changed to maintain the BVAS system and enhance the legality of digital electoral systems. The act increased the use of electronic platforms for voter management and administration of results. The 2026 Act is an improvement and not an overhauling of the 2022 Act.

The Electoral Act of 2022 mandated electoral parties to keep party membership registers, and hold democratic primaries. It also ushered in closer governance of party administration, such as digital party membership rolls and steps against party

multipartism in the Electoral Act, 2026.

The provisions of 2026 Act are designed to enhance party discipline and transparency in party administration over and above that of 2022 act.

The Electoral Act of 2022 has provisions for direct, indirect and consensus primaries in Section 84. The political parties were to nominate candidates to INEC at least 180 days before the election.

The 2026 Act kept these procedures, but added provisions to minimize unneeded litigation from party primaries. The Electoral Act 2026 strives to strike a balance between impartial oversight and party autonomy.

The Electoral Act 2022 raised the amount of money that can be raised for campaigns and gave penalties for those who violated the Act. The 2026 Act toughened and expanded requirements for accountability related to campaign finances. The 2026 Act is more focussed on transparency and financial accountability.

The Electoral Act 2022 do not condone offenses such as, vote buying, ballot snatching, electoral violence, multiple voting, destruction of electoral materials. The 2026 Act extended penalties for a number of electoral offences and extended penalties for offences concerning voter registration and party membership frauds.

To sum up, electoral reforms are essential for the consolidation of democracy in Nigeria. The Electoral Act 2022 marked a significant milestone in the electoral journey of Nigeria with the inclusion of innovative provisions that sought to enhance electoral credibility, transparency and accountability. But the act's implementation during the 2023 general election brought some practical difficulties to the fore, which led to the need for additional reforms.

The Electoral Act 2026 was born out of these issues and aims to boost electoral governance by reinforcing the regulation of political parties, tightening campaign finance rules, improving technological integration and increasing penalties for electoral offenses.

The Electoral Act 2022 and the Electoral Act 2026 have many similarities. There are many similarities between the Electoral Act 2022 and Electoral Act 2026.

1. Establishment and Independence of INEC

Both Acts regard the Independent National Electoral Commission (INEC) as the body to organize, conduct and supervise elections in Nigeria. They ensure the constitutional independence of the Commission and allow that elections be conducted under its regulation with no outside influence.

2. Universal Adult Suffrage

With the two Acts, all qualified Nigerian citizens at age of 18 years with valid Permanent Voter Card (PVC) are guaranteed their right to vote in elections. Neither Act makes any changes to the constitutional requirements for voting.

3. Regulation of Political Parties

Both laws identify political parties as vital institutions in a democratic system of government. They lay down rules on the following: registration of parties; nomination of candidates; party primaries; operations of political parties; funding of political parties' campaigns; and the presentation of candidates' names to INEC.

4. Use of Technology

Both Acts give INEC permission to use technology to verify voters, register voters, manage elections and administer the election results. They advocate for the

improvement of the electoral system in Nigeria.

5. Electoral Offences

All electoral malpractice, including ballot box snatching, falsification of election materials, intimidation of voters, multiple voting, vote buying and vote rigging, is prohibited under both the laws. They also set punishment for the wrongdoers.

6. Election Petitions

Both the Acts continue the jurisdiction of Election Petition Tribunals and appellate courts to resolve election related disputes. They also establish timelines for election petitions filed and determination as provided in the Constitution.

7. Campaign Finance

Both Acts impose financial reporting requirements and limit political party and candidate spending to ensure accountability and transparency.

8. Voter Education

Both laws see INEC as responsible for organising voter and public enlightenment programmes that would enhance electoral participation and mitigate electoral violence.

The electoral act 2022 is different from the Electoral Act 2026 in 4.5 ways.

1. Electronic Transmission of Results

The Electoral Act 2022 gave INEC a discretion on how to transmit Election Results electronically; this resulted in varying interpretations during the 2023 elections. The Electoral Act 2026 offers a more formalistic legal framework, with increased obligations for electronic transmission and the creation of more explicit processes for dealing with technical issues in the transmission of results.

2. Political Party Registration

There are general provisions in the Electoral Act 2022 on the registration of political parties. The Electoral Act, 2026 adds greater clarity to the conditions for party registration, ongoing compliance and for deregistration of political parties, to discourage the existence of inactive parties.

3. Management of Technological Failure

The 2022 Act was not sufficiently complete in the electronic accreditation and result transmission system failures. The 2026 Act establishes the necessary contingencies for election officials to follow in case of technical failures.

4. Internal Party Democracy

While both Acts address party primaries, the Electoral Act 2026 mandates greater transparency, delegate selection, record keeping, and adherence to democratic processes for parties, which will further curb arbitrary changes in candidates.

5. Electoral Transparency

The Electoral Act 2026 adds more provisions to enhance transparency in the process of collation, publication and monitoring of electoral activities, hence improving public confidence in elections.

6. Penalties for Electoral Offences

The 2026 Act introduces more institutions that have responsibilities for the investigation and prosecution of electoral offenders, thus enhancing the enforcement mechanisms of the 2022 Act, which imposed penalties on electoral offences.

7. Protection of Election Officials.

Further safeguards for election officials carrying out their official duties have been included in Electoral Act 2026, especially in times of electoral violence and insecurity.

8. INEC Regulatory Powers

The Electoral Act 2026 gives INEC more powers to make regulations, guidelines and administrative directions required to implement electoral reforms without any conflict with the Constitution.

Conclusion

The Electoral Act 2022 remains one of Nigeria's most progressive electoral laws because it introduced important technological innovations that significantly improved election administration. However, practical challenges encountered during its implementation necessitated further legislative reforms. *The Electoral Act 2026* builds upon the achievements of the 2022 Act by strengthening electronic result transmission, improving political party regulation, enhancing electoral transparency, providing clearer procedures for technological failures, and reinforcing the powers of INEC. Consequently, while both Acts share the common objective of promoting free, fair, and credible elections, the Electoral Act, 2026 represents an effort to correct the weaknesses identified in the implementation of the *Electoral Act 2022* and to improve Nigeria's electoral process ahead of subsequent elections.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATION

5.1 Summary of Findings

The change in electoral systems in Nigeria has come as a result of the constant irregularities that have tainted Nigeria's political election throughout its history. Since the return to democratic rule in 1999, Nigeria has embarked on several reforms in its electoral processes through a series of constitutional amendments and electoral legislation, including the Electoral Act 2022. This Act is a major step in the evolution of the Nigerian electoral process, making it more transparent, accountable, and efficient.

The Electoral Act 2022 sets out detailed rules for the proper conduct of elections, such as rules on voter registration, activities of political parties, funding of political parties, and resolution of electoral disputes. Significantly, the use of technological devices like the Bimodal Voter Accreditation System (BVAS) for the accreditation of voters is provided for in section 47 of the Act while sections 29-31 of the Act regulate party primaries and submission of candidates. Moreover, section 60 of the Act gives Independent National Electoral Commission (INEC) powers to electronically transmit election results to ensure that election results are transparent, and minimize opportunities for manipulation.

Technological innovations like BVAS and INEC Result Viewing Portal (IReV) have significantly enhanced the integrity of the elections with regard to voter accreditation and transparency in the collation of results. Moreover, the judiciary in Nigeria has now contributed to the development of electoral jurisprudence through the setting of some

precedents, including the Supreme Court rule in *Amaechi v INEC* that votes must be cast for political parties, not for individual candidates. Likewise, *Oyetola v Adeleke* *ibid*, the court referred to the crucial role played by adherence to electoral laws in ascertaining the validity of election results.

Electoral reforms in Nigeria have not been successful to date, despite these progressions. However, the effectiveness of reforms is being hampered by various challenges including logistical issues, political interference, electoral violence and vote-buying. Further, the absence of internal democracy in political parties and weak implementation of electoral laws are also serious challenges to credible elections. The electoral reforms therefore, have improved the democratic process in Nigeria but have not eradicated electoral malpractices altogether.

5.2 Conclusion

Based on the foregoing analysis, it is clear that the implementation of Electoral reforms in Nigeria has played a tremendous role in the strengthening of democratic governance in Nigeria. The Electoral Act 2022 and the implementation of electoral technologies have strengthened the electoral process, increased transparency, diminished electoral fraud, and boosted electoral confidence. These reforms have also strengthened the judiciary's ability to uphold the electoral laws and resolve disputes within the time limits stipulated by the Constitution.

Still, the continued use of electoral irregularities reveals the constraints of legal and institutional change without political commitment and good implementation. The persistence of vote-buying and manipulation of electoral procedures and the differential enforcement of legislation shows that electoral reform is not just a legal process but

also a socio-political one as well.

Nigeria as a whole has made commendable strides in Electoral System Reform, but the quest for truly credible, free and fair elections is a process that is still on-going. Electoral reforms are ultimately a matter of all stakeholders—including electoral bodies, political party leaders, the judiciary and the electorate—committed to supporting democratic principles and the rule of law.

5.3 Recommendations

Based on the results of this study, the following recommendations are made to improve electoral reforms in Nigeria:

1. Strengthening the Independence of INEC

INEC should be further strengthened in its independence, both in terms of its financial independence and methods of appointment, to reduce political interference in electoral administration. Furthermore, there is a pressing need to strengthen the institutions' independence in Nigeria, particularly the INEC and judiciary to amplify the positive effect of electoral reforms. Interventions in the Electoral Act 2022, including the use of BVAS and electronic transmission of result and viewing, have mostly been hindered by political interference and poor enforcement technique. Enhancing institutional autonomy and adopting merit-based appointment and insulating these institutions from influence of political elite, this will promote credibility and public confidence in the electoral process.

2. Establishment of an Electoral Offences Commission

An Electoral Offences Commission should be set up to investigate and prosecute electoral offenders to ensure strict adherence to electoral laws; this is a specialized Electoral Offences Commission.

3. Good Use of Electoral Technology

Technological innovations like BVAS and the electronic transmission of results, should be fully adopted and protected against manipulation, as provided for in section 47 and section 60 of the Electoral Act 2022. Adoption of technological innovation (including real time electronic transmission of result). While electoral reform has introduced the use of technological tools, it is still fraught with inconsistency in their application facing certain limitation in its implementation. Transparency in deployment and legal support for compulsory electronic transmission will remove human interference and increase the transparency of electoral outcome with proper infrastructure available throughout the country.

4. Internal Party Democracy Promotion

To ensure transparency and fairness in candidate selection, political parties are to adhere to statutory provisions on party primaries (sections 29-31 of the Electoral Act 2022).

5. Judicial Reforms and Timely Dispensation of Justice

Electoral tribunals and courts should strictly observe the electoral deadlines so as to resolve the electoral disputes within the agreed time frame and avoid prolonged political uncertainty. Electoral reforms should concentrate on enhancing the electoral dispute resolution technique, the prevalent time limits for pleading and resolving election petitions frequently make justice difficult, if not impossible. Prolonging time lines and simplifying electoral procedural requirement will ensure that electoral disputes are thoroughly handled, thereby fortifying the legitimacy of electoral process.

6. Improved Voter Education and Civic Participation

The government, civil society and INEC should do more to sensitize voters on voting to reduce electoral violence and buying of votes. Educating the public and informing citizens about the importance of their votes, and civic involvement in general, should also be implemented as part of electoral reform. Laws and institutions are not enough for reform to be successful, however; citizens need to be aware of and engage in them. It is common knowledge that educating voters about their rights, the importance of credible election and enlightening citizens about the dangers of electoral malpractice reduces voter apathy and ensures a reduction in electoral irregularities like vote buying and electoral violence.

7. Improvement in Electoral Logistics

INEC ought to enhance the planning of logistics, and have the materials and personnel deployed early, to ensure minimal logistical challenges during the elections.

8. Political Will and Ethical Leadership

Political leaders must demonstrate commitment to democratic principles by respecting electoral laws and refraining from practices that undermine electoral integrity. A significant factor determining the success or failure of electoral reforms in Nigeria is political will, which emphasizes the genuine commitment of those in power to implement reforms not just in form, but in substance. Political will goes beyond passing laws like the Electoral Act, it involves the readiness of political leaders, governing officials and party elites to respect, enforce and submit to those laws even when it is not in their immediate political interest. In Nigeria context, weak political will often portrays in selective adherence with electoral rules, interference in the activities of institutions like INEC and the reluctance to prosecute electoral offenders, especially

when they are politically connected. This undermines the intended impact of reforms as laws without enforcement become ineffective.

Strong political will on the other hand, elucidates that reform such as implementation of BVAS, result transmission and regulating finances used for campaign. It also emphasizes on providing adequate funding, security and logistical support to electoral bodies without attaching political conditions. Significantly, political will requires that electoral act is regulated and accepted in good faith, thereby enhancing democratic culture and curbing post-election violence and litigation. Note that without this commitment, even the most progressive reforms risk being reduced to mere formalities.

9. Continuous Review of Electoral Laws

Electoral laws should be periodically reviewed to address emerging challenges and align Nigeria's electoral system. This refers to the continuous assessment, amendment of electoral laws in Nigeria to reflect emerging changes in the society. Electoral system is dynamic, politicians evolve and new technologies evolve, lacuna and challenges inevitably arise. Therefore, the statute governing electoral provision should not be treated as a static instrument but as platform requiring periodic assessment and need for amendment for it to remain relevant and effective.

One vital justification for continuous review is the need to address practical challenges observed during the conduct of election in Nigeria. For example, irrespective of the fact that technological innovation was introduced by the *Electoral Act 2022*, issues like technological glitches, inconsistencies in application and ambiguity in legal process were witnessed and recorded during the recent election. A systematic post-election

review process should be established whereby shareholders including INEC, political parties, Civil Society Organization and electorate evaluate the conduct of elections and propose necessary amendments. This ensures that reforms are evidence based rather than reactive or politically motivated.

Another key significant aspect is the clarification and removal of ambiguities, lacuna or loopholes in the law. Electoral disputes in Nigeria often arise from conflicting provision of the electoral act. Continuous legislative review can help underscore and streamline the mechanism relating to candidate nomination, result transmission and dispute resolution technique. Literal and clearer laws reduce burden in court; it minimizes conflicting judicial interpretations and promote certainty in electoral process.

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