



# THE 2023 GENERAL ELECTION SITUATION ROOM PRE-ELECTION ASSESSMENT



NIGERIA CIVIL SOCIETY  
**SITUATIONROOM**

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ELECTION  
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PRE-ELECTION  
ASSESSMENT**

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# Introduction

The 2023 general election will hold on 25 February and 11 March 2023 to elect the president and members of the National Assembly as well as 28 of 36 state governors and members of the State Houses of Assembly.<sup>1</sup> The election will be the seventh in the series of general elections held since Nigeria returned to civil rule in 1999. Previous elections in Nigeria have been marked by organizational flaws, allegations of fraud, disputes over results, and outbreak of violence.<sup>2</sup> The disappointment and outcry that have followed the elections, perhaps, forced the Independent National Electoral Commission (INEC), the government, civil society groups and Nigeria's development partners to initiate and implement far-reaching electoral reforms.<sup>3</sup> These reforms contributed largely to the improvements observed during the 2011 and 2015 general elections, yet several challenges remained.<sup>4</sup>

There were hopes that the 2019 general election will consolidate and improve on the gains made in 2011 and 2015. However, this expectation was dashed as several accredited election observation groups

reported that the credibility of the 2019 elections was tarnished by numerous pitfalls.<sup>5</sup> The election suffered several lingering deficiencies in election administration, including an uneven distribution of permanent voters cards (PVCs), malfunctioning of card readers, inefficient counting procedures, and the lack of transparent results collation and announcement processes. The last-minute decision by INEC to postpone the 2019 election just hours before voting was to commence, due to delays in the distribution of election materials, further undermined stakeholder confidence in its ability to manage the election. Finally, high level of election violence and insecurity as well as pervasive vote-buying further undermined the credibility of the 2019 election.

The expectations of improved elections based on the difficult lessons and experiences of the 2019 general election were further dashed as off-cycle gubernatorial contests, especially in Kogi, Bayelsa and Osun<sup>6</sup> States, were marred by violence and thuggery, widespread vote-buying, inflated turnouts, and questions over cancellation of results.

<sup>1</sup> Elections for eight governorship positions are conducted outside the normal 4 years cycle of general elections. The states involved in off-cycle governorship elections include Kogi, Bayelsa, Edo, Ondo, Anambra, Osun, Ekiti, and Imo.

<sup>2</sup> Rotimi Suberu, Nigeria's Muddled Elections, *Journal of Democracy*, 18(4): 95-110, 2007; see also Okechukwu Ibeanu, "Simulating Landslides: Primitive Accumulation of Votes and the Popular Mandate in Nigeria", in Isaac O. Albert, Derrick Marco and Victor Adetula eds., *Perspectives on the 2003 Elections in Nigeria*, Abuja: IDASA-Nigeria, 49-63, 2007.

<sup>3</sup> Kehinde Bolaji, "Toward Institutionalizing Credible Elections in Nigeria: A Review of Reform Measures by the Independent National Electoral Commission," in Raul Cordenillo ed., *Improving Electoral Practices: Case Studies and Practical Approaches*, Stockholm: International IDEA, 49-82, 2014.

<sup>4</sup> Sylvester Akhaine, "Nigeria's 2011 Elections: The 'Crippled Giant' Learns to Walk?," *African Affairs*, 110(441): 649-655, 2011; See also Nkwachukwu Orji, "The 2015 Nigerian General Elections," *Africa Spectrum*, 50(2): 73-85, 2015.

<sup>5</sup> Nigeria Civil Society Situation Room, Report of Nigeria's 2019 General Elections, Abuja: Situation Room; EU EOM (European Union Election Observation Mission), NIGERIA 2019: Final Report, [https://www.ecoi.net/en/file/local/2020744/nigeria\\_2019\\_eu\\_eom\\_final\\_report-web.pdf](https://www.ecoi.net/en/file/local/2020744/nigeria_2019_eu_eom_final_report-web.pdf).

<sup>6</sup> Citing irregularities and non-compliance with the law, the Osun State Governorship Election Tribunal, on 27 January 2023, nullified the result of the 16 July 2022 governorship election in the State won by

<sup>7</sup> Against this backdrop, Nigerians are going into the 2023 general election with trepidation and serious questions about the future of election credibility in the country. There are growing concerns that the election, like the previous ones, will be marred by longstanding issues such as inadequate preparations, allegations of fraud, ethnic and regional tensions, and violence. <sup>8</sup> These apprehensions are informed by the worsening security situation across the country, failure of the authorities to address the shortcomings identified in previous elections, and the increasing tendency of the political class to win political power at all cost. Recently, fuel queues and the cash crunch owing to the new cashless policy has increased apprehension weeks to the general elections. These misgivings have affected public trust in the credibility of Nigerian elections and in the capacity of INEC to conduct credible elections, as recent public opinion surveys demonstrate. <sup>9</sup>

This report sets out the findings of an assessment of Nigeria's pre-election environment ahead of 2023 poll. It provides a contextual analysis of the socio-political factors shaping the 2023 election, examines INEC's preparations for the elections, and highlights the key issues and security challenges that would define the election. The main themes of the report are as follows:

- i. Background: political history and prevailing challenge to the conduct of elections.
- ii. An analysis of the election legal framework.
- iii. An evaluation of the party primaries, candidates nomination process, campaigns, and activities of political party in general.
- v. An assessment of election administration focusing on INEC's preparation.
- vi. A review and analysis of election security situation and arrangements.

## ELECTION LEGAL FRAMEWORK

On 25 February 2022, President Muhammadu Buhari signed the 2022 Electoral Bill into law. The Electoral Act 2022 is the most comprehensive electoral legislative reform since 2010. The Act introduced a range of measures to promote integrity and inclusion in the electoral process. Some of the key provisions and innovations of the new electoral law include early release of election funds to INEC, early conduct of party primaries and submission of list of candidates, legal support for electronic voting and transmission of results, prohibition of political appointees from serving as delegates or contesting in party primaries, assisted voting for persons with physical disabilities and special needs, redefinition of overvoting, enabling of INEC to review of election results declared under duress, early commencement of campaign, and enabling of INEC to respond to death of candidate before or after polls.

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Ademola Adeleke of the People's Democratic Party (PDP), and declared Adegboyega Oyetola of the All Progressives Congress (APC) winner of the election. See Daily Trust, Tribunal Sacks Adeleke, Declares Oyetola Winner Of Osun Guber Poll, 27 January 2023, <https://dailytrust.com/breaking-tribunal-declares-oyetola-winner-of-osun-guber-poll/>.

<sup>7</sup> Situation Room Reports for Bayelsa, Kogi and Osun. <https://situationroomng.org/wp-content/uploads/2020/07/Report-of-Observation-of-Bayelsa-State-Governorship-Election-2019.pdf>; <https://situationroomng.org/wp-content/uploads/2020/07/Report-of-Observation-of-Kogi-State-Governorship-Election-2019.pdf>; <https://situationroomng.org/wp-content/uploads/2022/10/Osun-2022-Election-Report.pdf>

<sup>8</sup> Kunle Sanni, "Zoning may create Challenge for Nigeria's 2023 Elections — U.S. Diplomat," *Premium Times*, 24 October 2019, <https://www.premiumtimesng.com/news/more-news/359252-zoning-may-create-challenge-for-nigerias-2023-elections-u-s-diplomat.html>.

<sup>9</sup> Raphael Mbaegbu and Maame Akua Amoah Twum, "Nigerians want Competitive Elections but don't Trust the Electoral Commission," *Afrobarometer Dispatch* No. 598, 31 January 2023; USAID (United States Agency for International Development), *Nigeria Election Management Body Assessment Findings*, Landover, MD: The Cloudburst Group, 2021, pp. 10-14, [https://pdf.usaid.gov/pdf\\_docs/PA00XFNH.pdf](https://pdf.usaid.gov/pdf_docs/PA00XFNH.pdf).



Like the previous legal reform exercises, the enactment of the Electoral Act 2022 was plagued by controversies.<sup>10</sup> The Electoral Bill which went to the President on 19 November 2021 for assent was rejected on 13 December 2021. During this time, citizens and civil society organisations made the call for assent of the bill top priority. The contentious provision on party primaries was subsequently amended by the National Assembly, and returned to the President on 30 January 2022. This time, without much ado, the President assented to the bill in a ceremony on 25 February 2022.

The major sticking points in the passing of the new Act appear to have been the controversial clauses inserted at the last moment, thereby jeopardizing the passing of the whole bill. Firstly, there was a requirement that primaries would be required to be direct. The President then refused assent on the grounds that the nomination of party candidates through only direct primaries would have serious adverse legal, financial, economic and security consequences on the country.<sup>11</sup> This provision was later changed to include indirect and “consensus” primaries. Subsequently, a clause was introduced requiring political appointees to step down from office, at least 180 days to an election, before running in primaries. Unusually, upon assent, the President requested that the National Assembly reconsider this later clause for compliance with constitutional provisions<sup>12</sup> - a request the Senate promptly rejected.<sup>13</sup>

To avoid unnecessary controversies in future legal reform processes, observers have called for greater transparency, by making draft texts of enacted legislations available to the public. They argue that enacted legislation, together with the draft legislation, at least when consolidated, should be formally published and made available to the public for scrutiny, as matters of public interest.<sup>14</sup> In addition, they contend that procedures for registering and archiving legislation need to be strengthened, as a governmental responsibility, for all primary as well as to secondary legislation. The Nigeria Civil Society Situation Room strongly supports this recommendation.

INEC made a swift and positive response to the enactment of the Electoral Act 2022. In a matter of days following the enactment of the Act, the Commission announced a revision of the Timetable and Schedule of Activities for the 2023 General Elections to put it in line with the provisions of the new law. Subsequently, the Commission updated its Regulations and Guidelines for the Conduct of Elections in line with the new law. Lastly, the Commission adopted a new Regulations and Guidelines for Political Parties, which consolidated earlier Guidelines and Manuals on Political Party Registration, Operations, Organization, Meetings, Congresses, Party Primaries and Conventions, Campaigns, Rallies and Processions as well as Finance and Election Expenses Reporting. Similarly, INEC revised its Policies and Framework for participation of Internally Displaced Persons (IDPs) and People with Disabilities (PWDs) in the electoral process.

<sup>10</sup> For an insightful analysis of electoral reforms in Nigeria, see Nkwachukwu Orji, “Fixing Nigerian Elections: Why Electoral Reforms are not Working,” *The Round Table*, 109(6): 730-741, 2020.

<sup>11</sup> Dennis Erezi, “Why I Declined Assent to Electoral Act Amendment – Buhari,” *The Guardian*, 21 December 2021, <https://guardian.ng/news/why-i-declined-assent-to-electoral-act-amendment-buhari/>.

<sup>12</sup> Johnbosco Agbakwuru, “Electoral Act: Buhari Rejects Section 84 (12), Calls for Amendment,” *Vanguard*, 25 February 2022, <https://www.vanguardngr.com/2022/02/electoral-act-buhari-rejects-section-84-12-calls-for-amendment/>.

<sup>13</sup> Ronke Sanya Idowu, “Senate Rejects Buhari’s Request to Amend Section 84 (12) in Electoral Act,” *Channels TV*, 9 March 2022, <https://www.channelstv.com/2022/03/09/breaking-senate-rejects-buharis-request-to-amend-section-84-12-in-electoral-act/>.

<sup>14</sup> EU, *European Union Election Follow-up Mission: NIGERIA 2022 Final Report*, p. 6, [https://www.eeas.europa.eu/sites/default/files/eu\\_efm\\_nigeria\\_final\\_report.pdf](https://www.eeas.europa.eu/sites/default/files/eu_efm_nigeria_final_report.pdf).

It appears that Nigerians are going into the 2023 general elections with a relatively robust election legal framework that is generally acceptable to all stakeholders. The critical issue would then be the extent to which the Commission, election officials and other stakeholders adhere to the laws and regulations.

Although the election legal framework in Nigeria appears comprehensive and widely accepted, there are some outstanding issues that need to be highlighted. The first is the issue of making legal provision for early voting, considering the huge number of people that are disenfranchised because of their involvement in the electoral process as election officials, security personnel, or service provider. The second is the question of diaspora voting, seeing that the population of Nigeria's diaspora community is constantly growing and noting the contributions of the diaspora to national development. Thirdly, the issue of independent candidacy is essential in expanding the rights of Nigerians to stand as candidates, especially in the context of democratic deficits in the candidate nomination processes and management of Nigerian political parties. Lastly, INEC and other stakeholders are consistent in their support for the establishment of Electoral Offences Commission and Tribunal to take over the responsibility of investigating and prosecuting electoral offences.

Of the four issues mentioned above, attempt to enact National Electoral Offences Commission and Tribunal Bill seems to be the one receiving greatest attention. In June 2022, the House of Representatives consolidated five Bills dealing with

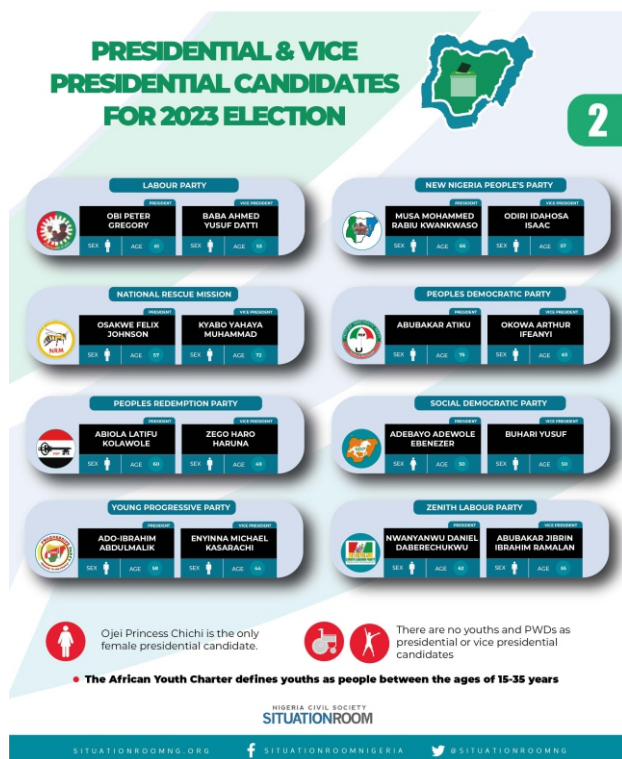
the establishment of Electoral Offences Commission and Electoral Offences Tribunal [HBs 695, 1372, 1427, 753, & 1589 (Senate Bill)]. The consolidated Bill was presented at a Public Hearing organised by the House of Representatives Committee on Electoral Matters on 23 August 2022. At the moment, the House of Representatives is yet to report on the outcome of its Public Hearing. Following the Public Hearing, it is expected that the Bill will be presented before the House of Representatives for voting. Since the 9th National Assembly will end in June 2023, the hopes that the Bill will be passed is beginning to dim.

## PARTY PRIMARIES AND CANDIDATE NOMINATION



<sup>15</sup> Azimazi Momoh Jimoh, Lawrence Njoku, Inemesit Akpan-Nsoh, Charles Ogugbuaja, Isa Abdulsalami Ahovi, Ahmadu Baba Idris, Mansur Aramide, Timothy Agbor, Tina Agosi Todo, Uzoma Nzeagwu and Osiberoha Osibe, "Confusion, Intrigues as PDP Postpones Primaries Again," *The Guardian*, 21 May 2022, <https://guardian.ng/news/confusion-intrigues-as-pdp-postpones-primaries-again/>.

<sup>16</sup> Gregory-Page Nwakunor, Azimazi Momoh Jimoh, Collins Olayinka and Sodiq Omolaoye, "INEC Bows to Pressure, Extends Deadline for Party Primaries," *The Guardian*, 28 May 2022, <https://guardian.ng/news/inec-bows-to-pressure-extends-deadline-for-party-primaries/>.



The Timetable and Schedule of Activities for 2023 General Election released by INEC allowed a two months period (that is, between 4 April and 3 June 2022) for political parties to conduct primaries to “democratically” nominate candidates for the election. However, the intrigues and horse-trading that dominated the process could not allow many political parties to complete the process within the stipulated time.<sup>15</sup> As a result, the parties mounted pressure on INEC to extend the deadline. Following the pressure by the parties, INEC extended the deadline for the conduct of primaries by six days, between 4 and 9 June 2022, to enable

the parties conclude outstanding primaries and prepare to upload the list of candidates and their affidavits on the INEC Candidates Nomination Portal.<sup>16</sup>

Civil society organisations criticised the extension of the primaries deadline by INEC arguing that “extending the date meant that political parties that were lagging behind in their preparations for the primaries were now gifted with the advantage of better preparation that the earlier given date denied the other political parties.”<sup>17</sup> For the CSOs, the extension of deadline by INEC questions the fairness, firmness and overall capacity of the Commission to stick to their time lines.

Although the primaries of most political parties were generally hitch-free, the exercise was characterized, as usual, by intrigues, controversies and political manoeuvres, with some of the aspirants playing dirty to win more delegates' votes.<sup>18</sup> Observers reported on this system of party primaries that has historically inhibited participation and perpetuated “money-politics”.<sup>19</sup> One sticky point in the nomination process was the huge cost imposed on nomination forms by political parties. While the PDP pegged the cost of presidential and governorship nomination forms at 40 million naira and 21 million naira, respectively; the ruling APC fixed the cost of its nomination forms for presidential and governorship elections at 100 million naira and 50 million naira, respectively.

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<sup>18</sup> Julius Ogar, “And The D-Day Of Intrigues Finally Went By,” *Leadership*, 11 June 2022, <https://leadership.ng/and-the-d-day-of-intrigues-finally-went-by/>.

<sup>19</sup> Iwoki Inibong, “Intrigues await Aspirants at APC, PDP Presidential Primaries,” *Business Day*, 15 May 2022, <https://businessday.ng/politics/article/intrigues-await-aspirants-at-apc-pdp-presidential-primaries/>.

<sup>20</sup> Samson Adenekan, “Analysis: What Prices of APC Nomination Forms say about Buhari's Anti-corruption Campaign,” *Premium Times*, 24 April 2022, <https://www.premiumtimesng.com/news/headlines/525516-analysis-what-prices-of-apc-nomination-forms-say-about-buharis-anti-corruption-campaign.html?tztc=1>.

<sup>21</sup> Anthony Ailemen and Remi Feyisipo, “Why Peter Obi dumped PDP, set to join Labour Party,” *Business Day*, 25 May 2022, <https://businessday.ng/politics/article/why-peter-obi-dumped-pdp-set-to-join-labour-party/>.

<sup>22</sup> Usman Santuraki, “The Rantings of G-5 Governors,” *Blueprint*, 8 January 2023, <https://www.blueprint.ng/the-rantings-of-g-5-governors/>.



The cost of nomination forms for national and state legislative houses elections for the two parties range between 20 million naira and 1.5 million naira. Observers see the exorbitant cost of nomination forms as a recipe for exclusion and corruption.<sup>20</sup>

The manipulations that dominated the party primaries hindered the expression of political rights in the absence of provisions for independent candidates. Aspirants who were dissatisfied with the nomination process were left with three options: exit, voice or loyalty. In the ruling All Progressives Alliance (APC), most of the aggrieved aspirants chose to accept the outcome of the primaries and remained “loyal” to the party, since they could not confront the party. However, in the opposition Peoples Democratic Party (PDP), disgruntled aspirants, like Peter Obi, preferred the path of exit. Apparently unhappy with the nomination process, Obi withdrew from the party primaries, resigned his membership of the party, and moved over to the Labour Party (LP).<sup>21</sup> In contrast, Governor Nyesom Wike mobilized other aggrieved PDP governors and established what has become known as the G-5, which is now the main “voice” of disgruntled politicians in the party.<sup>22</sup>

An additional method of expressing discontentment with the nomination process is litigation. Dissatisfaction with the nomination process has given rise to huge number of court cases. Recently, the Chief Judge of the Federal High Court, John Tsoho, disclosed that the court had received over one thousand cases arising from

disputes over nomination,<sup>23</sup> out of which about 600 cases had reached the Court of Appeal.<sup>24</sup> The decisions of the courts have forced INEC to substitute over 120 names in the list of candidates published by the Commission on 21 September and 4 October 2022 for federal and state elections, respectively.<sup>25</sup>

It appears that changes in the Electoral Act 2022 did not totally address the integrity problems with the nomination process. Amendments to the electoral law introduced greater specification on primaries, including controversial provisions for “consensus” candidates. The provision stipulates that in addition to direct or indirect primaries, candidates may also be selected through “consensus” with every other aspirant in a primary submitting a written withdrawal and endorsement of the remaining aspirant. This has been variously criticised for potentially enabling party leaderships to control outcomes and also for risking opposing parties infiltrating aspirants who then refuse to agree to a consensus candidate.

The new Electoral Act also contains improvements in giving INEC some powers to reject candidate nominations and in stipulating earlier primaries (giving more opportunity for completion of pre-election cases). Under the Electoral Act 2022, unqualified nominations can in principle be rejected by INEC, thereby reducing the need for challenges through courts. Also positively, the Electoral Act 2022 requires primaries to be completed earlier, 180 days before elections,

<sup>23</sup> Ifeoma Nwovu and Chinasa Ossai, “Pre-election Cases dominate Courts barely 70 days to Election,” *Radio Nigeria*, 19 December 2022, <https://radionigeria.gov.ng/2022/12/19/pre-election-cases-dominate-courts-barely-70-days-to-election/>.

<sup>24</sup> Alex Enumah, “Appeal Court President: We’ve Received over 600 Pre-election Cases,” *This Day*, 5 February 2023, <https://www.thisdaylive.com/index.php/2023/02/05/appeal-court-president-weve-received-over-600-pre-election-cases/>.

<sup>25</sup> Ifeoma Nwovu and Chinasa Ossai, “Pre-election Cases dominate Courts barely 70 days to Election,” *Ibid*.







allowing more time for the process of legal challenges to be completed before election day and so reducing potential delays and disruptions to election day preparations (as has been a feature of previous elections). As the process of party primaries and candidate nomination demonstrate, changes in the Electoral Act, although relevant, have failed to address the problems with the nomination process, particularly, monetisation of politics, intrigues and manoeuvring by party leaders, and disregard for party laws and guidelines.

## CAMPAIGNS AND POLITICAL PARTY ACTIVITIES

### Issue Based Campaigns

Campaigns by political parties, in public, commenced on 28 September 2022 for Presidential and National Assembly elections, and on 12 October 2022 for Governorship & State Houses of Assembly elections. The period allowed for campaigns by Section 94(1) of the Electoral Act 2022 is 150 days before polling day. Campaigns and political party activities ahead of the 2023 general election have progressed without major hitches. However, the longstanding challenges with electioneering campaigns in Nigeria still remain. One fundamental problem with political campaigns in Nigeria is that they are typically not based on issues, but are rather preoccupied with

hate speeches, indecent language, mobilization of ethnic and religious sentiments, and attacks on the personality of specific contestants.<sup>26</sup> The situation is made worse by failure of political parties to incline toward specific ideological positions and to base their campaigns on these positions. In the absence of ideological polarities offering contrasting perspectives on governance, it is easy for campaign rhetoric to drift into personal abuse, slander and overcharged verbal contestations. In these circumstances, issue based campaigns are considered remedies for personality driven campaigns that have the capability to undermine political stability. By definition, issue based campaign is an organized effort to educate the voting public on issue(s) of interest to a candidate or party, and to mobilize voters to support a candidate's or party's position in the appropriate way.

Compared to campaigns in previous elections, there seems to be a determination by the candidates to focus on issues rather than on personalities during the 2023 general election campaigns. This determination reflects in the willingness of the candidates to engage in dialogues, debates and townhall meetings.<sup>27</sup> However, these efforts have been fundamentally minimal. While many of the candidates have tried to focus on issues, their supporters have been involved in verbal

<sup>26</sup> Charles Okigbo, "Horserace and Issues in Nigerian Elections," *Journal of Black Studies*, Vol. 22, No. 3 (1992), pp. 349-365; Richard A. Joseph, "The Ethnic Trap: Notes on the Nigerian Campaign and Elections, 1978-79," *African Issues*, Vol. 11, No. 1-2 (1981), pp. 17-23; Michelle Kuenzi & Gina Lambricht, "Campaign Appeals in Nigeria's 2007 Gubernatorial Elections," *Democratization*, Vol 22, No. 1 (2015), pp. 134-156.

<sup>27</sup> The Situation Room organized a series of Townhall Meetings, involving the presidential candidates and their running mates, which were televised nationwide.

<sup>28</sup> Premium Times, "Nigeria Records 52 Acts of Political Violence in One Month – NSA Monguno," 11 November 2022, <https://www.premiumtimesng.com/news/top-news/564797-nigeria-records-52-acts-of-political-violence-in-one-month-nsa-monguno.html?tztc=1>.

<sup>29</sup> Abbas Jimoh and Haruna Ibrahim, "2023: INEC Raises Red Flag as 24 Killed in Violent Campaigns," *Daily Trust*, 25 November 2022, <https://dailytrust.com/2023-inec-raises-red-flag-as-24-killed-in-violent-campaigns/>.

<sup>30</sup> Oluwatobi Aworinde, "One Dead, Over 100 Injured in Wednesday's Attack on Atiku Convoy – PDP Chieftain," Channels TV, 11 November 2022, <https://www.channelstv.com/2022/11/11/one-death-over-100-injured-in-attack-on-atikus-convoy-borno-pdp-guber-candidate/>.

contestations of personal nature. The social media, especially the Twitter and WhatsApp, have become hubs of vicious personal abuse, slander and sectional mobilization by supporters of various candidates. Fake news, misinformation and disinformation have festered online. Social media platforms are hosting unwholesome memes and jests targeting specific candidates, which have tended to undermine the very essence of electioneering campaigns. The current situation points to the need for greater efforts by stakeholders to expand voter education and counter disinformation.

## Political Violence

In addition to absence of issue based campaigns, the 2023 general election campaigns have seen high levels of violence. Although comparative data is not yet available, existing records show that 52 acts of political violence occurred in 22 states within one month (between 8 October and 9 November 2022).<sup>28</sup> These incidents led to the death of 24 persons, while over 20 others were injured.<sup>29</sup> Since November 2022, cases of political violence have spiralled across the country. For instance, on 9 November 2022, the convoy of the PDP presidential candidate, Atiku Abubakar, was attacked just as he left the palace of the Shehu of Bornu to Ramat Square, venue of his presidential rally. Reports indicated that one person died and over 100 persons sustained injuries.<sup>30</sup> On 24

January 2023, thugs chased the Lagos State deputy governorship candidate of the Peoples Democratic Party (PDP), Funke Akindele, out of the Ikosi fruit market, forcing her to stop campaigning. A member of her security team was reportedly stabbed during the incident.<sup>31</sup> On the same day, Peter Obi, the Labour Party (LP) presidential candidate, was attacked in Katsina State by hoodlums who threw stones at his convoy, causing substantial damage to vehicles.<sup>32</sup> On 30 January 2023, the governorship candidate of the Social Democratic Party (SDP) in Rivers State, Sen Magnus Ngei Abe and his campaign team, were attacked by armed men who intercepted their convoy at Akinima, Headquarters of Ahoada-West Local Government.<sup>33</sup> On 2 February 2023, the governorship candidate of the All Progressives Grand Alliance (APGA) in Ebonyi State, Bernard Odoh, was reportedly attacked by suspected Ebubeagu operatives, leading to the death of his driver. The attack was the second the candidate suffered in a matter of days.<sup>34</sup> These acts of political violence point to a highly volatile electoral environment that may worsen as the election-day draws closer.

## Restrictions on Campaigns

Campaigns ahead of the 2023 general elections are further hampered by the tendency of some state governors/governments to stifle free campaigns by opposition political parties and their candidates through issuing draconian orders, enacting

<sup>31</sup> Solution Emmanuel, "2023: Funke Akindele chased out of Lagos Market," *Premium Times*, 25 January 2023, <https://www.premiumtimesng.com/news/577834-2023-funke-akindele-chased-out-of-lagos-market.html>.

<sup>32</sup> Ayorinde Oluokun, "How Peter Obi's Convoy was Attacked twice in Katsina," *PM News*, 25 January 2023, <https://pmnewsnigeria.com/2023/01/25/how-peter-obis-convoy-was-attacked-twice-in-katsina/>.

<sup>33</sup> Egufe Yafugborhi, "Rivers 2023: Again Abe, SDP Campaign Team face Armed Attack," *Vanguard*, 30 January 2023, <https://www.vanguardngr.com/2023/01/rivers-2023-again-abe-sdp-campaign-team-face-armed-attack/>.

<sup>34</sup> Godwin Aliuna, "2023: Ebubeagu Operatives Allegedly Attack Ebonyi APGA Guber Candidate, Odoh, kill Driver," *Daily Post*, 3 February 2023, <https://dailypost.ng/2023/02/03/2023-ebubeagu-operatives-allegedly-attack-ebonyi-apga-guber-candidate-odoh-kill-driver/>.

<sup>35</sup> Daily Trust, "2023: Governors' Draconian Orders, Obnoxious Laws put Campaigns in a Fix," 23 October 2022, <https://dailytrust.com/2023-governors-draconian-orders-obnoxious-laws-put-campaigns-in-a-fix/>.

<sup>36</sup> Francis Ugwu, "2022: Kogi State Passes Bill imposing N10m for Presidential Campaign Posters, billboards," *Daily Post*, 3 September 2022, <https://dailypost.ng/2022/09/03/2022-kogi-state-passes-bill-imposing-n10m-for-presidential-campaign-posters-billboards/>.



obnoxious laws, and clamping down on media houses. Cases of restriction of rights to assembly and expression have been reported in at least 12 states, including Zamfara, Anambra, Kogi, Rivers, Ebonyi, Kaduna, Edo, Delta, Lagos, Kano, Benue and Imo States.

In Anambra, Kogi and Rivers States, the government imposed ridiculous charges on political parties and their candidates before they can place their posters, erect billboards or hold rallies. The Anambra Signage and Advertising Agency (ANSAA) requires presidential candidates to pay 10 million naira, while senatorial, House of Representatives, and State House of Assembly candidates are to pay 7 million, 5 million and one million naira, respectively.<sup>35</sup> The Kogi State Signage and Advertisement Act 2022 mandates candidates to pay between one million and 10 million naira before they are permitted to display their posters, billboard and banners in the State.<sup>36</sup> The government insists that the new law would facilitate a clean environment and boost revenue generation. Governor Nyesom Wike's Executive Order 21 requires anyone holding political rallies in Rivers State to seek approval of the state government, at least two weeks before the event in an application that must be accompanied with a non-refundable fee of 5 million naira.<sup>37</sup>

The governors of Zamfara, Ebonyi, Imo, Delta, Kaduna, Edo, Benue and Lagos States have been accused of highhandedness and muzzling of the opposition. The Zamfara State governor, Mohammed Bello Matawalle, came under criticism after he banned a political rally by the opposition Peoples Democratic Party (PDP) in the state, citing security concerns. When the PDP defied the purported ban and went ahead with its rally, the state government shut down broadcast media organisations that covered the event for violating of government's order.<sup>38</sup> Citing insecurity, Governor David Umahi of Ebonyi State banned holding of political rallies in public schools in the state with effect from 1 November, and restricted the operation of commercial motorcyclists from 7 p.m. to 6 a.m.<sup>39</sup> Before the imposition of the order, the Ebonyi State Police Command had in another occasion dispersed supporters of the Labour Party presidential candidate, Peter Obi, who gathered for a rally for not paying the required fees.<sup>40</sup>

The opposition parties in Imo State alleged that the state government has converted the Dan Anyiam Stadium on Wetheral Road, Owerri, to the APC Southeast zonal presidential campaign office. They also alleged that the use of Rear Admiral Ndubusi

<sup>37</sup> Okafor Ofiebor, "APC, others Kick against Wike's New Law on Political Rallies in Rivers," *PM News*, 8 October 2022, <https://pmnewsnigeria.com/2022/10/08/apc-others-kick-against-wikes-new-law-on-political-rallies-in-rivers/>.

<sup>38</sup> Daily Trust, "2023: Governors' Draconian Orders, Obnoxious Laws put Campaigns in a Fix," *Ibid*.

<sup>39</sup> Premium Times, "Gov Umahi Bans Use of Public Schools for Political Rallies," 31 October 2022, <https://www.premiumtimesng.com/news/more-news/562698-gov-umahi-bans-use-of-public-schools-for-political-rallies.html?tztc=1>.

<sup>40</sup> Chinagorom Ugwu, "Why We dispersed Rally by Peter Obi's Supporters in Ebonyi – Police," 18 September 2022, <https://www.premiumtimesng.com/news/headlines/554625-why-we-dispersed-rally-by-peter-obis-supporters-in-ebonyi-police.html?tztc=1>.

<sup>41</sup> Saxone Akhaine, Charles Ogugbuaja, Godwin Ijediogor and Monday Osayande, Michael Egbejule, Obinna Nwaoku, Samson Kukwa Yanor and Kehinde Olatunji, "2023 elections: How ruling parties frustrate opposition campaigns in states," *The Guardian*, 3 February 2023, <https://guardian.ng/news/2023-elections-how-ruling-parties-frustrate-opposition-campaigns-in-states/>.

<sup>42</sup> Saxone Akhaine, et.al., "2023 elections: How ruling parties frustrate opposition campaigns in states," *Op cit*.

<sup>43</sup> Saxone Akhaine, et.al., *Ibid*.

<sup>44</sup> Saxone Akhaine, et.al., *Ibid*.

<sup>45</sup> Saxone Akhaine, et.al., *Ibid*.

Kanu Square, Owerri, is restricted to only the ruling party.<sup>41</sup> In Delta State, the opposition APC accused the government of using state resources to canvas for votes and denying them access to government-owned facilities and venues for rallies. The party condemned the sudden closure of some roads leading to the Warri Township Stadium, venue of its presidential rally, describing the action as an attempt to frustrate the event.<sup>42</sup> Similarly, the opposition parties in Kaduna State accused the state government of denying them the right to erect billboards,<sup>43</sup> while their counterparts in Edo State accused the state government of prohibiting other parties from use of state facilities, including the Samuel Ogbemudia Stadium, and erecting campaign billboards across the state.<sup>44</sup> The opposition parties in Benue State accused the ruling PDP of using its Community Volunteer Guards to intimidate their supporters;<sup>45</sup> while opposition politicians in Lagos have alleged intimidation by the ruling APC. They accuse the APC of using state machinery to stifle their campaigns, threatening service providers and using market leaders to intimidate their supporters in different markets.<sup>46</sup>

## Political Finance

No substantive changes have been made with regard to political finance to date. Under the Electoral Act 2022, election expenditure limits have been increased, raising concerns about high limits potentially undermining integrity and creating incentives for corruption. For presidential candidates, the maximum expenses that could be

incurred increased five-fold, from 1,000,000,000 to 5,000,000,000 naira. This increase applies to candidates for other positions.<sup>47</sup> INEC has introduced Regulations and Guidelines for Political Parties 2022, and trained party officials and its Election and Party Monitoring staff on the new regulations, especially with regards to political party management and auditing.

However, structural problems remain with, for example, having spending limits for candidates but not for parties (enabling any limits to be circumvented),<sup>48</sup> and no limit set on the amount a donor can contribute to political parties.<sup>49</sup> In addition, the enforcement regime for political finance in Nigeria is extremely weak. INEC which is empowered by Constitution in Section 226(1–3) to scrutinise parties' income and expenditure and query any violation have failed in this responsibility. Even though the Electoral Act 2022 in Section 88(9–11) orders that violators of political finance regime should be appropriately sanctioned, there is no proof that violations have been identified and sanctioned regardless of evidence of spending above the set maximum ceiling in previous elections.<sup>50</sup> This simply means that the problem is not the existence of the rules but the lack of enforcing them.

In the absence of robust capacity for enforcement of political finance regulations, spending above the financial ceiling is now, somewhat, tolerable. In the 2023 general election, there are fears that a vast majority of the political parties will not comply with the disclosure and reporting obligations laid

<sup>46</sup> Saxone Akhaine, et.al., Ibid.

<sup>47</sup> See Section 88 (2)-(7) of the Electoral Act 2022.

<sup>48</sup> INEC is legally required to establish limits on election expenses by political parties in consultation with the parties.

<sup>49</sup> But there is a limit of 50,000,000 Naira on donations to candidates, See Section 88 (8) of the Electoral Act 2022.

<sup>50</sup> G. S. Mmaduabuchi Okeke and Uche Nwali. 2020. "Campaign Funding Laws and the Political Economy of Money Politics in Nigeria." *Review of African Political Economy* 47 (164): 238–255.

<sup>51</sup> Dhikru Adewale Yagboyaju and Antonia Taiye Simbine, "Political Finance and the 2019 General Elections in Nigeria," *Journal of African Elections*, Vol. 19 No. 1 (2020), pp. 66-91.





  
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down in the law, and that there will be no consequence for the violations, as past experience shows.<sup>51</sup>

## ELECTION ADMINISTRATION

Since 2011, INEC has taken steps to become a more progressive and effective institution. The Commission has undertaken several ground-breaking reforms including the application of technology in voter accreditation and election results management, improved communication and transparency, expansion of the framework for inclusivity in the electoral process, reorganization of polling units, as well as greater consultation and collaboration. These positive steps, notwithstanding, serious operational delivery shortcomings persist, showing that much stronger election planning, logistics management and operational oversight are required.

### Access to Polling Units

In January 2021, INEC argued for conversion of voting points to polling units, as a way of expanding access to polling units.<sup>52</sup> Prior to this time, Nigerians faced serious hurdles getting to the polling units to cast their ballot. Many polling units in Nigeria were either over-crowded or remote, placing the burden of time and travel costs on potential voters. Thus, decongesting polling units and dispersing voters as evenly as possible among all the polling units constitute critical challenges. After eliciting the buy-in of the stakeholders through an extensive engagement, the Commission issued Guidelines for Expanding Voter Access to Polling Units in Nigeria in March 2021 to steer the process. The Guideline outlined the specific procedure for converting voting points to polling units and provided timelines. The expansion of access to polling units

exercise which began in April and ended in June 2021 led to the creation of additional 56,872 polling units, bringing the total number of polling units in Nigeria to 176,846.

Following the creation of additional polling units, the Commission faced the challenge of allocating voters to the new polling units. Consequently, it adopted four approaches to address the problem,<sup>53</sup> namely:

1. Choice by fresh registrants – the voters are requested to choose new polling units closest to them and they will be allocated to them.
2. Voter-requested transfers – new polling units will be publicized and any voter wishing to relocate to the new polling units can do so during the Continuous Voters Registration (CVR) exercise using voter transfer procedure.
3. Commission-requested transfers – the Commission may in the course of the CVR request voters to transfer their voting location to the new polling units.
4. Commission assignment of voters to contiguous polling units – this is in cases where old and new polling units are retained in the same location. Here, voters will be randomly assigned to new polling units that share the same location with the old ones in order to create a balance in the number of voters allocated to polling units and to address overcrowding.

The plan designed by INEC to address overcrowding of polling units through reallocation of voters to the new polling units has not fully yielded the desired results, as the challenge remains. During the off-cycle Anambra State governorship election in November 2021, the Commission reported serious imbalances in the composition of

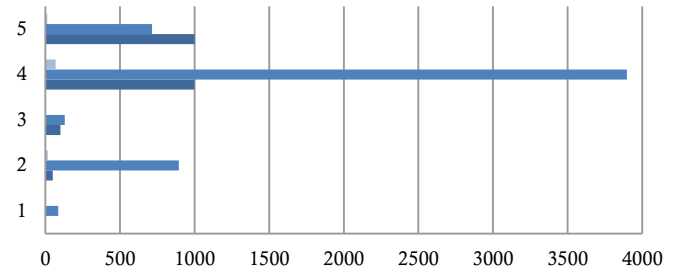
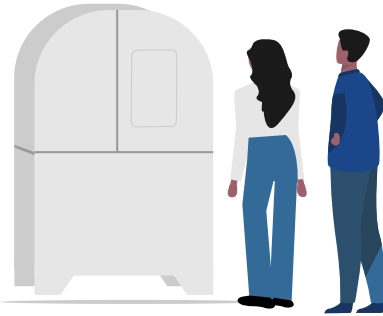
<sup>52</sup> See Independent National Electoral Commission, *The State of Voter Access to Polling Units in Nigeria*, Abuja: INEC, 2021.

<sup>53</sup> INEC, Anambra State Governorship Election 2021: Polling Units with less than 50 Registered Voters, Abuja: INEC, 2021.

<sup>54</sup> INEC, Anambra State Governorship Election 2021, Ibid.

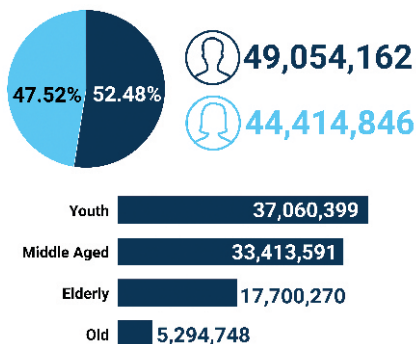


### Distribution of Voters in Polling Units in Anambra State

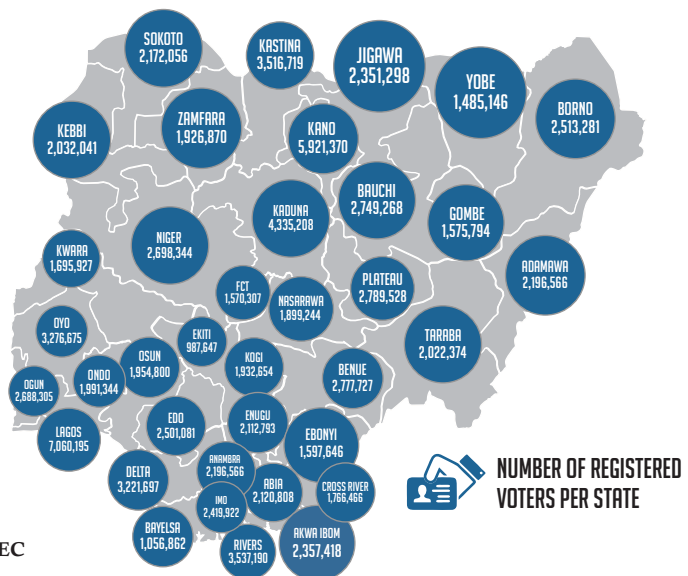


the polling units, as can be seen in the table below. Of the 5,720 polling units in the State, 86 polling units have no voters, 894 polling units have 1 to 49 voters, 129 polling units have 50 to 100 voters, 3,897 have 101 to 999 voters, while 714 polling units have more than 1,000 voters.<sup>54</sup> In essence, almost 20 per cent of the polling units have less than 100 voters, while 12 per cent of the polling units have more than 1,000 voters. Thus, although the main aim of the expansion of access to polling units was to decongest the polling units, available data show that some polling units still congested while others are either redundant or underutilized. This problem might play out in greater magnitude during the 2023 general election, as it appears that INEC had not made further efforts to address this problem.

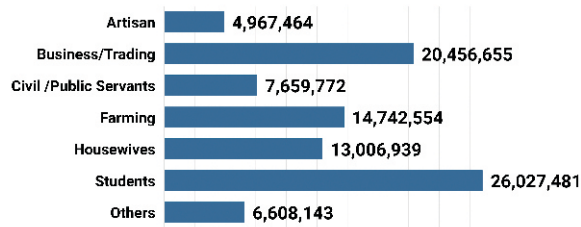
Besides equitable reallocation of voters to the polling units, access to the polling units may be hampered by inability of voters to easily identify their polling units. This problem which was experienced during the FCT Area Council elections in February 2022 might resurface. In the FCT election, it was observed that some voters were not aware that the location of their polling units had changed following the expansion of access to polling units exercise. Even some election officials were unaware of the location of some polling units. INEC need to take measure to forestall the recurrence this challenge during the 2023 general election. The failure of voters and election officials



Date Source: INEC

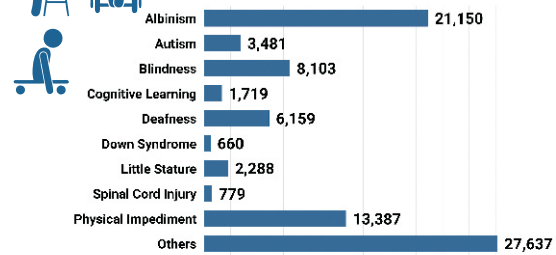


### Total Number of Registered Voters by occupation



Date Source: INEC

### Registered Voters for Persons With Disabilities



Date Source: INEC

to easily identify the polling units would lead to delays in the commencement of polls, as the FCT experience demonstrates. Additionally, it will affect public confidence in the capacity of the Commission to effectively manage the electoral process.

### Voter Registration and PVC Collection

In preparation for the 2023 general election, INEC implemented a new method of continuous voter registration (CVR), with a graduated start attributed to security threats and attacks on INEC offices in different parts of the country. The process commenced on 28 June 2021, and was suspended on 31 July 2022. A new option of registering online was developed to increase access (with in-person attendance then required for capturing biometric data). In-person CVR started approximately a month after the portal opened, in 811 locations (in 37 states and FCT offices and 774 local government area offices).

Despite huge improvements in the process of voter

registration, some longstanding challenges remain, especially with regard to removing the deceased, eliminating double registration, and distribution of permanent voter cards (PVCs). Problems with official death records continue to make it very difficult for INEC to remove deceased registrants. Thus the voter register is becoming progressively more inflated, making percentage turnouts less accurate and giving increasing opportunity for attempts at fraud. The challenge of eliminating double registrants from the list continues, with allegations of padding of the register in some states by unscrupulous registration officials.<sup>55</sup> INEC responded to these allegations by reporting that it had deleted 2.7 million double registrations in the list.<sup>56</sup>

Following the publication of the voters register, INEC commenced distribution of Permanent Voters Cards (PVCs) on 12 December 2022. The exercise was initially planned to end on 22 January 2023, however, the fact a huge number of registered

<sup>57</sup> The Cable, "Large Turnout, Slow Pace as INEC Begins PVC Distribution at Ward Level," 6 January 2023, <https://www.thecable.ng/photos-large-turnout-slow-pace-as-inec-begins-pvc-distribution-at-ward-level>.

<sup>58</sup> Punch, "LP Faults INEC on Slow PVC Distribution," 12 January 2023, <https://punchng.com/lp-faults-inec-on-slow-pvc-distribution/>.

<sup>59</sup> Olawale Ajimotokan and Adedayo Akinwale, "NEF: People being made to give up PVCs for N2,000, Alleges Voter Suppression in North," This Day, 15 December 2022, <https://www.thisdaylive.com/index.php/2022/12/15/nef-people-being-made-to-give-up-pvcs-for-n2-000-alleges-voter-suppression-in-north/>.

<sup>60</sup> Samson Adenekan, "PVCs discovered in Drainage System as INEC Commences Probe," Premium Times, 14 July 2022, <https://www.premiumtimesng.com/news/more-news/542716-pvcs-discovered-in-drainage-system-as-inec-commences-probe.html?tztc=1>.

<sup>61</sup> Abel Guobadia, *Reflections of a Nigerian Electoral Umpire*, Benin: Mindex, 2009.

<sup>62</sup> INEC, *Electronic Transmission of Election Results*, Position Paper No 1/2021, Abuja: INEC, 2021.







voters were yet to collect their PVCs forced the Commission to extend the deadline to 5 February 2023. The fact that the Commission devolved PVC collection to the ward level between 6 and 15 January 2023 to ease the collection process did not produce much improvement. The slow pace of the PVC collection procedure due to, among other things, the inadequate number of INEC officials attending to the crowd in many locations made it difficult for many applicants to collect their PVCs.<sup>57</sup> In addition, some applicants were asked to return on subsequent dates because officials could not find their PVCs, in some cases it was determined that the PVCs were not printed.<sup>58</sup>

Reports suggest that PVCs belonging to duly registered voters may at times be in the wrong hands, and subject potentially to misuse if biometric identification is not undertaken at polling units. Recently, the Northern Elders Forum (NEF) alleged that millions of voters in Northern Nigeria, particularly, women are being made to sell their PVCs for 2,000 naira by some political parties contesting the 2023 elections.<sup>59</sup> In July 2022, videos of PVCs allegedly buried underground in some locations in the compound of a high-profile person went viral.<sup>60</sup> The public outcry that followed the trending video forced INEC to commence investigation. These incidents are emblematic of the deep-seated challenge that exists in administering PVCs distribution in Nigeria. The implications of these challenge for the credibility of elections can only be seen on the polling day.

## Deployment Of Technology

INEC has demonstrated strong commitment to the use of technology in elections. Since 2002, the Commission has progressively embraced technology in its operations.<sup>61</sup> In preparation for the 2023 general election, the Commission proposed replacement of Smart Card Readers with a more robust device known as Biometric Voter Authentication System (BVAS), which has improved capabilities for voter accreditation and electronic transmission of results.<sup>62</sup> It is expected that the new device will support the INEC Results Viewing (IReV) Portal introduced in August 2020 through efficient transmission of accreditation figures and election results. The device has also been used as a voter registration tool – known as INEC Voter Enrolment Devices (IVEDs), replacing Direct Data Capture Machines (DDCMs).

In deploying technology to elections, inadequate professional capacity and funding gaps usually pose serious challenges. However, in Nigeria other problems have been observed including programming challenges, insufficient training, management difficulties and poor quality biometric data captured over various election cycles. Such problems with accreditation cause delays and deter voters from participating. Nigerians are familiar with the issue of system failure associated with the Direct Data Capture Machine (DDCMs) and the Smart Card Reader (SCR). In the 2015 general elections, the European Union Election Observation Mission (EU EOM) reported that card readers malfunctioned in 18 percent of the polling units monitored, while in 91 percent of the polling units the card readers were not able to consistently verify fingerprints.<sup>63</sup>

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<sup>63</sup> European Union Election Observation Mission, *Final Report: Nigeria General Elections, 28 March 2015 & 11 April 2015*, Abuja, p.27.

<sup>64</sup> Final Statement by the Nigeria Civil Society Situation Room on the Anambra State Governorship Election 2021, The Situation Room, 11 November 2021.

<sup>65</sup> Lessons from 2022 FCT Area Council Election, The Electoral Hub, February 2022.

<sup>66</sup> Situation Room's Report on the INEC Mock Accreditation Exercise, The Situation Room, 6 February 2023.



The introduction of BVAS has not eliminated these challenges. For example, in the 2021 Anambra State governorship election and the 2022 FCT elections where the device was initially used, there were reports of system malfunctioning in many polling units. In Anambra State, the Situation Room noted that use of the BVAS “posed challenges to the accreditation process in many voting locations, particularly failure to authenticate fingerprints and detect faces.”<sup>64</sup> While in the FCT election, observers noted that the voting process was delayed by “many instances of BVAS malfunctioning during voter accreditation.”<sup>65</sup>

The challenges experienced with BVAS in the off-cycle elections prompted CSOs and other stakeholders to demand for further pilot test of the device before the 2023 general elections. INEC acceded to the demand and organized a Mock Accreditation exercise on 4 February 2023 as a simulation of election day process and to demonstrate the functionality of BVAS. The exercise took place in 436 designated polling units across 109 senatorial districts in the country: 12 polling units in 36 states and 4 polling units in the Federal Capital Territory (FCT). Reports by observers indicated there was a huge improvement with the functioning of the BVAS from the off-cycle elections in Anambra, FCT, Ekiti and Osun States. According to the reports, the generally observed time used in accreditation ranged from 1- 2 minutes for each voter, and the device did not malfunction in any of the observed locations.<sup>66</sup> The positive reports from the mock accreditation raises the hope that BVAS will function optimally during the 2023 general election.

Another factor that has increased confidence in the use of technology is the provisions introduced in Electoral Act 2022, which has given stronger legal basis to the use of technology. In the past, the absence of requisite legal framework to underpin deployment of technology in elections constituted a major challenge, with the courts insisting that the existing law prohibits the use of technological devices such as smart card readers and that a case cannot be built on the use or non-use of the card readers. However with the new law, the use of technological devices in elections has been given mandatory provision. If the device fails to function and is not replaced in time, and if the polling may have a substantial impact on the final result of the whole election, the election must be cancelled and another election scheduled within 24 hours. The method for transmission of results is left to the discretion of INEC, allowing for possible electronic transmission (as distinct from the current uploading of copies of paper results to the internet). Nigerians are going into the 2023 general election with the hope that technology will help eliminate the issues that have dented the credibility of elections in the country.

### **Managing Ad Hoc Staff**

Ad hoc staff are election officials that are not employees of INEC. Over a million of such staff are expected to be recruited for the 2023 general elections. There are three types of ad hoc staff:

- The polling staff: Presiding and Assistant Presiding Officers.
- The supervisory staff: Supervisory Presiding Officers.

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<sup>67</sup> Mojeed Alabi, “INEC Sacks Collation, Returning Officers in Imo,” *Premium Times*, 9 March 2019, <https://www.premiumtimesng.com/news/headlines/318951-inec-sacks-collation-returning-officers-in-imo.html>.

<sup>68</sup> Ebuka Onyeji, “How I was Forced to Announce Okorocha Winner of Senate Seat – INEC Returning Officer,” *Premium Times*, 25 February 2019, <https://www.premiumtimesng.com/news/headlines/316087-how-i-was-forced-to-announce-okorocha-winner-of-senateseat-inec-returning-officer.html>.

- The collation and returning staff: Ward Collation Officers, LGA Collation Officers, State Constituency Collation & Returning Officers, Federal Constituency Collation & Returning Officers, and State & FCT Collation & Returning Officers,

Following the established guidelines, the Resident Electoral Commissioners are responsible for recruiting Assistant Presiding Officers, Presiding Officers and Supervisory Presiding Officers on behalf of the Commission, while it is the duty of the INEC Chairman to recruit collation and returning officers. To improve confidentiality, the chairman determines the institutions that the collation officers will be recruited from and contacts the head of the institutions directly. It has been usual practice since the 2011 elections to recruit collation and returning officers from academic staff of federal universities.

This process has not been fool proof, however, as there has been occasions where politicians have preempted the Commission by approaching individuals within a given institution to collude with them, forcing INEC to make changes at the last minute which have often resulted in the introduction of less experienced staff.<sup>67</sup> Perhaps most worryingly, during the 2019 general elections, there were incidents in which collation and returning officers either colluded with unscrupulous politicians to manipulate election results, or were violently compelled to announce falsified results.<sup>68</sup> In a number of these incidents, the

response of INEC was unsatisfactory. Even though some within the Commission expressed the strong opinion that results obtained under these circumstances should be rejected, INEC's official position was that it lacked the powers to review such results, and that they should therefore be challenged in court. This set a dangerous precedent for 2023, as it creates an incentive for desperate political leaders to try and use force to compel INEC officials to announce fraudulent results in the knowledge that court processes are often long and complex and can take years to be resolved.

In response to the events of 2019, the National Assembly was persuaded to amend the legislation to give INEC the power to review election results declared under duress or made contrary to the law.<sup>69</sup> Though this reform was made in good faith, however, and has the potential to address misconduct by election officials and politicians, some analysts fear that it could also lead to credible results being overturned if one political party is able to exert influence over the Commission. This makes the question of the independence of INEC all the more pressing. It also underlines the issue of the extent to which INEC officials and staff feel vulnerable and exposed as opposed to safe and secure in discharging their responsibilities. Furthermore, the extent to which election officials failed to abide by the regulations and guidelines provided by the Commission for the conduct of elections calls attention to the level of training and guidance they received.

Considering the innovations introduced by the Commission to improve the credibility of the 2023 general election and the fact that more number of ad hoc staff will be required for the election as result of

<sup>69</sup> By virtue of Section 65(1)(c) of the Electoral Act 2022, INEC can now, within 7 days, review results declared by a returning officer under duress or where such a declaration was made contrary to the provision of the electoral laws. This is without prejudice to the jurisdiction of a court of competent jurisdiction or election tribunal to review the decision of the returning officer.

<sup>70</sup> The creation of this department means that issues related to women and persons with disabilities are represented by a senior official of director cadre, whereas previously these issues came under the voter education and publicity department.

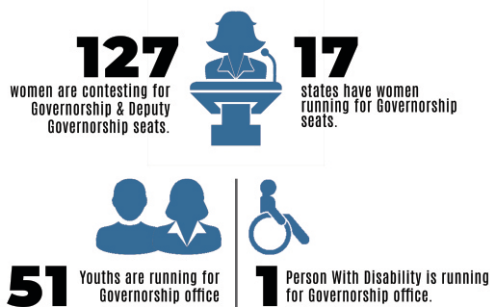
the creation of new polling units, one would expect that the Commission would redouble its efforts at training of ad hoc staff. At the least, three measures are essential: a) early recruitment and training of the ad hoc staff, and b) enhancement of the content of the training manual, and 3) extension of the training duration. Although the Commission invited eligible Nigerians to apply as ad hoc staff through the INEC Portal for Recruitment of Election Staff (INECPRES) between 14 September and 14 December 2022, the Commission is yet to conclude the recruitment process in many states as at 8 February 2023. In addition, the booklet required for the training had not arrived most states by 8 February 2023. These delays affected the ad hoc staff training initially scheduled on 9 to 11 February for SPOs and 13 to 16 February 2023 for POs and APOs, forcing the Commission to reschedule the training to 11 to 12 February for

SPOs and 14 to 16 February 2023 for POs and APOs. There are reports that the number of applications received by the Commission is far short of that required to conduct the election. This means that addition recruitment drive is required. Pushing the training of ad hoc too close to election day (barely one week before the election) gives the Commission limited or no time to conduct mop up recruitment and training. With the current state of affairs, it is clear that ad hoc staff recruitment and training have not been properly manage, and that the overall capacity of prospective election officials to adhere to regulations and manage the election process have been undermined.

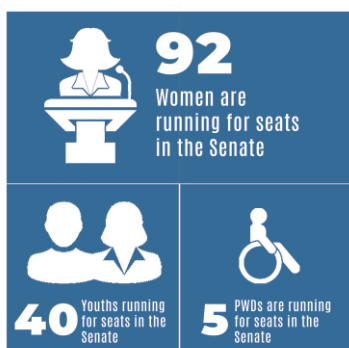
## Participation of Women, IDPs, PWDs

INEC has taken positive steps to enhance women's participation in the electoral process. In 2021, the Commission established a gender and inclusion

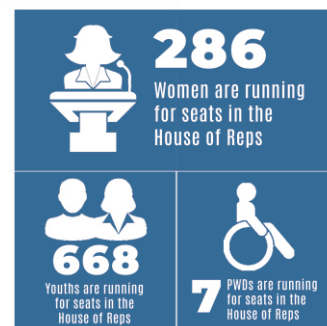
### QUICK FACTS Women, PWDs and Youths contesting for Governorship & Deputy Governorship seats in the 2023 General Elections



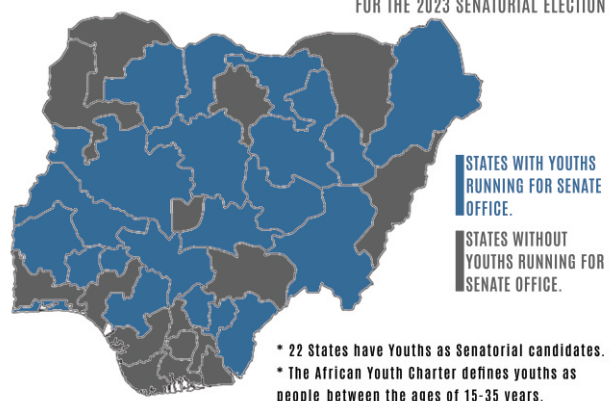
### SENATE Women, Youths and PWDs contesting for Senate seats in the 2023 General Elections



### HOUSE OF REPS Women, Youths and PWDs contesting for House of Reps seats in the 2023 General Elections



### YOUTH DEMOGRAPHY FOR THE 2023 SENATORIAL ELECTION



department and issues of women's representation apparently feature more prominently on the its agenda.<sup>70</sup> Clause 25 of INEC Regulations and Guidelines 2022 confers priority access at the polling unit to a Person With Disability, visibly pregnant, a nursing or breastfeeding mother, and elderly. This regulation partly addressed the needs of Nigerian women. Additionally, Section 49 of the Electoral Act 2022 mandates the Presiding Officer to separate the queue between men and women in areas where the culture is such that it does not permit the mingling of men and women in the same queue. These measures are examples of efforts to improve the participation of women.

There has been no significant progress since 2019 on the issue of participation of internally displaced persons (IDPs) in public affairs. The number of IDPs in Nigeria has been increasing gradually since 2019, with estimates of about 3.2 million people living in displacement as at the end of 2021.<sup>71</sup> The proportion of IDPs living in host communities has reportedly gradually increased, making the need for special voting arrangements even more challenging. Recently, INEC revised its Framework and Regulations for Voting by Internally Displaced Persons (IDPs) to guide and manage the conduct of IDP voting operations in line with the Electoral Act 2022. However, the mechanism for management of IDP matters within the Commission is not clear as the new INEC gender and inclusion department does not appear to cover IDPs.

Further action is needed on the implementation of the INEC Framework on Access and Participation of Persons with Disabilities in the Electoral Process. The Electoral Act 2022 includes provisions that are closer to requirements under the UN Convention on the Rights of Persons with Disabilities.<sup>72</sup> These include an obligation for INEC to take measures to increase accessibility and assistance at polling units. This will need to be reflected in INEC regulatory framework and supported by strong voter education and staff training. In a recent study of PWDs, 50 percent of the respondents reported that they had difficulty accessing the polling units during 2019 election, while 38 percent of the respondents stated that they had difficulty casting their votes during the election.<sup>73</sup> The study points to the need for INEC and the government to do more to ensure that PWDs are given the opportunity to exercise their rights to vote.

## ELECTION SECURITY

The rising insecurity in Nigeria represents perhaps the greatest challenge to the conduct of the 2023 general elections. There continues to be multiple forms of violence impacting on the electoral process in various parts of the country. A recent study provided a very bleak outlook, suggesting that elections will be peaceful in only two states and the FCT, while the rest of the country will experience varying degrees of violence during the election.<sup>74</sup> On 9 February 2023, the Federal Government

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<sup>71</sup> <https://www.internal-displacement.org/countries/nigeria#overview>.

<sup>72</sup> The scope of the provision addressing persons with disabilities has been broadened by reference to voters with visual impairments or other forms of disability (as opposed to just referring to blind voters).

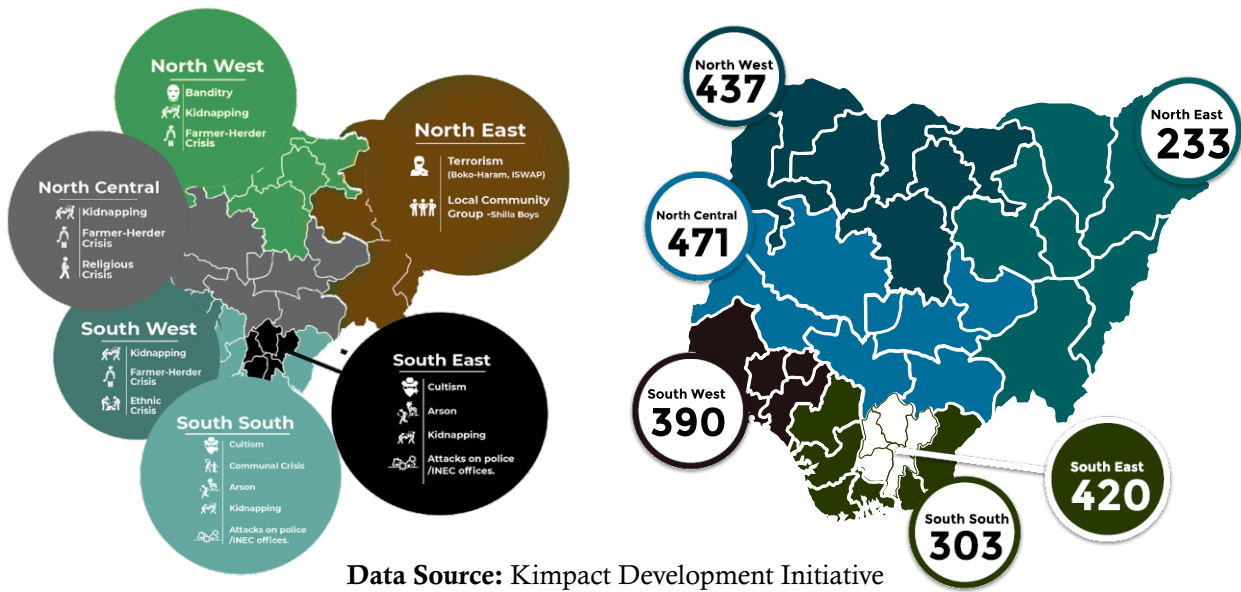
<sup>73</sup> Centre for Citizens with Disabilities (CCD), Pre-Election Assessment of Independent National Electoral Commission's Provisions for Persons with Disabilities' Participation in the Nigeria 2023 General Elections, 2023.

<sup>74</sup> CLEEN Foundation, 2023 Election Security Threat Assessment, [https://cleen.org/wp-content/uploads/2023/02/Press-Release-on-2023-Election-Security-Threat-Assessment\\_Final\\_CLEEN-Foundation.pdf](https://cleen.org/wp-content/uploads/2023/02/Press-Release-on-2023-Election-Security-Threat-Assessment_Final_CLEEN-Foundation.pdf).

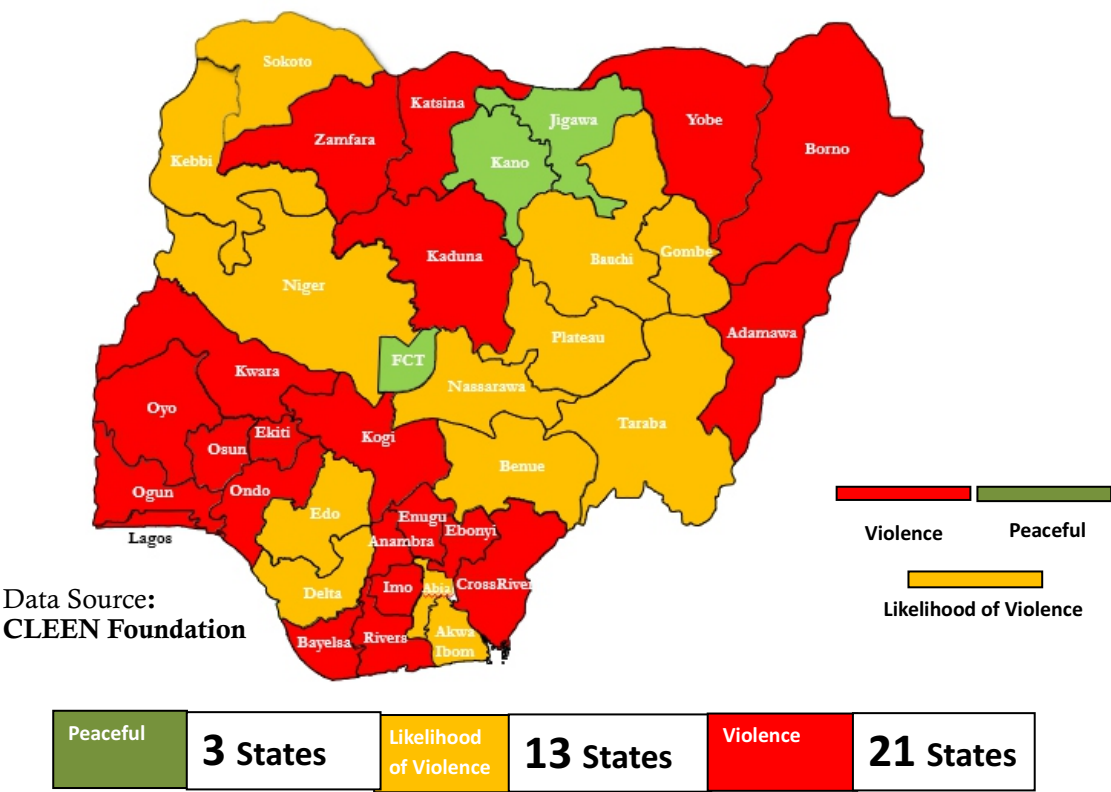
<sup>75</sup> Frank Ikpefan, "Polls: FG Orders Closure of Universities for Three Weeks," The Nation, 9 February 2023, <https://thenationonline.ng/polls-fg-orders-closure-of-universities-for-three-weeks/>.



Analysis of Security Threats prevalent in each Geopolitical Zone



2023 Election Violence Geography



ordered closure of universities in Nigeria from 22 February to 14 March 2023, citing concerns over security threats posed by the forthcoming election.<sup>75</sup>

### **Election Security Threat Assessment**

There are ongoing attacks to INEC facilities as symbols of state authority (mainly in the South East geopolitical zone), and there are fears that these might be extended to INEC staff, observers and others involved in the electoral process. The threat posed by pro-Biafra groups to credible elections is likely to increase as the 2023 polls nears.<sup>76</sup> Already, some of these groups have made a series of statements against the elections and have called for a boycott. Boko Haram and other terrorist organizations have also called for electoral boycotts in the past, and threatened to harm those who participate. Beyond specific terrorist organizations, high levels of criminality pose a general threat to INEC staff, offices and property. These threats include kidnapping, assassination, armed robbery, attack on security agents, and extrajudicial killings. Violence and the intimidation of voters have been used strategically as part of political competition. Over the years, electoral contenders and supporters have used political thuggery, fostered by impunity and a lack of sufficient political party leadership or oversight on this matter. With the increasing rate of street-level criminality, there are fears that criminal gangs might try to disrupt elections or abduct election staff in a bid to secure financial rewards. This, according to the INEC Chairman, this would provide a new layer to the problem of election insecurity in Nigeria.<sup>77</sup>

Civil society partners, such as the CLEEN Foundation and Kimpact Development Initiative have identified specific risk factors that may threaten the election in the various geo-political zones. Some of the issues identified include: 1) access to unsecured polling units as a good number of polling units in will require special security arrangements to enable election to take place, 2) abduction of election officials and voters, 3) snatching and destruction of election materials, 4) diatribe and inciteful statements, 5) proliferation of small arms and light weapons, and 6) activities of state and non-state security actors.<sup>78</sup> Because the threat of instability is not localised, and instead exists in all geo-political zones, the security forces will be stretched throughout the elections, and may not have the capacity to protect all polling units. Managing the security threats around the elections will require a healthy – and efficient – relationship to the security agencies.

### **Election Security Planning And Coordination**

Since 2011, INEC has maintained a close relationship with the security agencies in the country using the platform of the Inter-Agency Consultative Committee on Election Security (ICCES). In fact, it is now an established practice to appoint someone with background in the security sector as the National Commissioner, in charge of coordinating the Commission's engagement with security agencies. Presently, Abubakar Alkali, a retired Major General plays that role; before him Ahmed Tijani Mu'azu, a retired Air Vice-Marshal, coordinated election security.

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<sup>76</sup> Ben Nwosu and Ndubuisi Nwokolo, "2023 General Elections: The Unresolved threats of Violence in the South East," Nextier Policy Weekly, Volume 7 Issue 22, 6 – 13 February 2023.

<sup>77</sup> Bayo Wahab, "INEC Chairman says Insecurity may Hamper Elections in North-West, South-East," *Pulse.Ng*, 13 October 2022, <https://www.pulse.ng/news/local/inec-chairman-says-insecurity-may-hamper-elections-in-north-west-south-east/9k3qszi>

<sup>78</sup> CLEEN Foundation, 2023 Election Security Threat Assessment.





ICCES has worked relatively well when it comes to setting out a framework for election security planning and engagement. The challenge, however, has been to translate the effectiveness of ICCES to state and LGA levels where the actual implementation of election security plans takes place. In recent elections, there has been considerable inconsistency in the way that national plans have been translated to the local level, hindering the effective protection of the polls. Yet, there have been some success stories, such as the partnership between INEC and the security agencies in the recently concluded off-cycle elections. Factors often cited as reasons for the success include the more approachable disposition of the leadership of the security agencies, and the less conflictual dynamics of the contests, which were shaped in part by the stakes for the main parties relative to other contests.

At the state level ICCES is co-chaired by INEC Resident Electoral Commissioners (RECs) and Commissioners of Police (CPs) at the state, and it is important for there to be at least a year of preparation for an event as large and complex as a general election. Given this, it is both striking and highly worrying that 19 RECs were appointed just three months to the elections, and so they have had limited time to build the necessary rapport with other players.

All security agencies are usually mobilised during general elections, with the police designated as the lead agency. It is now standard practice to deploy three security officials to every polling unit, though there may be more or less in practice. This deployment is usually coordinated by the Commissioners of Police in the states. As the lead agency on election security, the Nigeria Police must step up to its responsibility. Apart from some trainings organized by the Force, not much information is publicly available on security

arrangements for the 2023 election. With only a few weeks to the election, it is crucial for the Police to finalize and share with stakeholders the security plans for the 2023 general elections for the sake of accountability and openness.

Security agencies must be systematic in their deployment to ensure optimal utilization of the available resources. They should work with INEC which is in possession of the vital information required for adequate and balanced posting of security personnel. In addition, they should address coordination problems that may arise in the course of the election security operations, leading to late arrival of security personnel deployed to escort election officials and materials to the polling units, inadequate transportation arrangement for security personnel deployed from Registration Area Camps (RACs) to polling units; and late response to emergency situations, especially security breaches at RACs, Local Government and Constituency Collation Centres.

## RECOMMENDATIONS

1. INEC needs to intensify voter awareness on the new polling units across all media channels particularly the traditional media. INEC should also devise another means for registered voters to check their polling units ahead of the election. Pasting the voter register at Ward level for at least a week before the Presidential Election will be appropriate to cater for the population who do not have access to the internet or not able to do so.
2. Since the number of PVCs collected is now a major element of the results management process, this information should be in the public space on a rolling basis to ensure accountability and transparency ahead of the 2023 General Election.

3. A lot of rhetoric has trailed the campaigns of the major Presidential Candidates as well as several incidents of violence at their campaign rallies. The Nigeria Police will need to brace up and be very strategic in its deployment to ensure that one party does not use its advantage over others in their strongholds through violence and suppression.

4. The last few days to the General Election will be critical to how citizens perceive the Election Day and if they will show up to vote. Civil Society

Organisations in addition to their previous efforts, should intensify voter education on voting procedures and peace messaging to encourage citizens to vote.

5. Ultimately, political parties and candidates are the principal beneficiary of votes and so the duty to mobilise citizens to vote lies with them. Parties and candidates should call on their supporters to conduct themselves in a peaceful manner and reduce the hate speech and harassment of supporters from other parties.

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### **SITUATION ROOM PRESS STATEMENTS SINCE SEPTEMBER 2022 ON THE 2023 GENERAL ELECTION**

Situation Room's Statement as Political Party Campaigns Begin - Friday, 30th September 2022

Situation Room Expresses Concern Over Attacks by Political Thugs at Campaign Rallies– Tuesday, 18th October 2022

Situation Room Condemns the Illegal Shutdown of Media Organisations in Zamfara State – Tuesday, 18th October 2022

Situation Room Condemns the Killing of Labour Party Women Leader in Kaduna State, Victoria Chintex – Thursday, 1st December 2022

Situation Room's Statement on the General Outlook of Preparations, 42 Days to the 2023 General Elections – Friday, 13th January 2023

Situation Room's Statement on The State of The Nation and PVC Collection – Wednesday, 25th January 2023

Situation Room's Report on the INEC Mock Accreditation Exercise – Monday, 6th February 2023

All Press Statements are available on [www.situationroomng.org](http://www.situationroomng.org)

## ABOUT SITUATION ROOM

PLAC hosts the secretariat of the Nigeria Civil Society Situation Room and is a member of its steering committee. The Situation Room provides a co-ordinating platform for civil society engagement on governance issues. It is also a platform for information sharing among civil society groups working on elections and topical national issues. It intervenes in the electoral process by promoting collaboration, proactive advocacy and rapid response to crisis in the electoral process. The Situation Room provides a forum of advance planning, scenario building, evidence based analysis, constructive engagement with various stakeholders in the electoral process and observation of elections.

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