



REPORT ON NIGERIA'S 2023 GENERAL ELECTIONS

NIGERIA CIVIL SOCIETY
SITUATIONROOM

Report on Nigeria's 2023 General Election

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2023 Nigeria Civil Society Situation Room

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FOREWORD

The 2023 general election represents a missed opportunity in Nigeria's democratic development. There were hopes that the election will consolidate and improve on the gains made from the electoral reforms and innovations introduced since 2011. However, these expectations were dashed as several accredited election observation groups reported that the credibility of the 2023 election was greatly tarnished by numerous pitfalls. The election suffered several lingering deficiencies in election administration, including inefficient management of permanent voters cards (PVCs) distribution, failure of operational and logistical arrangements, malfunctioning of election technology, inefficient handling of results management procedures, lack of transparent results collation and declaration process, and poor crisis communication. The high level of election violence and insecurity as well as extensive vote-buying that occurred further undermined the

credibility of the 2023 election.

Like most elections in Nigeria, the 2023 general election was conducted under a deeply contentious, and disputed, atmosphere. For the first time in Nigeria's fourth republic, three main parties (the All Progressives Congress - APC, the People's Democratic Party - PDP, and the Labour Party - LP) fought a hard, but divisive, campaign. The campaigns leading up to the 2023 general election brought to the fore the divisiveness of Nigerian politics especially along ethnic, religious and regional lines. The role of the Situation Room, and other actors in Nigeria's electoral process, contributed in no small measure in dousing the tensions and focusing the campaigns on issues.

The tension and uncertainties that surrounded the conduct of the 2023 general election, including widespread insecurity and uncertain government policies introduced ahead of the election, were a

special concern to the Situation Room. The Situation Room, together with other civil society groups, engaged in robust voter education and public awareness programmes to rally public interest and increase knowledge about the electoral process. It appears that the efforts of the Situation Room paid off. Although the election was held in an extremely challenging environment, the Nigerian people showed remarkable commitment to democracy by eagerly engaging in the electoral process and waiting patiently to vote in very difficult circumstances.

The Situation Room recognizes that, in the aftermath of the 2023 general election, public confidence in the credibility of the electoral process and the capacity of the Independent National Electoral Commission (INEC) to conduct elections is gravely shaken, and that extraordinary efforts will be required to re-establish trust. In this regard, the Situation Room will renew its commitment and redouble its efforts to address the persistent challenges with the Nigerian political culture and electoral process through vigilance and further electoral reforms. In particular, future reforms should focus on and address appointment of INEC commissioners including the National and Resident

Electoral Commissioners, limiting political interference in election management, oversight of election administration, political inclusivity, use of money in politics, issue-based campaigns and eradication of ethnic and sectarian politics as well as countering of misinformation and disinformation.

The Situation Room will continue to play the critical role of engaging Nigeria's democratic process to achieve the needed reforms. To this end, the Situation Room expects that the new regime in Nigeria will genuinely and earnestly respond to the challenges of democratic development and good governance confronting the country.

Ene Obi

*Convener, Nigeria Civil Society
Situation Room*

EXECUTIVE SUMMARY

The 2023 general election is the seventh election in the series of general elections held since Nigeria returned to civil rule in 1999. The election was conducted in two parts – the federal election (to elect the president, vice president and members of the National Assembly) was held on 25 February 2023, while the state election (to elect governors, deputy governors, and members of the State Houses of Assembly) was conducted on 18 March 2023. On 15 April 2023, the Independent National Electoral Commission (INEC) conducted a supplementary election to conclude elections in 96 constituencies in 23 states of the federation where elections were inconclusive.

The Situation Room, a forum of civil society groups collaborating to deliver effective engagement and responses to the challenges of elections and governance in Nigeria, was actively involved in observing the elections. The Situation Room deployed a total of 2,410 observers,

with at least 3 observers per Local Government Area (LGA) in every state of the federation, to monitor the 2023 general election. The Situation Room provided a broad platform for information sharing among civic groups, real-time analyses of field reports by election observers, objective insights into the challenges of election management, rapid response to crisis and emergencies - especially election violence, and constructive engagement between civil society and other election stakeholders. On the election days, the Election Situation Room served as the main hub for receiving data and reports from the field, which were analysed and disseminated through statements and reports.

The legal framework for the 2023 general election provided adequate basis for the conduct of the election in accordance with international democratic principles and with the international instruments ratified by the Federal Republic of Nigeria.

Several amendments aimed at improving the legal framework for the 2023 general election were endorsed by President Muhammadu Buhari on 25 February 2022 following his assent to Electoral Act 2022. The Electoral Act 2022 is regarded as 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, assisted voting for persons with physical disabilities and special needs, redefinition of overvoting, powers to INEC to review election results declared under duress, early commencement of campaign, and powers to INEC to respond to death of a candidate during polls.

Generally, the preparations for the 2023 general election as well as nomination, campaigns and other political party activities ahead of the election progressed without major hitches. Nevertheless, it was in the actual conduct of the election that significant challenges were experienced. The 2023 general election provided an opportunity for

Nigeria to consolidate and improve on the gains it made from reforms and innovations introduced since 2011. However, organizational pitfalls, including inefficient management of permanent voters cards (PVCs) distribution, failure of operational and logistical arrangements, malfunctioning of election technology, inefficient handling of results management procedures, lack of transparent results collation and declaration process, and poor crisis communication, dented the credibility of the election. The high level of election violence and insecurity as well as extensive vote-buying further undermined the credibility of the 2023 election.

In the light of the shortcomings of the 2023 general election, the Situation Room believes that more reforms and improvements are required to ensure that the quality of future elections in Nigeria does not further decline, and that public confidence in the capacity of INEC to conduct elections is restored, while trust in the credibility of elections is re-established.

The following recommendations to improve the election management body and the electoral process are offered for consideration and possible implementation by election stakeholders in Nigeria:

1. The Constitution should be amended to eliminate the position of Resident Electoral Commissioners (RECs) and appoint State Directors of Elections to replace RECs. The Directors will be employees of INEC subject to its control and direction.
 2. The suggestion by the Justice Uwais Committee for the unbundling of INEC should be considered and implemented without delay. An effective legal framework should be formulated for the establishment of Electoral Offences Commission and Tribunal, Political Parties Registration and Regulation Commission, and an agency to handle constituency delimitation.
 3. The task of compiling and managing the National Register of voters should be entrusted with the body nationally charged with population data management in the country. It is therefore proposed that the National Population Commission should be given the responsibility of extracting the national voters' register from its population database and be further charged with updating and including the names of persons that attain voting age.
- A system that will monitor and report on the integrity of the National Register of Voters created through this process will also need to be put in place.
4. In the period that INEC has responsibility for keeping the National Register of Voters, the Commission should:
 - Improve the Register by devising transparent and systematic ways of eliminating dead registrants from the register.
 - Ensure that it resumes the Continuous Voter Registration exercise well ahead of the general election or off-cycle elections.
 - Since voter information no longer resides in the Permanent Voters Cards (PVCs), in future elections, INEC should consider abolishing the use of PVCs and introduce the use of alternative means of identification such as National Identity Card, International Passport, or Drivers' License.
 5. Proposed amendments to the Constitution should include issues critical to the inclusiveness of the electoral process, such as endorsement of early voting for election day workers,

- independent candidacy and voting by Nigerians in Diaspora, in conformity with international principles for democratic elections.
6. Any future amendments to election legislation should be enacted sufficiently in advance of elections to provide political parties, candidates and voters adequate time to become informed of the new rules of the election process.
 7. As a practice, INEC should institute a process of post-election audit to enable the Commission understand and account for lapses during elections, and to undertake measures to prevent future occurrence of the lapses. With regards to the 2023 general election, INEC should conduct:
 - an audit of polling units where elections did not take place to establish the reasons for the failure,
 - an audit to provide to the public details of the process leading up to the results it collated for the election,
 - an audit to provide to the public information on why the INEC Results Viewing (IReV) Portal malfunctioned, despite assurances of its robustness.
 8. To improve election administration, the National Assembly should be more vigorous in undertaking its oversight role over INEC and the electoral process. Pre- and post-election legislative scrutiny of the implementation of the Electoral Act and other legislations by INEC should be conducted regularly.
 9. The National Assembly should be more forthright and dispassionate in performing its role of confirming appointees to positions in INEC. Petitions or complaints against nominees should be thoroughly and satisfactorily considered and investigated.
 10. Noting that operational and logistic lapses have been a persistent challenge to elections in Nigeria, despite assurances of its readiness by INEC, the National Assembly within its oversight role should set up an independent readiness assurance investigation to ascertain the level of preparations before major elections.
 11. To further address operational and logistic lapses, INEC should:
 - Make thorough planning a key priority.
 - Ensure the full implementation of and strict adherence

to its Strategic Plan, Election Project Plan and Election Management System.

- Take up other necessary measures to strengthen its procurement, logistics and operational capacity.
12. As an additional measure to address operational and logistic lapses, INEC should ensure a much greater compliance with election procedures at all levels and introduce measures to reduce inconsistencies in their implementation. The Commission should focus more attention on ensuring institutional cohesion and sound communication among its staff.
 13. INEC could address its operational challenges by improving the capacity of its staff through robust learning programmes and timely training. INEC should design and implement mock election exercises to practice procedures such as filling out results sheets and use of technological devices. The Commission should make its training manuals user-friendly to reflect the realities of election management and be widely available to staff and stakeholders.
 14. To further improve the transparency of the results management process, INEC should devise a more robust internal results verification mechanism to be put in place before the official proclamation of the winners.
 15. Clear instructions should be given to Collation and Returning Officers regarding the correction of calculation errors to eliminate the arbitrary handling of numeric inconsistencies in the result sheets.
 16. INEC was not effective in its crisis communication during the 2023 general election. In the future, the Commission should be more detailed, regular and progressive in its crisis communication.



PART I

Introduction

SITUATION ROOM'S DEPLOYMENT AND OBSERVATION

The Nigeria Civil Society Situation Room is a forum of civil society organizations collaborating to deliver effective engagement and responses to the challenges of elections and governance in Nigeria. The Situation Room provides a broad platform for information sharing among civic groups, real-time analyses of field reports by election observers, objective insights into the challenges of election management, rapid response to crisis and emergencies - especially election violence, and constructive engagement between civil society and other election stakeholders. The Situation Room has been observing elections in Nigeria since 2011.¹

The Situation Room deployed a total of 2,410 observers, with at least

3 observers per Local Government Area (LGA) in every state of the federation, to monitor the 2023 general election. This number includes 131 Persons with Disabilities (PWDs). In addition, the Situation Room relied on information from its partners and networks that deployed field observers in conducting its analyses and reporting. On the election days, the Election Situation Room served as the main hub for receiving data and reports from the field, which were analysed and disseminated through statements and reports.

The Situation Room's observation of the conduct of 2023 general election took into cognisance the electoral environment and used the preparedness of the Independent National Electoral Commission (INEC) for the election as a basis for assessing its conduct of the polls. In December 2021, the Situation Room

¹ See Review of Situation Room General Election Statements Since 2011. Abuja: Nigeria Civil Society Situation Room, 2022, for an analysis of the Situation Room's observations, findings and position on Nigeria's general elections since 2011.

launched its Credibility Threshold for the 2023 General Election which identified issues and factors that could cause the 2023 general election to fall below, remain within, or go beyond the standard established by previous elections.

The Credibility Threshold Document outlined expectations from stakeholders on how INEC and other stakeholders can mitigate issues that constitute key risks to the credibility of the general election. It set out the standards that will guide the Nigeria Civil Society Situation Room in its assessment of and advocacy on elections. The Document provided Situation Room members and the public with a shared reference point and a common tool for advocacy and engagement with duty bearers and stakeholders involved in the electoral process. It identified and articulated the key issues that election observers and the public should look out for as Nigeria prepares for the 2023 general election. These issues include:

1. Reform of the Electoral Legal Framework
2. Efficient and Accountable Election management
3. Improved Access to Polling Units
4. Reliable Voter Register
5. Effective Monitoring of Political

Parties and the Campaign Process

6. Improved Voter Education and Stakeholder Engagement
7. Hitch-free Accreditation and Voting
8. Accurate and Transparent Results Collation
9. Effective Monitoring of Complaints and Petitions Process
10. Violence Mitigation and Electoral Accountability

Overall, the Document offered a predetermined framework for objective assessment of elections, a tool for mitigating risks to the credibility of elections, and a guide for effective engagement with election stakeholders.

CONTEXT OF THE 2023 GENERAL ELECTIONS

The 2023 general election was conducted on 25 February and 18 March 2023 to select the president, vice president and members of the National Assembly as well as 28 of 36 state governors, deputy governors and members of the State Houses of Assembly.² The

² 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,

election was the seventh in the series of general elections held since Nigeria returned to civil rule in 1999. The evolution of electoral democracy in Nigeria has been protracted and difficult. Elections in Nigeria have been generally marked by organizational flaws, allegations of fraud, disputes over results, and outbreak of violence.³ The disappointment and outcry that have followed the elections, particularly the 2007 general election, 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.⁴ These reforms contributed largely to the improvements observed during the 2011 and 2015 general elections, yet several challenges remained.⁵

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 equally tarnished by numerous pitfalls.⁶ 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, greatly undermined stakeholder confidence in its ability to manage the 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 States⁷, were marred by violence and thuggery, widespread vote-buying, inflated turnout, and questions over cancellation of results.⁷

It was against the above background that Nigerians went into the 2023 general election. Many Nigerians approached the 2023 general

Osun, Ekiti, and Imo.

3 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.

4 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.

5 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.

6 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.

7 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>.



election with trepidation and doubts about the credibility of elections in the country. There were concerns that the election, like the previous ones, will be marred by longstanding questions of inadequate preparations, allegations of fraud, ethnic and regional tension, and violence.⁸ These apprehensions were informed by failure of the authorities to address the shortcomings identified in previous elections, the worsening security situation across the country and the increasing tendency of the political class to win political power at all costs. These misgivings affected public trust in the credibility of the

⁸ 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>.

2023 polls and in the capacity of INEC to conduct credible elections, as shown by several public opinion surveys.⁹

BUILD UP TO THE 2023 ELECTIONS

Two major developments shaped the build-up to Nigeria's 2023 elections, namely the emergence of a "third force" and rising insecurity in the country. The post-1999 politics in Nigeria have been dominated mainly by the People's Democratic

⁹ 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.

Party (PDP). However, in February 2013, four major opposition parties in Nigeria - the Action Congress of Nigeria (ACN), the Congress for Progressive Change (CPC), the All Nigeria Peoples Party (ANPP), and a faction of the All Progressives Grand Alliance (APGA) - merged and became a new party - the All Progressives Congress (APC). Between November 2013 and January 2014, internal crisis in the PDP led to the defection of five state governors, 11 senators, 37 members of the House of Representatives, and several other notable politicians to the APC. The mass defection left the PDP without a majority in the House of Representatives for the first time since 1999. The failure of the PDP to address questions around the collapse of its zoning arrangement, the lack of democratic process within the ruling party, and poor governance by President Goodluck Jonathan's administration strengthened the nascent APC and helped the party to defeat the PDP in the 2015 general election.

The APC has held onto power since 2015 after it retained the presidency in the 2019 general election. The fall of the PDP and emergence of the APC left Nigeria with two major parties. Although the APC entered the stage with a message of change which resonated among several Nigerians

and raised the hopes of many, the APC government is seen by many Nigerians as a huge disappointment. Like the PDP, the party have failed to adequately address the socio-economic and security challenges confronting Nigerians. In fact, the socio-economic conditions of many Nigerians appear to have worsened since the rise of the APC government to power.

It was against the backdrop of the disillusionment caused by the failure of the PDP and APC regimes that Peter Obi, a businessman and former governor of Anambra state, campaigned with the message of hope - that it is possible to rejuvenate Nigeria through frugal economic management. For him, the key to addressing Nigeria's socio-economic and security crises is simply to transform the country from a consumption-driven economy to a production-driven one. Obi's message, together with his frugal lifestyle despite his being a wealthy businessman as well as his track record as a competent administrator who was not mired in corruption scandals during his tenure as the governor of Anambra state, endeared him to many.

When Peter Obi resigned from the PDP on 24 May 2022 and joined the Labour Party (LP) based on

the claims that PDP leaders were attempting to manipulate the party primaries, he moved with his supporters to the Labour Party. The LP, which identifies itself with “social democracy” and opposes “neoliberalism” upheld by both the mainstream parties, worked hard to incorporate within its manifesto several key demands of the Nigerian labour movement. With the presence of Obi and the support of many young people and the working class, the LP emerged as a realistic “third force” ahead of the 2023 general election. In the run up to the 2023 general election, Obi’s followers popularly known as “obidients” emerged as the main opposition, demanding for leaders to be accountable, showing interest in politics, and providing civic and voter education. The frenzy generated by the “obidients” charged millions of Nigerians, especially young people, to register and collect Permanent Voters Cards (PVCs) which is a prerequisite for voting.

There were fears that the threat posed by high level of insecurity in Nigeria will affect the conduct of the 2023 general election and dampen the excitement that have followed the emergence of a “third force.” One of the greatest challenges to the 2023 general election was the

fear that polls may not open in some parts of the country, and that this could call into question the ability of INEC to declare election results, especially in the context of extremely close elections. They were also concerns that the election was likely to result in further attacks on INEC staff and facilities. Additionally, there were concerns about likelihood of lower turnout in violence prone areas. This concern was particularly significant given that turnout discrepancies between “government” and “opposition” areas was a major source of election controversy in 2019. Finally, there were fears that increasing electoral violence and attacks on INEC would expand the role of security agencies in the process – and hence exacerbate militarization of elections and the Commission’s existing vulnerability to interference by the security forces.

Ahead of the 2023 general election, the combination of existing insurgencies, rising insecurity, terrorist activity and electoral tensions meant that polling day would take place against a particularly challenging backdrop. Because the threat of instability was not localised, and instead existed in a number of geo-political zones, there were fears that the security agencies would be stretched throughout the

elections, and so, struggle to muster the capacity required to secure the election. This was particularly problematic given that there were growing tendency for disgruntled armed groups to target INEC itself. Opposition to multiparty elections became visible in 2017, first in the South-East, where the separatist Indigenous Peoples of Biafra (IPOB) tried to disrupt the Anambra State governorship election. The call for “no election” in 2017 was largely ineffective. However, following the extraordinary rendition of Nnamdi Kanu, leader of IPOB, from Kenya to Nigeria on 27 June 2021, violence in the geo-political zone intensified. In the run up to the November 2021 governorship election in Anambra State, IPOB threatened to disrupt the election if Nnamdi Kanu was not released. Although the election eventually took place, turnout did not exceed 10 per cent. Observers feared that the threat posed by IPOB to credible elections would likely increase during the 2023 polls.

Boko Haram and other terrorist organizations have also called for electoral boycotts in the past, and threatened to harm those who participate in the process. In the North-West, for example, there has been a resurgence of the Ansaru terrorist group, which warned citizens to shun political gatherings

that promote democracy. Beyond specific terrorist organizations, high levels of criminality posed a general threat to INEC staff, offices and property. These threats included kidnapping, assassination, armed robbery, attack on security agents, and extrajudicial killings. With the increasing rate of street-level criminality, there were also fears that criminal gangs might try to disrupt elections or abduct election staff in a bid to secure financial rewards. As the INEC Chairman lamented, this would provide a new layer to the problem of election insecurity in Nigeria.¹⁰

As demonstrated by the foregoing, threats to INEC now come from a number of different sources in different parts of the country. Between 2017 and 2021, attacks on INEC personnel and facilities increased across the country, with 42 violent incidents targeting INEC personnel and facilities in 14 states. Most of these incidents were in the form of arson and vandalization of property. The Commission lost 18 LGA offices during the *EndSARS* protest, 12 state and LGA offices to unknown gunmen and hoodlums, 10 LGA offices to election-day and

¹⁰ 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/9k3qs7l>

post-election violence, while 2 LGA offices were destroyed by Boko Haram and other bandits. In Ihitte-Uboma LGA in Imo state, an INEC Registration Officer was shot point-blank and killed at his duty post.

Beyond fears of attacks on election officials and voters, there was the fear that grave insecurity will provide the basis for security agencies to interfere with basic election management issues at the state and LGA levels such as plans for the deployment of officials and election management strategies. Due to allegations of interference by security agencies in the past, INEC pushed for reforms that would give it stronger control over security agencies during elections. Most notably, Section 27(3) of the Electoral Act 2022 makes the Commission responsible for requesting the deployment of relevant security personnel necessary for elections or registration of voters, and assigning them in the manner to be determined by the Commission in consultation with the relevant security agencies. However, the actual implementation of this provision remains a daunting task, first because INEC lacks experience of performing this role, and second because it runs against past practice. Observers were concerned that the 2023 general elections would likely

witness considerable “teething problems” with regards to the management of electoral security.

Overall, both operational and security challenges meant that there was a serious risk that INEC will not be able to open a considerable number of polling units on election day either at all or on time. Some observers point to strong indications that at least 18 states of the federation would have heightened levels of insecurity ahead of the elections, which may prevent INEC from opening polling units at all or on time. There were fears that there would be direct attacks on staff/offices, or threats of attacks, which would force INEC offices and polling units to close. Similarly, significant number of INEC ad hoc staff might refuse to proceed with the election out of fear of personal safety, making it unfeasible to roll out the elections as planned. The reluctance of INEC staff to work in high-risk areas was seen as likely to have a profound impact on the quality of the process, even if elections can be held. These grim outlook and perspectives provided the context in which the 2023 general election was conducted.



PART II

Preparations for Polling

LEGAL FRAMEWORK FOR 2023 GENERAL ELECTION

Like the previous legal reform exercises, the enactment of the Electoral Act 2022 was beleaguered by controversies.¹¹ 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.¹² 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.

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 bring the date in line with the provisions of the new law. Subsequently, the Commission updated its Regulations and Guidelines for the Conduct of Elections in conformity with the new law. Additionally, 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

¹¹ 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.

¹² 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.

and Framework for participation of Internally Displaced Persons (IDPs) and People with Disabilities (PWDs) in the electoral process. It seemed like Nigerians were going into the 2023 general elections with a relatively robust election legal framework that is generally acceptable to all stakeholders. The critical issue was then the extent to which INEC, election officials and other stakeholders would adhere with the election legal framework.

Although the election legal framework in Nigeria appears comprehensive and widely accepted, there are some outstanding issues that needed to be underlined. 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 providers. 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 administration of political parties in Nigeria. 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 as well as the Political Parties Registration and Regulation Commission to deal party registration, operation and candidate nomination.

PARTY PRIMARIES AND CANDIDATE NOMINATION

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.¹³ As a result, the parties pressured INEC to extend

¹³ 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/>.

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.¹⁴ Civil society organisations criticised the extension of the primaries deadline 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 specified date denied the other political parties.”¹⁵ For the CSOs, the extension of deadline by INEC questions the fairness, firmness and overall capacity of the Commission.

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 aspirants playing dirty to win more delegates’ votes.¹⁶ Observers

reported on this system of party primaries that has historically inhibited participation and perpetuated “money-politics”.¹⁷ A contentious point in the nomination process was the huge cost imposed on purchase of nomination forms by the 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. 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.¹⁸

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

¹⁴ 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/>.

¹⁵ Deborah Tolu-Kolawole, “Group Lampoons INEC over Extension of Primaries’ Deadline,” *Punch*, 30 May 2022, <https://punchng.com/group-lampoons-inec-over-extension-of-primaries-deadline/>.

¹⁶ 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/>.

¹⁷ Iwok Iniobong, “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/>.

¹⁸ 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>.

three options: exit, voice or loyalty. In the ruling All Progressives Alliance (APC), it appears like 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).¹⁹ In contrast, Governor Nyesom Wike mobilized other aggrieved PDP governors and established what was known as the G-5, which became the main “voice” of disgruntled politicians in the party.²⁰

An additional method of expressing discontentment with the nomination process is litigation. Dissatisfaction with the nomination process gave rise to huge number of court cases. In December 2022, the Chief Judge of the Federal High Court, John Tsoho, disclosed that the court received over one thousand cases arising from disputes over

nomination,²¹ out of which about 600 cases had reached the Court of Appeal.²² The decisions of the courts 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.²³

It seems 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

¹⁹ 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/>.

²⁰ Usman Santuraki, “The Rantings of G-5 Governors,” *Blueprint*, 8 January 2023, <https://www.blueprint.ng/the-rantings-of-g-5-governors/>.

²¹ 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/>.

²² 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/>.

²³ Ifeoma Nwovu and Chinasa Ossai, “Pre-election Cases dominate Courts barely 70 days to Election,” *Ibid*.

aspirants who then refuse to agree to a consensus candidate.

The Electoral Act 2022 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 Act, invalid nominations can in principle be rejected by INEC, thereby reducing the need for challenges through courts. Also positively, the Electoral Act requires primaries to be completed earlier, 180 days before elections, 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 progressed without major hitches. However, the longstanding challenges with electioneering campaigns in Nigeria lingered. 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.²⁴ The situation is worsened by failure of political parties to identify with specific ideological positions and to hinge

²⁴ 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 Lambright, "Campaign Appeals in Nigeria's 2007 Gubernatorial Elections," *Democratization*, Vol 22, No.1 (2015), pp. 134-156.

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 seemed to be a determination by the candidates to focus on issues rather than on personalities during the 2023 general election campaigns. This determination reflected in the willingness of the candidates to engage in dialogues, debates and townhall meetings.²⁵ However, these efforts have been fundamentally minimal. While many of the candidates tried to focus on issues, their supporters were involved verbal contestations of personal nature.

²⁵ The Situation Room organized a series of Townhall Meetings, involving the presidential candidates and their running mates, which were televised nationwide.

The social media, especially the Twitter and WhatsApp, were hubs of vicious personal abuse, slander and sectional mobilization by supporters of different candidates. Fake news, misinformation and disinformation have festered online. Social media platforms hosted unwholesome memes and jests targeting specific candidates, which have tended to undermine the very essence of electioneering campaigns. The experience with the 2023 electioneering campaigns 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).²⁶ These incidents led to the death of 24 persons, while over 20 others were injured.²⁷ Between November 2022

²⁶ 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>.

²⁷ Abbas Jimoh and Haruna Ibrahim, "2023: INEC Raises Red Flag as 24 Killed in Violent Campaigns,"

and February 2023, cases of political violence 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.²⁸ On 24 January 2023, thugs chased the Lagos State deputy governorship candidate of the People's 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.²⁹ 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.³⁰ 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.³¹ 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.³² A few days to the Presidential Election, a Labour Party Senatorial Candidate in Enugu State, Oyibo Chukwu was shot dead. These acts of political violence pointed to a highly volatile electoral environment around the 2023 general elections.

Restrictions on campaigns

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

Daily Trust, 25 November 2022, <https://dailytrust.com/2023-inec-raises-red-flag-as-24-killed-in-violent-campaigns/>.

28 Oluwatobi Aworinde, "One Dead, Over 100 Injured in Wednesday's Attack on Atiku Convoy – PDP Chieftain,"

ChannelsTV, 11 November 2022, <https://www.channelstv.com/2022/11/11/one-death-over-100-injured-in-attack-on-atikus-convoy-borno-pdp-guber-candidate/>.

29 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>.

30 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/>.

31 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/>.

32 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/>.

and clamping down on media houses. Cases of restriction of rights to assembly and expression were 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) required presidential candidates to pay 10 million naira, while Senatorial, House of Representatives, and State House of Assembly candidates were asked to pay 7 million, 5 million and one million naira, respectively.³³ The Kogi State Signage and Advertisement Act 2022, mandated candidates to pay between one million and 10 million naira before they are permitted to display their posters, billboard and banners in the State.³⁴ The government insisted that the new law would facilitate a clean environment and boost revenue generation.

³³ 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/>.

³⁴ 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/>.

Governor Nyesom Wike's Executive Order 21 required 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.³⁵

The governors of Zamfara, Ebonyi, Imo, Delta, Kaduna, Edo, Benue and Lagos States were 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 organisation that covered the event for violating of government's order.³⁶ Citing insecurity, Governor David Umahi of Ebonyi State banned holding of political rallies in public schools in the State with effect from 1 November 2022, and restricted the operation of commercial motorcyclists from 7:00 pm to

³⁵ 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/>.

³⁶ Daily Trust, "2023: Governors' Draconian Orders, Obnoxious Laws put Campaigns in a Fix," Ibid.

6:00 am.³⁷ 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.³⁸

The opposition parties in Imo State alleged that the state government converted the Dan Anyiam Stadium on Wetheral Road, Owerri, to the APC Southeast zonal presidential campaign office. They equally alleged that only the ruling APC was allowed the use of Rear Admiral Ndubuisi Kanu Square, Owerri.³⁹ In Delta State, the opposition APC accused the PDP 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.⁴⁰ Similarly, the opposition parties in Kaduna State accused the state government of denying them the right to erect billboards,⁴¹ while their counterparts in Edo State accused the state government of prohibiting opposition parties from use of state facilities, including the Samuel Ogbemudia Stadium, and erecting campaign billboards across the state.⁴² The opposition parties in Benue State accused the ruling PDP of using its Community Volunteer Guards to intimidate their supporters;⁴³ while opposition politicians in Lagos alleged intimidation by the ruling APC. They accused the APC of using state machinery to stifle their campaigns, threatening service providers and using market leaders to intimidate their supporters in different markets.⁴⁴

Political finance

No substantive changes were made with regard to political finance to date. Under the Electoral Act 2022, election expenditure limits were increased, raising concerns that the high limits would potentially undermine election integrity and create incentives for corruption.

³⁷ 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>.

³⁸ 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>.

³⁹ 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/>.

⁴⁰ Saxone Akhaine, et.al., "2023 elections: How ruling parties frustrate opposition campaigns in states," Op cit.

⁴¹ Saxone Akhaine, et.al., Ibid.

⁴² Saxone Akhaine, et.al., Ibid.

⁴³ Saxone Akhaine, et.al., Ibid.

⁴⁴ Saxone Akhaine, et.al., Ibid.

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.⁴⁵ INEC 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),⁴⁶ and no limit set on the amount a donor can contribute to political parties.⁴⁷ 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.⁴⁸ This simply means that the problem is not the existence of the rules but inability to enforce 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 were fears that a vast majority of the political parties will not comply with the disclosure and reporting obligations laid down in the law, and that there will be no consequence for the violations, as past experience shows.⁴⁹

ELECTION ADMINISTRATION

From 2011, INEC took steps to become a more progressive and effective institution. The Commission undertook several ground-breaking reforms including

⁴⁵ See Section 88 (2)-(7) of the Electoral Act 2022.

⁴⁶ INEC is legally required to establish limits on election expenses by political parties in consultation with the parties.

⁴⁷ But there is a limit of 50,000,000 Naira on donations to candidates, See Section 88 (8) of the Electoral Act 2022.

⁴⁸ 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.

⁴⁹ 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.

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 shortcomings persist, showing that much stronger election planning, logistics management and operational oversight are required. The public perception of INEC ahead of the 2023 general elections which was positive now appears to have taken a huge dip.

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.⁵⁰ 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 constituted critical challenges.

⁵⁰ See Independent National Electoral Commission, *The State of Voter Access to Polling Units in Nigeria*, Abuja: INEC, 2021.

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 how to allocate voters to the new polling units. Consequently, it adopted four approaches to address the problem,⁵¹ 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.

⁵¹ INEC, *Anambra State Governorship Election 2021: Polling Units with less than 50 Registered Voters*, Abuja: INEC, 2021.

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 the polling units, as can be seen in the table below. Of the 5,720 polling units in the State, 86 polling units had no voters, 894 polling units had 1 to 49 voters, 129 polling units had 50 to 100 voters, 3,897 had 101 to 999 voters, while 714 polling units had more than 1,000 voters.⁵² In essence,

almost 20 per cent of the polling units had less than 100 voters, while 12 per cent of the polling units had 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 showed that some polling units were still congested while others were either redundant or underutilized. As we shall see later, it appears that INEC had not made strong efforts to address this problem as the problem reoccurred in some places during the 2023 general election.

Distribution of Voters in Polling Units in Anambra State

SN	Distribution of voters	Polling Units	% of PUs
1	0 voters	86	1.5
2	1-49 voters	894	15.6
3	50-100 voters	129	2.3
4	101-999 voters	3,897	68.1
5	More than 1,000 voters	714	12.5
	Total	5,720	100

Besides equitable reallocation of voters to the polling units, access to the polling units was hampered by inability of voters to easily identify their polling units. There were concerns that this problem, which was experienced during

⁵² INEC, Anambra State Governorship Election 2021, Ibid.

the FCT election in February 2022, might resurface during the general election. 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. Observers called on INEC to take measures to forestall the recurrence this challenge during the 2023 general election. The failure of voters and election officials to easily identify the polling units would lead to delays in the commencement of polls, as the FCT experience demonstrated. 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 introduced 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 state and FCT offices and 774 local government area offices).

Despite huge improvements in the process of voter registration, some longstanding challenges remained, 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 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.⁵³ INEC responded to these allegations by reporting that it had deleted 2.7 million double registrations in the list.⁵⁴

Following the publication of the

⁵³ Prisca Sam-Duru, "There are People older than Queen Elizabeth Bearing Teenage faces in INEC Register, CUPP Spokesman Alleges," Vanguard, 24 September 2022, <https://www.vanguardngr.com/2022/09/there-are-people-older-than-queen-elizabeth-bearing-teenage-faces-in-inec-register-cupp-spokesman-alleges/>.

⁵⁴ Gift Habib, "INEC Deletes 2.7 Million for Double Registration," Punch, 12 October 2022, <https://punchng.com/inec-deletes-2-7-million-for-double-registration/>.

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 that a huge number of registered voters were yet to collect their PVCs forced the Commission to extend the deadline to 5 February 2023. Meanwhile, the decision of the Commission to devolve 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.⁵⁵ 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.⁵⁶

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. In December 2022, the Northern Elders Forum (NEF) alleged that millions of voters in Northern Nigeria, particularly, women were being made to sell their PVCs for 2,000 naira by some political parties contesting the 2023 elections.⁵⁷ Earlier in July 2022, videos of PVCs allegedly buried underground in some locations in the compound of a high-profile person went viral.⁵⁸ The public outcry that followed the trending video forced INEC to commence investigation of which the outcome is yet to be made public till date. These incidents are emblematic of the deep-seated challenge that exists in administering PVCs distribution in Nigeria.

Deployment of technology

INEC has demonstrated strong commitment to the use of technology in elections. Since 2002, the Commission has progressively embraced technology

⁵⁵ 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>.

⁵⁶ Punch, "LP Faults INEC on Slow PVC Distribution," 12 January 2023, <https://punchng.com/lp-faults-inec-on-slow-pvc-distribution/>.

⁵⁷ 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/>.

⁵⁸ 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>.

in its operations.⁵⁹ In preparation for the 2023 general election, the Commission proposed replacement of the 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.⁶⁰ The Commission hoped 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 was 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 caused delays and deterred 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 per cent of the polling units monitored, while in 91 per cent of the polling units the card readers were not able to consistently verify fingerprints.⁶¹

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.”⁶² While in the FCT election, observers noted that the voting process was delayed by “many instances of BVAS malfunctioning during voter accreditation.”⁶³

The challenges experienced with BVAS in the off-cycle elections

⁵⁹ Abel Guobadia, *Reflections of a Nigerian Electoral Umpire*, Benin: Mindex, 2009.

⁶⁰ INEC, *Electronic Transmission of Election Results*, Position Paper No 1/2021, Abuja: INEC, 2021.

⁶¹ European Union Election Observation Mission, *Final Report: Nigeria General Elections*, 28 March 2015 & 11 April 2015, Abuja, p.27.

⁶² Final Statement by the Nigeria Civil Society Situation Room on the Anambra State Governorship Election 2021, The Situation Room, 11 November 2021.

⁶³ Lessons from 2022 FCT Area Council Election, The Electoral Hub, February 2022.

prompted CSOs and other stakeholders to demand for further pilot test of the device before the 2023 general election. 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.⁶⁴ The positive reports from the mock accreditation raised the hope that BVAS will function optimally during the 2023 general election.

Another factor that increased confidence in the use of technology was the provisions introduced in Electoral Act 2022, which gave 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 was 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 was 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 went 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 were expected to be recruited for the 2023 general elections. There are three types of ad hoc staff:

⁶⁴ Situation Room's Report on the INEC Mock Accreditation Exercise, The Situation Room, 6 February 2023.

- The polling staff: Presiding and Assistant Presiding Officers.
- The supervisory staff: Supervisory Presiding Officers.
- 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 the INEC Chairman has the duty 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 the 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 have been occasions where politicians have pre-empted 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.⁶⁵ 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.⁶⁶ 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

⁶⁵ 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>.

⁶⁶ 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>.

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.⁶⁷ 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 underlined 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 the creation of new

polling units, it was expected that the Commission would redouble its efforts at training of ad hoc staff. At the least, three measures were identified as 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 using the INEC Portal for Recruitment of Election Staff (INECPRES) between 14 September and 14 December 2022, the Commission could not conclude the recruitment process in many states as at 8 February 2023, just two weeks to the presidential and National Assembly elections. In addition, the booklet required for ad hoc staff training did not arrive most states as at 8 February 2023. These delays affected the ad hoc staff training initially scheduled for 9 to 11 February 2023 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 were reports that the number of applications received by the Commission was far short of that required to conduct the election. This meant that additional recruitment drive was required. Pushing the training of ad hoc too close to election day (barely one

⁶⁷ 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.

week before the election) gave the Commission limited or no time to conduct mop up recruitment and training. With the delays in recruitment and training of ad hoc staff, it was clear that preparations for the election was not properly managed, and that the overall capacity of prospective election officials to adhere to regulations and manage the election process was undermined.

Participation of Women, IDPs, PWDs

INEC took positive steps to enhance women's participation in the electoral process. In 2021, the Commission established a gender and inclusion department and issues of women's representation apparently featured more prominently on the its agenda.⁶⁸ 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 2021.⁶⁹ The proportion of IDPs living in host communities has reportedly gradually increased, making the need for special voting arrangements even more challenging. In 2022, 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

⁶⁸ 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.

⁶⁹ <https://www.internal-displacement.org/countries/nigeria#overview>.

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.⁷⁰ These include an obligation for INEC to take measures to increase accessibility and assistance at polling units. This needs 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.⁷¹ 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.

⁷⁰ 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).

⁷¹ 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.

ELECTION SECURITY

The insecurity in Nigeria represented perhaps the greatest challenge to the conduct of the 2023 general election. 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.⁷² On 9 February 2023, the federal government ordered closure of universities in Nigeria from 22 February to 14 March 2023, citing concerns over security threats posed by the forthcoming election.⁷³ Civil society organizations, such as the CLEEN Foundation, identified specific risk factors that may threaten the election to include: 1) access to unsecured polling units as a good number of polling units in Nigeria 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)

⁷² 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.

⁷³ Frank Ikpefan, "Polls: FG Orders Closure of Universities for Three Weeks," The Nation, 9 February 2023, <https://thenationonlineng.net/polls-fg-orders-closure-of-universities-for-three-weeks/>.

diatribe and inciteful statements, 5) proliferation of small arms and light weapons, and 6) activities of state and non-state security actors.⁷⁴ Because the threat of instability is not localised, and instead exists in all geo-political zones, it was feared that security agencies will be stretched throughout the elections, and may not have the capacity to protect all polling units.

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.

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.

⁷⁴ CLEEN Foundation, 2023 Election Security Threat Assessment.

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. Apart from some trainings organized by the Force, not much information was publicly available on security arrangements for the 2023 election. It is crucial for the Police to share with stakeholders the security plans for the 2023 general elections for the sake of accountability, openness and coordination.



PART III

Polling, Counting and Results

The voting process in Nigeria reflects the myriad challenges that the Independent National Electoral Commission (INEC) face in administering elections in the country. From security challenges, to fierce competition by political actors, inadequate infrastructure, and poorly-educated voters, the scale of the tasks facing the election management body at the national and state levels is immense. On the other hand, the electoral process validates the level of preparedness of the Commission to address these problems and the emerging ones. Over the years, INEC has implemented numerous reforms and innovations aimed at strengthening its operational and logistic arrangements, and improving the integrity of the electoral process. Across the country, there were high expectations that these reforms will enable the Commission overcome the perennial challenges to the conduct of elections in Nigeria, such as late

deployment of staff and materials, delayed opening of polling units, challenges with voter accreditation as well as problems with counting, collation and declaration of results. But the challenges experienced on the election days let down these expectations.

25 FEBRUARY 2023: PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS

The Presidential and National Assembly election held on the 25 February 2023 was the first set of elections for the 2023 general election. Nigerian voters displayed a commendable commitment to fulfilling their democratic rights and responsibilities in a generally peaceful and orderly manner. In its statement, the Situation Room commended “Nigerians for coming out in large numbers and showing patience and restraint

during the election process.”⁷⁵ It was clear from reports that the voters endured severe difficulties during the elections as a result of several operational and logistic lapses by INEC.

Reports received by the Situation Room from its network of field observers indicated that officials and materials did not reach a significant number of polling stations across the country by the time of the polls opening. The Situation Room observers reported that there was delayed deployment of election officials and materials across the country, leading to late commencement of accreditation and voting in more than 70 per cent of the polling units visited. The delays appeared to be predominant in the South-East and South-South states as well as in Kaduna State and the FCT. In these areas, there were significant delays in the commencement of polls, with several polling units opening as late as 11.30 am, while some polling units did not open as at the official closing of polls by 2.30 pm.

Delays in opening of polls created a corresponding problem of late closing of polls in many places.

Situation Room observers reported that less than 35 per cent of polling units visited closed by 2.30 pm. The late opening of polls and continuation of accreditation and voting till late into the night in many places, subjected the voters, many of whom arrived the polling units very early in the morning, to unpleasant voting experience. On 26 February, voting continued in some polling units in at least six states. INEC did not provide comprehensive information on how many polling units had no or delayed voting, nor did the Commission offer a clear solution on how to ensure the right to vote nationwide. In the same vein, INEC did not provide adequate explanation for its failure to deploy election officials and materials on time. The Commission had suggested that centralizing the process of election-day logistics by the Resident Electoral Commissioners (RECs) in some states caused the delays.⁷⁶ However, there have been no explanations for the challenges faced in other parts of the country, and more importantly, the reasons why the Commission could not detect and counteract the actions of the RECs through its monitoring and supervision mechanisms.

⁷⁵ Interim Statement by the Nigeria Civil Society Situation Room on the Presidential and National Assembly Elections – Issued: 11:00 am, Sunday, 26th February 2023.

⁷⁶ Text of Remarks by the Chairman, Independent National Electoral Commission (INEC), Prof. Mahmood Yakubu, at a Meeting with the Resident Electoral Commissioners (RECs) held at the INEC Conference Room, Abuja, on Saturday 4th March 2023.

The late commencement of the Presidential and National Assembly election was compounded by the difficulties experienced in the use of Bimodal Voter Accreditation System (BVAS) for voter accreditation. Situation Room observers reported that the BVAS malfunctioned in 14 per cent of the polling units visited. The glitches experienced include failure of the device to start, failure to authenticate voters, discharge of battery, and intermittent power malfunctioning. These challenges further marred the experience of voters in those polling units.

In addition to the problems posed by the delayed opening of polls and challenges with voter accreditation, other critical incidents were recorded by field observers. These include reports of shortage of materials, intimidation of voters and election officials, campaigning or campaign materials near polling units, vote buying, snatching and destruction of ballot boxes, and failure to post official results.

The Situation Room received reports of disruption of voting, intimidation of voters and election officials as well as other acts of electoral violence in at least 16 states, with Lagos, Kano, Rivers, and Imo reportedly being most affected. INEC cancelled elections in seven polling units

in Kogi and suspended voting in 141 units in Bayelsa, while media reports indicated a much wider scale of vote suppression or voting disruptions due to security problems and extremely late deployment of election materials. Situation room observers reported that there was tension and violent incidents in many polling units visited, and that some of these incidents occurred in the presence of security personnel, who appeared unable or unwilling to intervene. In 84 per cent of the polling units visited, Situation Room observers reported adequate presence of security personnel, yet the activities of hoodlums could not be contained.

In Nigeria, counting of votes and collation of results are usually the most contested aspects of the electoral process due to lack of transparency. Ahead of the 2023 general election, the Commission introduced the INEC Results Viewing (IREV) portal as a dedicated web portal for the public to view polling unit results as soon as they are finalised on election day. That polling unit results can still be viewed on the portal made the IREV an invaluable repository of elections results in Nigeria. The introduction of IREV was aimed at addressing the lack of transparency and allegations of manipulation

that usually characterize the results management process. The innovation was piloted in 105 constituencies where the Commission conducted off-season elections beginning from August 2020, and the outcome was well received by the public.

The new provisions introduced in the Electoral Act 2022, which gave stronger legal basis to the use of technology, further increased confidence in the use of technology and in the credibility of the electoral process. In the past, the absence of requisite legal framework to support deployment of technology in elections constituted a major challenge, with the courts insisting that the existing law prohibits the use of technological devices and that a case cannot be built on the use or non-use of the devices. However, with the new law, the use of technological devices in elections was given mandatory provision. On its part, INEC consistently reassured Nigerians that election results will be electronically transmitted to IReV from the polling units. Nigerians went into the 2023 general election with the assurance that technology will help eliminate the issues that have dented the credibility of past elections in the country. From many, technology was regarded as the “game-changer” in 2023.

Yet, on election day, Nigerians were deeply disappointed by the glitches experienced in the use of IReV. Situation Room observed that election officials in many polling units were unable to access the IReV portal and to upload results of the presidential election. There were reports of election officials who either refused or were unable to upload results.

The Situation Room observers reported that no presidential election result was uploaded to the IReV portal as at 8.00 pm on the election day. In instances where upload occurred, the results were not legible or was defaced. Some uploads were not relevant as pictures of individuals or scenes on the location were uploaded.

The failure of the IReV triggered huge public outcry and allegations of results fiddling by INEC. It took INEC almost 24 hours to publicly respond to the matter. In a terse statement, the Commission blamed the failure on “technical hitches related to scaling up of the IReV from a platform for managing off-season, state elections, to one for managing nationwide general elections.” The Commission claimed that it is indeed usual for glitches to occur and be corrected in such situations. In the days following the election, it was clear that INEC could not fix the

glitches with IReV as it promised in its statement. Meanwhile, blaming the failure of IReV on scale up of the platform suggests that INEC underestimated the magnitude of work required to run the platform and that the Commission was not well prepared for the election. Overall, the failure of IReV eliminated the most important guarantee of transparency and credibility of the 2023 elections, and therefore casts doubt on the integrity of INEC and the electoral process.

The seemingly highhanded manner in which the Chairman of INEC, who served as the National Collation Officer for the Presidential Election, handled proceedings during the results collation exercise further eroded public confidence in the elections. The failure of the Chairman of INEC to properly consider appeals for review of results from some states, in the light of the malfunction of IReV, as well as the apparent haste with which the collation process was concluded in an unusual hour, provided the basis for some observers to question the credibility of the collated results.

18 MARCH 2023: GOVERNORSHIP AND STATE HOUSES OF ASSEMBLY ELECTION

The contentions that followed the Presidential and National Assembly election affected the governorship and State Houses of Assembly election initially scheduled for 11 March 2023. In the aftermath of the presidential election, the opposition parties - Labour Party and the People's Democratic Party, sought and received an order of the Federal Court of Appeal mandating INEC to allow the parties to inspect materials used for the presidential election including the BVAS, which hosts key election data. INEC appealed the order arguing that the court decision will make it hard for the Commission to conduct the Governorship and State Houses of Assembly election on schedule and requested the Court to delay the inspection and allow the Commission to continue with its preparations for the election, including reconfiguring of the BVAS and storing of the data on the device. On 9 March 2023, the Court of Appeal ruled in favour of INEC. However, later that day, the Commission announced a postponement of the state elections by one week stating that it was no longer in a position to conduct the election on the scheduled date.

The postponement was welcomed by many observers who thought that it offered a calming effect on the highly charged political environment precipitated by the controversial presidential election and provided an opportunity for INEC to reorganize and deliver a better managed election. The federal election of 25 February had severely damaged public confidence in INEC due to the lack of transparency and operational failures that were observed in the conduct of the election. Many observers were disappointed that INEC could not respond to the challenges and failures of the federal election in a coordinated and professional manner. In the main, INEC failed to provide detailed information to the public, limiting its communication to a few press releases and ceremonial statements, and hence failed to address public grievances timeously and rebuild confidence in the electoral process.

But in the week before the Governorship and State Houses of Assembly election, the Commission tried to reorganize and to introduce corrective measures to render a timely delivery of electoral materials, efficient use of election technologies, and ensure prompt publication of results. The Commission held series of meetings with the Resident

Electoral Commissioners (RECs), some of whom were being fingered as responsible for much of the failures of the federal election. The Resident Electoral Commissioners (RECs) were directed to immediately initiate disciplinary action against staff found to be negligent during the federal election. However, only a few RECs themselves were held accountable, despite the scale of election day failings across the country. On 7 March 2023, the Commission suspended Nura Ali, the Resident Electoral Commissioner (REC) of Sokoto State. While the reason for the suspension was not explicitly stated, reports indicate that the decision was connected to allegations of his involvement in irregularities during the federal election in the state.⁷⁷ The Commission had earlier directed its Resident Electoral Commissioner (REC) in Abia State, Ike Uzochukwu, to stay away from office for “endangering electoral process” during the 25 February federal election.⁷⁸

⁷⁷ Sadiq Ilyas, “INEC Suspends Sokoto Resident Electoral Commissioner”, Channels TV, 7 March 2023, <https://www.channelstv.com/2023/03/07/breaking-inec-suspends-sokoto-resident-electoral-commissioner/>.

⁷⁸ Abdulsalam Abdullah Opeyemi, “INEC Withdraws Abia REC for ‘Endangering Electoral Process’”, Within Nigeria, 14 March 2023, <https://www.withinnigeria.com/news/2023/03/14/inec-withdraws-abia-rec-for-endangering-electoral-process/>.

Overall, there was a marked improvement with regards to timely arrival of electoral officials and materials, yet the Situation Room's observation and analysis of the Governorship and State Houses of Assembly elections of 18 March 2023 indicated that shortcomings with the management of election day operations and logistics as well as election security persisted. The Situation Room observed early deployment of election officials and materials across the country with many states deploying election officials and materials to the RACs and polling units on time. Most polling units observed by the Situation Room opened on time with materials and personnel deployed, although a strikingly low level of voter turnout meant less pressure on INEC operations throughout the day. The Situation Room's network of observers reported that election officials and materials arrived before 8:30 am in 80 percent of polling units visited, while accreditation of voters began at 8:30 am in about 67 percent of polling units observed.

However, Situation Room observers reported that voting did not hold in some polling units in Benue, Zamfara, Kogi, and Rivers States. Of particular interest is Kwande Local Government Area of Benue State where Situation Room observers

reported non-commencement of election in the entire LGA due to a mix up of election materials for Kwande East and Kwande West State House Assembly constituencies. Additionally, there were reports of late commencement of polls in a number of places, especially in Rivers and Lagos States.

Furthermore, there were reports of no or insufficient supply of election materials in parts of Gombe, Oyo, Abia, Borno, Delta, Yobe and Nasarawa States. For instance, in Polling Unit 022, Aluci Gincila Ward, Nasarawa Eggon LGA of Nasarawa State, Situation Room observers reported that the governorship election result sheets produced were a photocopy while original result sheets were provided for only the State Houses of Assembly election. Similarly, In PU 060, Abuloma/Amadiama Ward 20, in Port Harcourt LGA of Rivers State, commencement of voting was delayed because as at 10:17 am, the BVAS had not been reconfigured as it still had presidential election data. In 4 per cent of polling units visited, Situation Room observed cases of malfunction of BVAS. The specific incidents observed include BVAS failing to start and battery failure. In Polling Unit 002, Ogbaku Ward, Mbaitolu LGA of Imo State, it was observed that the voter register in

the BVAS did not match the printed voter register for the polling unit.

With regards to compliance with the electoral law and procedures, the Situation Room observers note that assistive devices such as Braille ballot guide for the blind, were provided only in 7.1 per cent of the polling units visited. The observers also reported that in PU 041 Open Space by Magistrate Court, Ganaja Village, Ajaokuta LGA of Kogi State, temporary voter's cards were used for accreditation in breach of the electoral law.

Situation Room observers reported high prevalence of vote buying across the country. In some polling units, party agents were asking voters to show who they voted for. There were reports of voter inducement through sharing of money and food items as well as collection of bank account details of voters. For example, in polling unit 008, Ward 5, Onitsha North LGA of Anambra State, party agents were seen collecting the account numbers of voters. Also, in Polling Unit 002, Bakin Kasuwa, Utai Ward in Wudil LGA of Kano State, party agents were seen sharing fabrics and wrappers to voters. This incident was also observed in Polling Unit 022, Nguru Ward, Nguru LGA of Yobe State.

The Situation Room observers reported problems with collation of results in several polling units across the country. The usual procedure of vote counting at polling units and collation at the ward level was circumvented without any explanation in some places in violation of the election regulations. INEC officials with active support of the security officials moved collation from the polling units to local government headquarters despite the protests by some political parties. Presiding Officers were found to have pasted the election results only in 59 per cent of the polling units visited. There was real time electronic transmission of polling unit results in 60.7 per cent of the polling units visited. Generally, uploading of the results to the IReV worked significantly better than it did in the presidential elections with the first results appearing on IReV in the afternoon of the election day. However, a quick review of the IReV at 12:00 noon on election day revealed two uploads for PU 068, Ojugbe Town Hall, Abuloma-Amadi Ama Ward and PU 029, Ward 07, both in Port Harcourt Local Government Area of Rivers State. The first is a photograph of a person and the second, an uncompleted result sheet. This incident indicates a major breach of the election results management procedure.

Technical support staff (RATHECs) were not always present at the collations centres observed by the Situation Room. As a consequence, verification of original result sheet against the one uploaded to IReV was not regularly conducted.

The Situation Room observed that despite the presence of security personnel in 91 per cent of the polling units visited, the security officials did not live up to expectations. Reports from Situation Room observers show that the problem of election violence in states like Rivers appeared to be persistent, while incidents of election violence in states like Lagos appeared to be surpassing existing threshold. In many parts of Lagos State, in particular, there was violent disruption of voting, attacks on and intimidation of election officials including observers and media, as well as outright violence on the election day. For instance, in Bishop Oluwole Memorial Primary School, Ward 005, Ifako Ijaiye LGA of Lagos State, voting ended at 2:30 pm but fight broke out between the INEC officials and party agents during the counting of votes due to a voided ballot paper. In Polling Unit 069, Amuwo Odofin LGA, Lagos State, thugs attacked voters, vandalized vehicles, and prevented people from voting in the polling unit.

In addition, there were reports of attacks on election officials including observers and media crew. For instance, two Situation Room observers were harassed and obstructed from carrying out their duties in Enugu North and Igboeze North Local Government Areas (LGAs) of Enugu State. AIT reporters and a cameraman were molested and prevented from covering the elections at some polling units in Eti-Osa, Ifako-Ijaiye and Amuwo Odofin LGAs by political thugs and hoodlums. An ARISE TV crew was attacked while covering the election in Elegushi area of Lagos. A cameraman suffered facial injuries, while camera drones and other equipment were seized. In Ogun State, a reporter with the News Agency of Nigeria was among journalists molested in Itori Odo Area of Abeokuta South LGA where they faced mob attack by political thugs who equally reportedly assaulted INEC officials with axes and allegedly destroyed ballot boxes.

The Situation Room further observed that in Rivers, Lagos, Edo, Nasarawa, Akwa Ibom and Imo states, there were reports of disruption of voting, intimidation of voters, attack of election officials, and outright violence. In PU 012, Nonwa Ward 7 in Tai LGA of Rivers State, thugs destroyed materials and beat up

election officials. In Polling Unit 009, Nto Edio 3 Ward in Obot Akara LGA of Akwa Ibom State, ballot boxes were destroyed by aggrieved political party members. Equally, in Aluchi Ward, Nasarawa Eggon LGA of Nasarawa State, thugs destroyed materials at the Registration Area Centre (RAC), thereby disrupting the distribution of materials in the area. Situation Room received a disturbing report that 19 INEC ad-hoc staff who were on their way to seven different polling units in Ugbelie Ward 06 in Ideato South LGA of Imo State were abducted by unknown persons. There were reports of attack on voting centres in an IDP camp in Uhogwa, Ovia North East LGA of Edo State by armed hoodlums. During the attack, one person was severely injured, an INEC ad hoc staff was forced to take refuge in a nearby house, while voting materials were carted away. There were similar reports of voter intimidation, disruption of voting and destruction of election materials in polling units visited in Enugu, Sokoto, Delta, Niger, and Gombe states. The Situation Room notes that the principal actors and propagators of these acts of election violence are well known but have operated in an environment of absolute impunity for years. The Situation Room therefore calls on government to urgently address this persistent issue of election violence.

Overall, the Situation Room observed that the failings of the 25 February 2023 Presidential and National Assembly election and security concerns in various parts of the country apparently took a toll on turnout of voters during the Governorship and State Houses of Assembly election. While voter turnout is historically low for the state level elections, Situation Room observations indicated a worrying level of voter apathy in the election. In an election that should resonate more with citizens, the Situation Room noted that the turnout was very poor.

15 APRIL 2023: SUPPLEMENTARY ELECTIONS

On 27 March 2023, INEC announced that it would conduct supplementary election on 15 April 2023 to enable the Commission conclude elections and declare winners in 96 constituencies in 23 states of the federation. The supplementary election was scheduled to hold to conclude 2 Governorship elections in Adamawa and Kebbi States, 5 Senatorial District elections, 31 Federal Constituency elections, and 58 State Constituency elections. The supplementary election provided yet another opportunity for INEC

to rectify the shortcomings of the previous elections and rebuild confidence in the electoral process.

The Situation Room deployed observers to 11 states including Adamawa, Anambra, Akwa Ibom, Edo, Imo, Jigawa, Kaduna, Kano, Kebbi, Oyo and Sokoto states to observe the supplementary election. Reports from Situation Room observers and network of partners indicated that the supplementary election, like the previous elections in the 2023 general election cycle, fell short of the “Credibility Threshold” set out by the Situation Room as a basis for evaluating the 2023 general election.

Although the Situation Room observed early opening of polls in many locations, particularly in Kano and Kebbi states, there was late opening of polls in some polling units due to the late arrival of election officials and materials. For instance, in Michika Local Government Area (LGA) of Adamawa State, polls opened in many polling units visited around 11:50 am, while in Sokoto South LGA of Sokoto State the polling units visited opened around 10:30 am. Polling units visited in Egor Local Government Area of Edo State and Ogbaru LGA of Anambra State opened around 9:30 am.

The Situation Room observed

incidents of vote buying in some locations. For instance, in Polling Unit 008, Burum Burum Ward, Tudun Wada LGA, Kano State, bags of fertilizer, Atamfa (a brand of Ankara fabric) and 5,000 naira were shared to voters. Likewise, in Polling Unit 006, Atani I Ward, Ogbaru LGA, Anambra State, and Polling Unit 024, Badon Uku Uku Ward, Wamakko LGA, Sokoto State, similar patterns of vote buying were observed.

The credibility of the supplementary election was further dented by reports of disruption of voting and intimidation of voters and election officials in some places. For instance, it was reported that thugs stormed Atani I Ward in Ogbaru LGA of Anambra State and attempted to hijack ballot boxes but were arrested by the men of the Nigerian Army. This incident led to disruption of voting in the area. In Takakume Ward, Goronyo LGA and Badon Uku Uku Ward in Wamakko LGA, Sokoto State, fight broke out between some party agents and voters. In Polling Units 002, 003, 005 in Amuri I, Amandugba Ward, Isu LGA, Imo State, thugs carted away election materials, leading to disruption of voting in the area. Similarly, violence erupted in Polling Unit 005, Utai Ward, Wudil LGA, Kano State, and in the process, some voters sustained injuries. Additionally, disagreement

among party agents in Polling Unit 010, Iyiowa/Odekpe/Ohita Ward, Ogbaru LGA, Anambra State, led to disruption of voting for more than one hour. Lastly, in Ikono/Ini Federal Constituency in Akwa Ibom State, the Situation Room received reports of attack of election officials. In Kahuta Polling Unit 003, Kaura East Ward, Kaura LGA in Kaduna State, the Presiding Officer reportedly asked voters to disclose the party they intend to vote, and consequently, helped party agents to identify and pair up with these voters. Equally, in Uzebu Ward, Oredo LGA, Edo State, local thugs took over Owegie Primary School 1 Polling Unit and forced the few voters who showed up to vote to display their ballot papers after thumb printing.

Generally, security personnel were present in sufficient numbers in most of the polling units visited. However, these officials did not make satisfactory efforts to intervene in the places where violent incidents or breach of the electoral regulations was observed. As was the case in the previous elections, the security personnel on election duty just stood by and did not do much to discharge their responsibility to protect voters, election officials and materials. This phenomenon appears to be the new normal in Nigerian elections.

The Situation Room received the shocking report of illegal announcement of result and declaration of winner by Yunusa Hudu Ari, INEC's Resident Electoral Commissioner (REC) in Adamawa State, while collation of results in the state governorship supplementary election was yet to be concluded. Section 25(2)(f) and Section 66 of the Electoral Act 2022 empowers only the Returning Officer for a governorship election to announce the result and declare the winner following conclusion of the collation process at State Collation Centre. The Situation Room welcomes the action taken by INEC to declare as unlawful the action of the REC in Adamawa State and to suspend him from further duties. It is pertinent that the Commission follows up with a proper investigation into what transpired and apply sanctions as necessary. It is also important that the constitutional process of discipline, including removal from office is initiated against the REC for the purpose of due process and precedence.



PART IV

Conclusion and Recommendations

The Situation Room's observation and analysis of the 2023 general election indicate that the election fell short of the credibility threshold set out by the Situation Room. Situation Room expected that the innovative reforms introduced by INEC, in furtherance of the new Electoral Act 2022, will lead to efficient and accountable election management, together with effective monitoring of political parties and campaign process, improved access to polling units, hitch-free accreditation and voting, and effective violence mitigation.

Contrary to these expectations, the 2023 general election was marred by very poor organization, severe logistical and operational failure, lack of essential electoral transparency, substantial disruption of voting, and several incidents of violence. As a result, the process cannot be considered to have been credible. Given the lack of transparency, particularly in the result collation process, there can be

no confidence in the results of the election. In addition, there was very poor communication from INEC on challenges with its processes on election day.

In the light of these shortcomings, the Situation Room believes that additional reforms and improvements are required to ensure that the quality of future elections in Nigeria does not further decline, and that public confidence in the capacity of INEC to conduct elections is restored, while trust in the credibility of elections is re-established. The following recommendations to improve the election management body and the electoral process are offered for consideration and possible implementation by election stakeholders in Nigeria.

LEGAL FRAMEWORK

1. The Constitution should be amended to replace the position of Resident Electoral Commissioners (RECs) with State Directors of Elections who will be appointed as employees of INEC and subject to its control and direction.
2. The suggestion by the Justice Uwais Committee for the unbundling of INEC should be considered and implemented without delay. An effective legal framework should be formulated for the establishment of Electoral Offences Commission and Tribunal, Political Parties Registration and Regulation Commission, and an agency to handle constituency delimitation.
3. Proposed amendments to the Constitution should include issues critical to the inclusiveness of the electoral process, such as endorsement of early voting for election day workers, independent candidacy and voting by Nigerians in Diaspora, in conformity with international principles for democratic elections.
4. Any future amendments to election legislation should be enacted sufficiently in advance

of elections to provide political parties, candidates and voters adequate time to become informed of the new rules of the election process.

ELECTION ADMINISTRATION

1. As a practice, INEC should institute a process of post-election audit to enable the Commission understand and account for lapses during elections, and to undertake measures to prevent future occurrence of the lapses. With regards to the 2023 general election, INEC should conduct:
 - an audit of polling units where elections did not take place to establish the reasons for the failure,
 - an audit to provide to the public details of the process leading up to the results it collated for the election,
 - an audit to provide to the public information on why the INEC Results Viewing (IReV) Portal malfunctioned, despite assurances of its robustness.

2. To improve election administration, the National Assembly should be more vigorous in undertaking its oversight role over INEC and the electoral process. Pre- and post-election legislative scrutiny of the implementation of the Electoral Act and other legislations by INEC should be conducted regularly.
3. The National Assembly should be more forthright and dispassionate in performing its role of confirming appointees to positions in INEC. Petitions or complaints against nominees should be thoroughly and satisfactorily considered and investigated.
4. Noting that operational and logistic lapses have been a persistent challenge to elections in Nigeria, despite assurances of its readiness by INEC, the National Assembly within its oversight role should set up an independent readiness assurance investigation to ascertain the level of preparations before major elections.
5. To further address operational and logistic lapses, INEC should:
 - Make thorough planning a key priority.
 - Ensure the full implementation of and strict adherence to its Strategic Plan, Election Project Plan and Election Management System.
 - Take up other necessary measures to strengthen its procurement, logistics and operational capacity.
6. As an additional measure to address operational and logistic lapses, INEC should ensure a much greater compliance with election procedures at all levels and introduce measures to reduce inconsistencies in their implementation. The Commission should focus more attention on ensuring institutional cohesion and sound communication among its staff.
7. INEC could address its operational challenges by improving the capacity of its staff through robust learning programmes and timely training. INEC should design and implement mock election exercises to practice procedures such as filling out results sheets and use of technological devices. The Commission should make its training manuals user-friendly to reflect the realities of election management and be widely available to staff and stakeholders.

8. To further improve the transparency of the results management process, INEC should devise a more robust internal results verification mechanism to be put in place before the official proclamation of the winners.
9. Clear instructions should be given to Collation and Returning Officers regarding the correction of calculation errors to eliminate the arbitrary handling of numeric inconsistencies in the result sheets.
10. INEC was not effective in its crisis communication during the 2023 general election. In the future, the Commission should be more detailed, regular and progressive in its crisis communication.

VOTER REGISTRATION AND PVC COLLECTION

1. The task of compiling and managing the National Register of voters should be entrusted with the body nationally charged with population data management in the country. It is therefore proposed that the National Population Commission should be given the responsibility of extracting

the national voters' register from its population database and be further charged with updating and including the names of persons that attain voting age. A system that will monitor and report on the integrity of the National Register of Voters created through this process will also need to be put in place.

2. In the period that INEC has responsibility for keeping the National Register of Voters, the Commission should:
 - Improve the Register by devising transparent and systematic ways of eliminating dead registrants from the register.
 - Ensure that it resumes the Continuous Voter Registration exercise well ahead of the general election or off-cycle elections.
 - Since voter information no longer resides in the Permanent Voters Cards (PVCs), in future elections, INEC should consider abolishing the use of PVCs and introduce the use of alternative means of identification such as National Identity Card, International Passport, or Drivers' License. This will further reduce the cost of elections in Nigeria.



Statements Issued

SITUATION ROOM'S STATEMENT ON THE GENERAL OUTLOOK OF PREPARATIONS, 42 DAYS TO THE 2023 GENERAL ELECTIONS – FRIDAY, 13TH JANUARY 2023

Issued: Abuja, 3:00pm

The Nigeria Civil Society Situation Room (Situation Room) has observed with keen interest recent events regarding the 2023 General Elections. Situation Room welcomes the assurance by the Independent National Electoral Commission (INEC) Chairman that the General Elections will hold on the scheduled dates. When the Nigerian National Assembly passed a new Electoral law on 25th January 2022, this was welcomed by Nigerians and Nigerian watchers as a major watershed to help improve elections in the country. The Electoral Act 2022 renewed the hope and confidence of Nigerians and built expectations that the 2023 elections will be conducted efficiently by INEC. This led to massive trooping out of Nigerians to register and update their information on the voters' roll.

At this time, the Situation Room notes the following:

SECURITY CONCERNS AND INSECURITY

Situation Room is worried that the security agencies have not sufficiently dispelled the concerns that have given rise to the insecurity across the country. Any threat to the conduct of the 2023 General Elections could similarly pose serious national security concerns and a threat to the peace and stability of the country. Nigerian voters are waiting to cast their vote for a new government in 2023 that would hopefully address the disappointments and failures of past electoral promises and set the country on a path to national unity and development.

TRAINING OF AD HOC STAFF AND VOTER SENSITIZATION

Situation Room notes that with the Presidential Election only a few days away, the training of ad hoc staff needs to be intensified to enable the staff properly acquaint themselves with the workings and usage of the Bimodal Voter Accreditation System (BVAS) well ahead of the elections.

INEC also needs to step up civic education of voters. More awareness materials should be produced and disseminated via mainstream and social media including conducting of physical sensitization. Voters need to be aware of voting guidelines, electoral offences and penalties especially regarding 'vote buying and selling' which is a major concern as seen in the Ekiti and Osun States Governorship Elections in 2022.

PERMANENT VOTERS CARDS COLLECTION

Situation Room commends the Commission for extending the PVC collection at the Ward level and further commends Nigerians who have made out time to go and collect their PVC. The Ward level collection has been a big motivation and has encouraged a larger number of people go and collect their PVC because of the proximity to their locations and homes.

With the crowds observed during this exercise and the determination for a better Nigeria, Situation Room notes that the extension may still not be sufficient time for voters to collect their PVCs. Situation Room also notes the complaints of Nigerians on the strenuous collection process in some Ward collection centres ranging from unavailability of their PVCs, to long hours of sorting, disorganised distribution systems resulting in time wastage, etc. Situation Room calls on INEC to further extend the Ward level collection until the 5th of February 2023 to enable more people collect their PVC with ease and deploy more staff to the Ward centres to ease distribution of PVCs and fasten the process. This will also enable INEC attend to complaints arising from unavailability of PVCs for some new registrants.

Situation Room reminds the Commission of its commitment to ensure ease in the electoral processes and listen to the appeals of Nigerians to extend the Ward level collection.

CONCLUSION

Taking into cognisance the statement of the Minister of Information and Culture, Alhaji Lai Mohammed, that the position of the Federal Government remains that the 2023 General Elections will be held as planned, Situation Room therefore calls on President Muhammadu Buhari and the Service Chiefs to urgently convene to address these security concerns. This will assure Nigerians that they are up to the task of their mandate to ensure the safety of lives and property across the country, and that there will also be no interference with the 2023 elections as scheduled, as Nigerians will not accept any attempt to scuttle the conduct of the General Elections.

Situation Room urges INEC to do everything within its power to ensure that all preparations and processes are in order for a smooth conduct of the General Elections.

Situation Room also urges all registered voters to go out en masse and collect their PVCs. People's Votes Count when we all vote in the 2023 General Elections.

Remember that your Vote is Your Power!

SITUATION ROOM'S STATEMENT ON THE STATE OF THE NATION AND PVC COLLECTION – WEDNESDAY, 25TH JANUARY 2023

Issued: Abuja, 2:00pm

With just 30 days to the 2023 General Elections, the Nigeria Civil Society Situation Room (Situation Room) is deeply concerned about the state of the nation. The last one week witnessed Nigerians trooping out to the various Wards to collect their PVCs in a move to beat the PVC collection deadline at the Ward level. Likewise, campaigns have intensified with political parties and their candidates holding rallies in various States of the Federation. Amidst these, fuel scarcity persists with the Government's intention to gradually remove fuel subsidy beginning from April 2023.

With all these factors in play, Situation Room notes the following as it affects the coming elections:

PERMANENT VOTER'S CARD (PVC) COLLECTION

Situation Room has recorded numerous complaints on issues surrounding the collection of Permanent Voter's Cards (PVCs) at the Ward level distribution. Majority of the complaints bordered on unavailability of PVCs for both new and old registrants without a future date for collection. In some Wards, people were asked to return in February. There were also reports of INEC staff not permanently located at the Wards during the exercise. In most States, the staff were roving from Ward to Ward without a clear schedule for visit to Wards and when people turned up, they met absence. An exception is in Edo State where a schedule for PVC collection was published and disseminated on social media to enable registrants know where to collect their PVCs and dates for collection.

Going by the Independent National Electoral Commission's (INEC) calendar on distribution of PVCs, the Local Government Area distribution at INEC offices is set to end on 29th January 2023. Situation Room is worried that the timelines given to people who have been asked to return to collect their PVCs are unrealistic and would lead to disenfranchisement.

On 13th January 2023, Situation Room called on the Commission to extend the Ward level collection to 5th February 2023 to enable more people collect their PVCs with ease and also deploy more staff to the Ward centres to ease distribution of PVCs and fasten the process.

Based on the above premise, Situation Room reiterates its call on INEC to reconsider the 29th January 2023 deadline for PVC Collection at the LGA level to accommodate the large number of Nigerians who are yet to collect their PVC not out of their own refusal but due to the various reasons they have been given by the Commission on why their PVC has not been printed. An extension would also give INEC time to print PVCs for the many registrants whose PVCs were not printed.

MOCK ELECTIONS

INEC indicated in its Election Project Plan (EPP) that it would conduct mock elections in some States for voters to familiarise themselves with the Bimodal Voter Accreditation system (BVAS). In the 2015 General Elections when Smart Card Readers were used nationwide for the first time, INEC conducted mock elections in 24 Polling Units strategically selected from both urban and rural communities across the six geo-political zones. This enabled citizens test run the new technology that was introduced into the voting process. Consequently, Situation Room is calling on INEC to urgently set a date to conduct proper mock elections in locations that include both urban and rural settings to enable voters see the functionality of the BVAS in practice and have some experience of what to expect on election day. This would help INEC identify possible challenges and prepare to address them ahead of the elections especially in geo-political zones where they have never been used before.

PERSISTENT FUEL SCARCITY

Nigerians have been severely affected by the persistent fuel scarcity and continuous increase in price since 2022. Situation Room is concerned about the impact this could have on transportation and logistics during the elections.

With the Commission anticipating the deployment of over 100,000 vehicles including motorcycles and tricycles to ensure that personnel and materials arrive polling units before voters on election day, Situation Room calls on INEC to ensure that this logistics arrangement is revisited to accommodate the present realities if this has not been already done as elections are fast approaching if this has not already been done.

Situation Room therefore calls on the President and Minister of Petroleum, President Muhammadu Buhari, to meet with the oil marketers and Nigerian National Petroleum Company Limited (NNPCL) to proffer a lasting solution to the lingering fuel scarcity before the elections.

VIOLENCE AT POLITICAL CAMPAIGN RALLIES

Political parties and their candidates have intensified their campaigns in different States with massive turnout of supporters. Sadly, pockets of violence have been reported in States like Rivers where an All Progressives Congress (APC) rally was disrupted following twin explosions which rocked the Rumu-Woji venue in the Mile One axis of Port Harcourt. Another incident was reported in Edo State in Ward 7 of the Edo Central Local Government Area, where Peoples Democratic Party (PDP) rally ended in disarray following gunshots fired by political thugs, forcing party supporters to flee in fear.

Situation Room recalls that in September 2022, at the start of party campaigns, it called on political parties and citizens to desist from fomenting violence. Section 93(1) of the Electoral Act 2022 prohibits political parties and candidates from directly or indirectly threatening anyone with force or violence during any political campaign with the intent of compelling that person to support or refrain from supporting a political party or candidate. Situation Room reminds political parties and candidates of the penalties for this offence as stated in Section 93 (2) of the Act. The Act states that in the case of a candidate, upon conviction, the person would pay a maximum fine of N1,000,000 or imprisonment for a term of 12 months. For erring political parties, a fine of N2,000,000 in the first instance and N1,000,000 for any subsequent offence.

Situation Room has also observed the use of abusive language and name calling by some party leaders with the aim of discrediting other candidates or parties. According to Section 92 (2) of the Electoral Act 2022, abusive, intemperate, slanderous, base language, insinuations or innuendoes designed or likely to provoke violent reaction or emotions shall not be employed or used in political campaigns. On this note, Situation Room urges candidates to concentrate on issue-based campaigns and possible solutions to the array of problems the country is facing.

Situation Room calls on the Nigeria Police, the major custodian of security in elections, to provide adequate protection for proper and peaceful conduct of rallies.

ATTACKS ON INEC FACILITIES

Situation Room also notes that despite previous concerns raised, INEC facilities are continuously being attacked by arsonists. INEC needs to identify possible areas where such attacks may likely occur and liaise with the security agencies to beef up surveillance in those troubled hot spots till the end of elections. The country cannot afford to keep losing men and election materials before the elections. Security agencies should also investigate possible leads to previous attacks and apprehend the perpetrators of these dastardly acts.

CONCLUSION

As we draw closer to a defining moment in Nigeria, Situation Room reminds all political parties and their candidates of the Peace Accord signed on 29th September 2022 and urges them to call their supporters to order. The need for a peaceful, free and credible elections cannot be overemphasised; heating up the polity should be avoided at all cost.

Situation Room also reminds the Nigeria Police of their pledge to protect lives and property at all times which includes provision of security during election campaign periods. It is expected that arrests in connection with any unrest reported or witnessed during this electioneering season would be made leading to prosecution by the court.

On PVC collection, INEC had promised that it would make ready PVCs in October and November 2022 for people who took part in the last quarter of the CVR, but could not meet up. This delay is perhaps the ripple effect witnessed in 2023 of the unavailability of PVCs. Situation Room therefore calls on INEC to reconsider its stance on the deadline for PVC collection. This will greatly assure Nigerians of the Commissions pledge to ensure that many eligible voters cast their vote.

SITUATION ROOM'S REPORT ON THE INEC MOCK ACCREDITATION EXERCISE – MONDAY, 6TH FEBRUARY 2023

Issued: Abuja, 7:00pm

On Saturday, 4th February 2023, the Independent National Electoral Commission (INEC), conducted a Mock Accreditation exercise, a simulation of election day polls, in 436 designated polling units across the 109 senatorial districts in the country; 12 in each State and 4 in the Federal Capital Territory (FCT) to demonstrate the functionality of the Bimodal Voter Accreditation System (BVAS) which is the technology it intends to use for the 2023 General Elections.

Although the BVAS has been used in the Anambra, Ekiti and Osun States off-cycle Governorship Elections, this would be the first time it is being used in a nationwide test run.

The Nigeria Civil Society Situation Room (Situation Room) received reports from its deployed field observers and other election observer networks, and notes the following:

GENERAL OBSERVATIONS:

1. The exercise was conducted in a largely orderly and peaceful manner across the States.
2. In most Polling Units (PUs) visited, INEC officials arrived on time and the accreditation exercise commenced at the given time of 9:00am. In some instances, such as in Ibaji Local Government Area (LGA) in Kogi State, 11:00am was recorded. In Orumba North LGA, Anambra State, a 10:00am time was recorded. There were additional other areas where a late opening time was observed. These include Wukari LGA, Taraba State and Ado-Odo/Ota LGA of Ogun State.
3. Observers noted the effective use of BVAS in several of the areas where a test run held.
4. There was presence of security personnel from Nigeria Police, Department of State Services and Nigeria Security and Civil Defence Corps in most PUs.

5. Voter turnout in several States in the North of the country was high.
6. In the FCT, turnout was markedly low at the Area 10/Post Office polling unit in the city centre. Only 16 out of a total of 2,052 on the voters' register showed up for accreditation.
7. Generally, priority voting was recognised, and Persons with Disability were given priority.

BIMODAL VOTER ACCREDITATION SYSTEM (BVAS):

Situation Room observed a huge improvement with the use of the BVAS from the last off-cycle Governorship elections in Anambra, Ekiti and Osun States. The generally observed time used in accreditation ranged from 1- 2 minutes for each voter. In Jos North of Plateau State, a particular accreditation took only 7 seconds. There were however several reports of extended accreditation in some cases nearing 5 minutes. Situation Room observers from Kaura Namoda LGA, Zamfara State, Sagbama LGA, Bayelsa State and Ibadan North LGA, Oyo State reported extended accreditation time. There were even instances where the BVAS could not accredit some voters through the fingerprint and facial recognition options. This was reportedly the case in Gombe LGA, Gombe State and Abuja Municipal Area Council, FCT.

Situation Room observers also received reports and witnessed BVAS failing to accredit persons whose physical features and appearance had changed from the time of first registration. These were mostly persons captured in the first registration exercise of 2011.

It is also Situation Room's observation that the BVAS recognition function appears to work better using facial recognition with fingerprint accreditation being slower. Although, the fingerprint accreditation was much better than in past elections where the BVAS has been used. The BVAS also appears to have a functional capacity to exclude double accreditation as was observed in Area 10/Post Office polling unit in City Centre Abuja.

Situation Room also observed that some voters were reassigned to new polling units without their knowledge and so could not be accredited in their previous voting unit when they showed up for accreditation. This report was received from several States of the country including Rivers, Edo, Gombe, Bauchi, Jigawa and F.C.T. These redirection of voters to new polling units

without their knowledge could cause significant disruptions ahead of the general elections if INEC does not find a way of communicating the new fact to registered voters.

ROLE FOR OBSERVERS IN ELECTIONS:

Situation Room along with several other accredited domestic and international observers made efforts and did observe the mock accreditation under the BVAS. Although the event went smoothly, there was an isolated incident of harassment of an election observer in Okene LGA, Kogi State. Situation Room observer, Moses Adekoye, was arrested and held for nearly five hours by the Department of State Services officials. The observer was accused of taking pictures at the location of the Mock Accreditation. The DSS claimed to have arrested him for his own safety and only released him after high level intervention by the INEC chairman who confirmed that observers were entitled to be at the Mock Accreditation locations. Situation Room notes that the Resident Electoral Commissioner for the State, Dr. Hale Longpet, took no action to restrain the security agency from their infringement of the right of observers to observe the elections.

Situation Room is concerned that this incident may repeat during the general elections with security agencies interfering with the right of observers to observe elections on polling day.

CONCLUSION:

Situation Room notes that the turnout generally of voters for the test run of accreditation was low. It would appear that the awareness created for this by INEC was limited and a lot of voters did not know much about the exercise to be able to show up for it. It is also important to note that the exercise took place against a backdrop of current social conditions in Nigeria including shortages of fuel and currency. This may have impacted on turnout.

RECOMMENDATIONS:

1. INEC would need to create more awareness about location of polling units particularly of newly created ones so that voters will be able to go to the right polling unit on voting day.
2. Training of staff and ad hoc staff to be used during the general elections will need to be escalated and cascaded down to enable more staff to be trained especially with less than 3 weeks of the holding of polls. It is

important to note that if staff struggle with using the BVAS on any of the election days, this could significantly hamper the election.

3. The configuration of BVAS machines would need to be done much more efficiently and effectively. It is important to note that the Mock Accreditation exercise took place in only 436 polling units of the country with the existence of nearly 180,000 polling units nationwide; there can be very little room for error of configuration on election day as voters may become restless and frustrated with a possible lead to violence if the configuration of the BVAS fails in polling units on election day.
4. INEC would also need to address the challenge of BVAS failing to authenticate voters who have valid PVCs but whose physical features may have differentiated from their original features at first registration
5. From the accreditation test run just held and a low turnout, it is quite clear that the constraints of cash crunch on individuals may impact on voter turnout. The Federal Government may need to work hard and significantly reduce the debilitating effect of the recent currency change. Indeed, the cash crunch may even begin to pose a challenge to free votes as politicians who are reported to have now developed capacity and access to cash from the banks could use it in furtherance of vote buying and inducement to a cash hungry voting population.
6. The right of duly accredited observers to observe the 2023 elections will need to be re-emphasised and widely disseminated by the Independent National Electoral Commission, in order to assure citizens of INEC's commitment to organise free polls. The security agencies must commit to respecting observers' rights to observe elections and refrain from interference with these well-established rights.

STATEMENT BY THE NIGERIA CIVIL SOCIETY SITUATION ROOM ON THE STATE OF PREPAREDNESS FOR NIGERIA'S GENERAL ELECTION HOLDING ON 25TH FEBRUARY AND 11TH MARCH 2023

– Issued: 12:00pm, Wednesday, 22nd February 2023

The 2023 general election will hold on Saturday, 25th February 2023 to elect the President and members of the National Assembly, and on Saturday, 11th March 2023 to elect 28 of 36 State Governors and members of the State Houses of Assembly. This general election will be the seventh in the series of general elections held since Nigeria returned to civil rule in 1999. A total of 15,331 candidates will be vying for various positions during the election: 18 candidates will contest for the seat of the President, 420 governorship candidates, 4,223 candidates will contest for the National Assembly seats, and 10,232 candidates for the State Houses of Assembly seats.

Today, the Election Situation Room opens with the launch of the report of our Pre-Election Assessment. The report presents the findings of an assessment of Nigeria's pre-election environment ahead of the 2023 general election. It provides a contextual analysis of the socio-economic and 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. With the polls a few days away, the Independent National Electoral Commission (INEC) has assured Nigerians of its preparedness for the elections. A lot will, however, depend on the resilience of voters against several challenges, particularly fear of violence and the deteriorating socio-economic conditions in the country.

Situation Room's Deployment

Situation Room's observation of the conduct of 2023 general election will take into cognisance the electoral environment, and use INEC's preparedness for the election as a basis for assessing its conduct of the polls. In December 2021, the Situation Room launched its Credibility Threshold for the 2023 General Election which identified issues and factors that could cause the 2023 general election to fall below, remain within, or go beyond the standard established by previous elections. It also outlined expectations from

stakeholders to mitigate issues that constitute key risks to the credibility of the general election.

For the 2023 general election, Situation Room will deploy 2,410 observers with at least 3 observers per Local Government Area (LGA) in every State of the Federation. This number includes 131 Persons with Disabilities. Situation Room will also rely on information from its partners and networks deploying observers. On election day, the Election Situation Room will be the main hub for receiving data and reports from the field, which will be analysed and disseminated through statements and reports.

Election Administration

INEC has expressed commitment to maintaining the timetable and schedule of activities for the general election it announced nearly one year ago and has worked towards ensuring that the general election holds on the set dates without postponement. While INEC has accomplished several items in its Schedule of Activities for the conduct of the 2023 general election, there have been some major gaps in its preparations. Situation Room recorded numerous complaints regarding collection of Permanent Voter's Cards (PVCs). Much of the complaints relate to the unavailability of PVCs for both new and old registrants. As the election is only a few days away, it is clear that several Nigerians will be disenfranchised because of the failure of the Commission to issue their PVCs. Furthermore, considering that the number of PVCs collected is now a key element of the election result management, the Situation Room is concerned that INEC is yet to publish the data of the number of PVCs collected 3 days to the election. Situation Room has also received reports of delays of trainings of ad hoc staff across the country, delays in deployment of materials such as the Bimodal Voter Accreditation System (BVAS) to the States, and shortages in the number of ad hoc staff available for the elections. The Situation Room is particularly concerned about the last-minute redeployment of staff in some States and considers this action as very disruptive to effective election management. The Situation Room is also worried about how the Commission is managing the Naira scarcity caused by the Naira Swap Policy of the Central Bank of Nigeria (CBN). Reports received by the Situation Room indicate that INEC LGA officials in many States are still awaiting disbursement of election funds few days to the general election.

Election Security

The Election Security Threat Assessment produced by Situation Room partners presents a grim picture of the elections. The security situation across the country appears to be deteriorating as we enter the election week. The South-East region, in particular, has witnessed escalation of violence with the disruption of INEC ad hoc staff training in Nnewi South LGA of Anambra State by hoodlums, and attacks on police stations in Oyi and Idemili North LGAs of the State. In spite of this grim security outlook, the Nigeria Police, which is the lead agency on election security, is yet to present a clear and detailed election security plan to the public. The Situation Room welcomes the announcement that about 400,000 security personnel will be deployed for the election. However, we call on the leadership of the Nigeria Police to provide additional information regarding the deployment plans, especially the contact details of the commanding officers at zonal, state, area, and divisional levels to enable stakeholders liaise with these officials. The Nigeria Police and other security agencies have a primary responsibility to safeguard election officials as well as other election stakeholders, including voters, polling agents, election observers, the media and service providers.

Activities of Political Parties and Candidates

The Situation Room is pleased that campaigns and other political party activities ahead of the 2023 general election have progressed without major hitches. However, Situation Room is concerned that the longstanding challenges with electioneering campaigns in Nigeria still remain. Although, there seems to be a determination by the candidates to focus on issues rather than on personalities during the 2023 general election campaigns, as shown in the willingness of some of the candidates to engage in dialogues, debates and townhall meetings; hate speech, indecent language, mobilization of ethnic and religious sentiments, and attacks on the personality of specific contestants were observed during the campaigns. While many of the candidates tried to focus on issues, their supporters were engaged in vicious personal abuse, slander and sectional mobilization. Fake news, misinformation and disinformation festered online, and social media platforms hosted unwholesome memes and jests targeting specific candidates, which have tended to undermine the very essence of electioneering campaigns.

The political campaigns also witnessed high levels of violence, with available records showing that 52 acts of political violence occurred in 22 States within just one month (between 8 October and 9 November 2022). These incidents led to the death of 24 persons, while over 20 others were injured. Since November 2022, cases of political violence have spiralled across the country. Campaigns ahead of the 2023 general elections have been 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 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.

Conclusion

Although the current situation in the country has not been particularly positive, as citizens have faced severe hardship owing to fuel and Naira scarcity, we are positive that citizens are ready and willing to cast their votes. Every general election in Nigeria comes with its own challenges and we rely on the assurance of INEC that it is prepared to conduct the election. Situation Room commends the Commission for the efforts made so far despite huge challenges, however the Commission can do more to ensure a credible poll. Situation Room urges INEC to do its utmost best and take final steps to strategically address the gaps and challenges highlighted. It is the duty of all stakeholders to support INEC to deliver on its mandate, including the federal government and its agencies.

Situation Room calls on President Muhammadu Buhari to ensure that the agencies of government that are involved with the elections deliver on their responsibilities, particularly the CBN which introduced the Naira Swap Policy very close to the elections. For the first time, the BVAS will be deployed nationwide in a general election. This makes the National Communications Commission (NCC) a key stakeholder in the process. The Commission will be held responsible for any network issues and internet outages on election day. Security agencies are expected to deploy adequately to hotspots as identified by INEC and other stakeholders to forestall violence.

Situation Room specifically calls on the political parties to conduct themselves in a peaceful manner and to discourage violence by their supporters. Parties and their candidates will need to uphold the spirit and contents of the Peace Accord they will sign later today. They have a moral and legal obligation to abide by this agreement, and there will be consequences for reneging on the agreement in accordance with the provisions of the Electoral Act.

PRELIMINARY STATEMENT ON THE PRE-ELECTION ENVIRONMENT AHEAD OF THE 2023 GENERAL ELECTION

– Issued: 12:00pm, Friday, 24th February 2023

With less than 24 hours before Nigeria's presidential and National Assembly elections, the Nigerian Civil Society Situation Room (Situation Room), presents the findings of a preliminary assessment of Nigeria's pre-election environment ahead of the 2023 General Election.

In the final hours before the elections there are several reports of security challenges, acts of violence and political tension across the country, especially in the South East, North West and Lagos. In terms of readiness of the voting process, the Independent National Electoral Commission (INEC) has released critical information regarding the number of Permanent Voters' Cards (PVCs) collected, and countdown updates with movement of sensitive materials across the country.

Situation Room therefore notes the following:

Election Violence

On Thursday, 23rd February 2023, Nigerians received the shocking news of the assassination of the Senatorial candidate of the Labour Party for Enugu East Senatorial District, Mr Oyibo Chukwu, and five supporters, by unknown persons. Situation Room is worried that this attack could affect the political atmosphere in the State and increase tension in the South East region of the country.

By afternoon of the same day, the convoy of the Presidential candidate of the New Nigeria People's Party, (NNPP), Sen. Rabi'u Kwankwaso, and the People's Democratic Party (PDP) candidate, Abba Yusuf, were attacked in Kofa town, Bebeji Local Government Area, Kano State. In Lagos State, the atmosphere remains tense, following violent incidents that broke out in parts of the State earlier this month.

With barely a few hours to the elections, fuel scarcity and bank queues remain, adding to the already tense atmosphere. The Situation Room recognizes that certain areas in Lagos State could potentially be hot spots as the elections progress.

In light of these, Situation Room finds it incumbent for security services especially the Nigeria Police within the State to prioritise creating a secure environment for citizens to exercise their franchise. Situation Room, strongly condemns the killings and any acts of election violence and urges authorities to stem further violence to creating an enabling environment for peaceful, free and fair elections.

INEC Press Briefing

On Thursday, 23rd February 2023, during a press briefing, INEC Chairman, Prof. Mahmood Yakubu, revealed at the National Collation Centre in Abuja that 87,209,007 PVCs, have been collected across the 36 States of Nigeria. A breakdown of the figure showed that Lagos leads in the number of collected PVCs with 6,214,970. This is closely followed by Kano State with 5,594,193, Kaduna State with 4,164,473 and Katsina State 3,459,945. The Commission has promised to provide daily briefing to update stakeholders as events unfold during this election period.

Movement of Sensitive Materials to LGA Nationwide

Situation Room has received reports from its field observers and other election observer networks indicating that INEC has begun the movement of sensitive materials from the state branches of the Central Bank of Nigeria (CBN) to the Local Government Areas across the country. Reports indicate that 15 States: Lagos, Nasarawa, Osun, Bauchi, Cross River, Adamawa, Plateau, Taraba, Gombe, Imo, Ebonyi, Jigawa, Borno, Edo, Kebbi, have received all sensitive materials while others are in progress. We commend the progress made on the movement of sensitive materials and look forward to successful deployment across the country.

Conclusion

The Situation Room urges INEC to remain neutral during the election process. It is important that the Commission monitors the activities of its officials and ensure that they conduct the electoral process in a fair and credible manner. It is critical that the Nigerian Police and other security agencies safeguard citizens, remain vigilant towards election violence, tackle vote buying and work together with stakeholders to ensure a safe and peaceful election.

Finally, the Situation Room reminds all citizens and political parties to conduct themselves in a peaceful manner and to discourage violence by their supporters. It is crucial that candidates and parties have a moral and legal obligation to abide by the Peace Agreement, as there will be consequences for reneging in the agreement in accordance with the provisions of the Electoral Act 2022.

The Situation Room remains committed to continue to provide assessment of the environment ahead of the 2023 General Election. Situation Room is closely watching and will keep receiving reports of incidence on our contact details:

INTERIM STATEMENT ON THE START OF THE 2023 GENERAL ELECTION

– Issued: 12:00pm, Saturday, 25th February 2023

As the Presidential and National Assembly elections get underway, the Nigerian Civil Society Situation Room wishes to commend the Independent National Electoral Commission (INEC) and other stakeholders for ensuring that the elections were not postponed as was the case in recent general elections. The Situation Room is pleased that sensitive election materials have reached most local government areas across the country.

The Situation Room is hopeful that INEC and other election stakeholders will resolve existing and emerging challenges relating to deployment of electoral officials and materials, prompt commencement of polls, and accreditation and voting. Situation Room calls on voters to eschew violence and be law abiding as they perform their civic duty.

The Situation Room wishes to make the following observations:

Election Logistics

There was late deployment of election materials across the country, with less than 30 percent of polling units starting on time, according to reports from our network of observers and partners. States where polls opened around 8.30 am include Bauchi, Borno, Cross River, Delta, Ekiti, Gombe and Jigawa. However, in Enugu, Anambra, Imo, Abia, Ebonyi, Rivers, Kaduna and FCT, there has been significant delays in commencement of polls, with many polling units yet to open as at 11.30 am. In most states, deployment of election officials and materials to the RACs commenced early hours of this morning, making it extremely difficult for the election to commence on time. In some states, many ad hoc staff could not find their names on the staff list, even after participating in the training exercise, causing further delays. There were reports of deployment of election materials to the wrong polling units in parts of North West and North East states.

Election Violence

The Situation Room is concerned about the tendency to use violence to intimidate opposition and suppress voters, as was observed in Kogi and Rivers States. Specifically, In Anyigba ward of Dekina LGA of Kogi State, thugs are reportedly going round destroying election materials and dispersing voters. The Situation Room calls on security agencies to intervene and arrest the escalating violence.

Vote Buying

The Situation Room received reports indicating attempts by political actors to engage in vote buying. The Situation Room commends the security agencies for swift action they have taken by apprehending suspected perpetrators of vote buying. The Situation Room calls for a thorough investigation of the cases while advocating even more vigilance against those who may still be harboring such intentions.

Conclusion

The Situation Room urges INEC to take note of the observed challenges and implement swift measures to ensure that all eligible voters are given opportunity to vote and that the voting process proceeds without further delays. Situation Room calls on the security agencies to take measures to curb the escalating violence as observed across the country. Election observers, the media and the general public should continue to be vigilant and report incidents to the Situation Room using the contact details.

SECOND INTERIM STATEMENT BY THE NIGERIA CIVIL SOCIETY SITUATION ROOM ON THE PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS

Issued: 11:00am, Sunday, 26th February 2023

As voting in Nigeria's Presidential and National Assembly elections ends and collation of results begins, the Nigeria Civil Society Situation Room wishes to commend Nigerians for coming out in large numbers and showing patience and restraint during the election process. Although voting was scheduled to end at 2:30 pm, voters who joined the queues before that time were permitted to vote.

Preliminary reports from our field observers and partners deployed by the Situation Room across the country indicate as follows:

Opening and Closing of Polls

The Situation Room observed that there was delayed deployment of election officials and materials across the country, leading to late commencement of accreditation and voting in more than 70 per cent of the polling units visited. In Abia, Anambra, Bayelsa, Ebonyi, Enugu, Imo, Rivers, and Kaduna states as well as the Federal Capital Territory (FCT), there were significant delays in commencement of polls with several polling units opening as late as 11.30 am. In 13 states, some polling units did not open as at the official closing of polls by 2.30 pm. Delays in opening of polls created a corresponding problem of late closing of polls in many places. Situation Room observers reported that less than 35 per cent of polling units visited closed by 2.30 pm. The late opening and closing of polls subjected the voters, many of whom arrived the polling units very early in the morning, to unpleasant voting.

Functionality of BVAS

Situation Room networks of Observers reported that the BVAS functioned satisfactorily in many polling units visited. However, in 14 per cent of the polling units, there were glitches including failure of the device to start, failure to authenticate voters, discharge of battery, and intermittent power malfunctioning. These challenges further marred the experience of voters in those polling units.

Disruption of voting

The Situation Room received reports of disruption of voting in some states, including Lagos, Enugu, Kogi, Delta, Edo, Bayelsa, Imo and Rivers states. These acts of violence reflected in snatching and destruction of ballot boxes and other election materials, use of violence to disperse voters, and thuggery. The Situation room observers reported that there were tensions and violent incidents in 11 per cent of the polling units visited, and that some of these incidents occurred in the presence of security personnel, who appeared unable or unwilling to intervene. In 84 per cent of the polling units visited, Situation Room observers reported adequate presence of security personnel, yet the activities of hoodlums could not be contained. Unfortunately, a few journalists were also attacked by party supporters during these incidents. At least one journalist, Haruna Mohammed Salisu of WikkiTimes, was also taken into custody in one of these incidents in Bauchi State. On a positive note, Situation Room observed that security personnel on election duty were largely civil, non-partisan and of good conduct.

Upload of Election Results to INEC Result Viewing Portal (IREV)

Situation Room observed that IReV portal did not go live on time; 0% of the presidential results were transmitted on the IReV portal as at 8pm. While results for the Senate and House of Representatives elections went live at about 4:00pm. We also received reports of INEC polling officials' inability to access the IRev portal to upload the Presidential results in particular. Situation Room had expected that there will be a quick upload of results to improve and make the collation process more transparent as this has always been the weakest link in the electoral process. Furthermore, Situation Room notes that most of the Senatorial results uploaded were not legible. There were also reports of Presiding Officers who either refused or were unable to upload results.

Knowledge of Election Procedures by INEC Ad Hoc Staff

About 72 per cent of the INEC ad-hoc staff explained the voting process and displayed good use of the BVAS. In many polling units, voters showed poor understanding of voting procedures and the electoral process. It was also noticed that voting cubicles in many of the polling units were not well positioned to ensure secrecy of the ballots.

Women, PWDs and other Vulnerable Groups

Situation Room observers reported that INEC ad hoc staff in many instances, gave priority to Persons with Disabilities, elderly persons, and pregnant women in most of the polling units observed. Situation Room received reports and data from its partner organisation, the Albino Foundation (TAFAFRICA), showing that Braille Ballot Guides were available in only 26 out of the 273 polling units visited. In addition, magnifying glasses were available in 60 out of the 273 polling units visited, while Large Font Posters were available in 90 out of the 273 visited.

Conclusion

The Situation Room commends Nigerians on their resilience and determination to vote and encourages them to remain patient and peaceful as they await the collation of results and declaration of winners. Situation Room enjoins INEC to be consistent with the legal framework and guidelines for elections, to be transparent and credible in the collation of results. Situation Room also enjoins INEC to take stock of polling units where election did not take place and make them public. The Situation Room advocates for more vigilance by the security agencies in the post-election period. Finally, the Situation Room calls on the political parties, their candidates and supporters to exercise restraint while awaiting collation of results and declaration of winners. In particular, the presidential candidates should conduct themselves in line with the spirit and letters of the Peace Agreement which they endorsed.

THIRD INTERIM STATEMENT BY THE NIGERIA CIVIL SOCIETY SITUATION ROOM ON THE PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS

– Issued: 10:00am, Wednesday, 1st March 2023

The Situation Room's observation and analysis of the 2023 Presidential and National Assembly elections indicates that it fell short of the credibility threshold it set out as basis for evaluating the elections. Ahead of the 2023 General Elections, the Situation Room launched its Credibility Threshold for the 2023 General Election, which was shared with Election Stakeholders, including the Independent National Electoral Commission. The Threshold document outlined twelve criteria as minimum requirements for evaluating the credibility of the elections. Among the criteria are reform of the electoral legal framework, efficient and accountable election management, and effective monitoring of political parties and the campaign process. The Situation Room expected that the innovative reforms introduced by the Independent National Electoral Commission (INEC), in furtherance of the new Electoral Act 2022, will lead to efficient and accountable election management, including improved access to polling units, hitch-free accreditation and voting, accurate and transparent results collation, and effective violence mitigation.

Contrary to the above expectations, the 2023 Presidential and National Assembly elections were marred by very poor organization, severe logistical and operational failure, lack of essential electoral transparency, substantial disruption of voting, and several incidents of violence. As a result, the process cannot be considered to have been credible. Given the lack of transparency, particularly in the result collation process, there can be no confidence in the results of these elections. In addition, there was very poor communication from INEC on election day and on its challenges with its processes; its citizens contact numbers did not work and even when there were challenges with uploads to the INEC Results Viewing (iReV) Portal. This is all the more disappointing since the elections were held in an atmosphere in which the people showed remarkable commitment to democracy, eagerly engaging in the electoral process and waiting patiently to vote in very difficult circumstances.

In the light of the shortcomings outlined in this interim statement, the Situation Room calls on INEC to provide details of the process leading up to the results it collated for the elections. Situation Room demands that INEC provides information on why its promise to improve the transparency of the collation process through the introduction of the iReV Portal performed below expectation.

Situation Room further demands that INEC conducts an audit of polling units where elections did not take place to establish the reasons for the failure. Situation Room also calls on INEC to note that public confidence in its capacity to run elections is gravely shaken, and that it would require extraordinary efforts for trust to be re-established.

Situation Room calls on all political parties and aggrieved parties to pursue well established constitutional and legal remedies available to them and go through the democratic process of the courts. We call on Nigerians to remain calm and express their displeasure, if need be, through a peaceful and democratic way. Finally, Situation Room commends Nigerians for the increased turnout recorded during the voting and calls for restraints even in the light of INEC's failings.

SITUATION ROOM'S STATEMENT ON THE RECONFIGURATION OF THE BVAS

– Issued: 6:00pm, Tuesday, 7th March 2023

The Nigeria Civil Society Situation Room (Situation Room) is concerned about the question of preservation of data collected during the Presidential and National Assembly elections of 25th February 2023. Situation Room will like the Independent National Electoral Commission (INEC) to clarify to the public how it intends to ensure that data collected in the Bimodal Voter Accreditation System (BVAS) used in the election will be preserved for use in the review and audit of the elections.

Electoral accountability requires that information collected during elections are preserved for use in the audit and review of the election and for accountability purposes. In the light of the disputations that have emerged and the controversy surrounding the 2023 general elections, Situation Room is asking INEC to ensure that its records and data related to the election are held safely and securely to ensure its use for the purposes of scrutiny and accountability.

Reports indicating that the BVAS may need to be reconfigured or even erased for the upcoming State Governorship and State Houses of Assembly elections due on Saturday, 11th March 2023 is a serious cause for concern and we worry that this could further pose additional credibility questions over the integrity and conduct of the 2023 general elections.

PRELIMINARY STATEMENT ON THE PRE-ELECTION ENVIRONMENT AHEAD OF THE GOVERNORSHIP AND STATE HOUSES OF ASSEMBLY ELECTIONS

– Issued: 11:00am, Thursday, 16th March 2023

The Nigeria Civil Society Situation Room (Situation Room) has reconvened its Election Situation Room for the Governorship and State Houses of Assembly elections scheduled to hold on Saturday, 18th March 2023. The Governorship elections will be holding in 28 States while the State Assembly elections will hold in all 36 States. For this second leg of the 2023 general election, the Situation Room will deploy 2,340 election observers, with at least three election observers per Local Government Area in every State of the Federation excluding the Federal Capital Territory. This number includes 131 Persons with Disabilities. Situation Room will also rely on information from its partners and networks deploying election observers. On the election day, the Election Situation Room will be the main hub for receiving data and reports from the field, which will be analyzed and disseminated through press statements and reports.

The Situation Room's observation and analysis of the conduct of Governorship and State Houses of Assembly elections will be guided by the Credibility Threshold for the 2023 General Election, which was produced and shared with election stakeholders, including the Independent National Electoral Commission (INEC), ahead of the elections. The Credibility Threshold document identified issues and factors that could cause the 2023 general election to fall below, remain within, or go beyond the standard established by previous elections. It also outlined expectations from stakeholders to mitigate issues that constitute key risks to the credibility of the general election. The Situation Room will further take into cognizance the contemporary electoral and security environment in assessing the polls.

Situation Room therefore notes the following:

INEC's PREPAREDNESS

Situation Room expects that INEC has taken lessons from the challenges experienced during the Presidential and National Assembly elections of 25th February 2023, and that the Commission has made adequate arrangements

to forestall the recurrence of the gaps observed during the elections. Situation Room also expects that the glitches that led to the malfunctioning of the INEC Result Viewing Portal (IREV) have been resolved, and that the issues that occasioned the inability of the Commission to conduct elections in some polling units and late opening of polls in others have been addressed. In particular, the Situation Room calls on INEC to address the shortages in the number of ad hoc staff available for the elections, make adequate transportation arrangements, conduct additional training for the ad hoc staff, and promptly reconfigure and deploy the Bimodal Voter Accreditation System (BVAS) and other materials required for the elections. Most importantly, ensure that it communicates in a timely manner to the public on any challenges or changes made to the electoral process.

ELECTION SECURITY

Ahead of the elections, the security situation across the country appears tense, with reports of violence, kidnap and assassination in several States including Lagos, Rivers, Imo, Abia, Ebonyi, Enugu and Kano. As such, Situation Room reminds the Nigeria Police and other security agencies that they have a primary responsibility to guarantee the safety and security of election officials as well as other election stakeholders, including voters, polling agents, election observers, the media and service providers. Security agencies should take adequate measures to forestall the recurrence of acts of voter suppression, disruption of voting, and outright violence experienced in some places during the Presidential and National Assembly elections.

Furthermore, the Situation Room calls on the Nigeria Police and other security agencies to ensure that they are non-partisan, professional and will avoid any actions capable of being interpreted as acting in support of any political interest.

CONDUCT OF POLITICAL PARTIES

Circulation of smear campaigns and desperations have intensified in this election particularly on social media. The Situation Room specifically calls on political parties to conduct themselves in a peaceful manner and to discourage violence by their supporters. Parties are reminded that there is a need to respect and abide by the Peace Accord signed by them. Situation Room will be tracking violent incidents across the States. Perpetrators and masterminds will be called out for investigations and punitive measures in

line with Section 92 (5-8) of the Electoral Act 2022.

TO THE NIGERIAN CITIZENS

The Situation Room notes that the current situation in the country has not been particularly positive, especially as citizens face severe hardship owing to, among other things, fuel and Naira scarcity and the disappointment with the conduct of the Presidential and National Assembly elections. The Situation Room however urges citizens to recognize this March 18, elections as very key; the positions being contested will determine to a large extent, grassroots development. Citizens should continue to show patriotism and patience by coming out to cast their votes, and by conducting themselves in a peaceful manner.

INTERIM STATEMENT ON THE COMMENCEMENT OF GOVERNORSHIP & STATE HOUSES OF ASSEMBLY ELECTION

– Issued: 12:00pm, Saturday, 18th March 2023

The Governorship and State Houses of Assembly elections has gotten underway, and the Nigerian Civil Society Situation Room deployed 2,340 election observers, with at least three election observers per Local Government Area in every State of the Federation, except for the Federal Capital Territory. The Situation Room has observed an improvement in the time of opening of polls and deployment of materials when compared to the Presidential and National Assembly elections of 25 February 2023. However, voter turn-out appears to be low in many places.

The Situation Room wishes to make the following additional observations:

Election Logistics

Situation Room observed early deployment of election officials and materials across the country with many States deploying election officials and materials to the RACs on time. Our network of observers reported that election officials arrived at about 8:30am in 80 percent of polling units visited while accreditation of voters began at 8:30am in about 67 percent of polling units observed. In about 4 per cent of polling units visited, Situation Room observed cases of BVAS malfunctioning. Incidents observed include BVAS failing to start and battery failure. In Polling Unit 002, Ogbaku Ward, Mbaitolu LGA of Imo State, it was observed that the voter register in the BVAS did not match the printed voter register for the polling unit. Situation Room also received reports of non-commencement of election in Kwande Local Government Area of Benue State due to a mix up of election materials. Across the States, Situation Room did not observe deployment of assistive materials for People with Disability (PWDs).

INEC IRev Portal

A quick review of INEC's Results Viewing Portal (IREV) at 12:00noon revealed two uploads for PU 068, Ojugbe Town Hall, Abuloma-Amadi Ama Ward, and PU 029, Ward 07, both in Port Harcourt Local Government Area of Rivers

State. The first is a photograph of a person and the second, an uncompleted result sheet. Situation Room is concerned that this incident is a breach of the election procedure.

Election Security

At the time of this report, the Situation Room observed tension in about 5 per cent of polling units. Sources of these tensions include destruction of election materials, disruption of materials distribution, arguments and quarrels between party agents and fighting among party supporters. Specifically, in Polling Unit 009, Nto Edio 3 Ward in Obot Akara LGA of Akwa Ibom State, ballot boxes were destroyed by aggrieved political party members. Also, in Aluchi Ward, Nasarawa Eggon LGA of Nasarawa State, thugs destroyed materials at the distribution centre thereby disrupting the distribution of materials. The Situation Room is particularly concerned by reports that in some communities in Lagos State, there are traditional festivals coinciding with the election day, which could discourage voter turnout and increase tensions. Situation Room observed the presence of security personnel in 82 percent of polling units observed. The Situation Room also observed security personnel intervening to quell some of the tensions in the polling units and commends this intervention while advocating for vigilance and action against incidents of vote buying.

Vote Buying

The Situation Room observed vote buying in 8 percent of polling units visited. In some the polling units, party agents were asking voters to show who they voted for. There are also reports of voter inducement through sharing of money and food items as well as collection of bank account details of voters. For example, in polling unit 008, Ward 5, Onitsha North LGA of Anambra State, party agents were seen collecting the account numbers of voters. Also, in Polling Unit 002, Bakin Kasuwa, Utai Ward in Wudil LGA of Kano State, party agents were seen sharing fabrics and wrappers to voters. This incident was also observed in Polling Unit 022, Nguru Ward, Nguru LGA of Yobe State. Incidents of voter buying have been escalated by the Situation Room to the Police.

Conclusion

The Situation Room has observed a low voter turnout. There is expectation that voter turnout would improve as the election progresses. We call on election observers, the media and the general public to continue to be vigilant and report incidents to the Situation Room using our contact details.

SECOND INTERIM STATEMENT ON THE GOVERNORSHIP & STATE HOUSES OF ASSEMBLY ELECTION HELD ON SATURDAY 18TH MARCH 2023

– Issued: 1:00 pm, Sunday, 19th March 2023

The Situation Room's observation and analysis of the Governorship and State Houses of Assembly elections of 18th March 2023 indicate that there were huge shortcomings with the management of electoral operations and logistics as well as election security. Furthermore, the Situation Room notes that Nigeria has again missed the opportunity to deliver on credible elections even at the grassroots level.

Election Management

Situation Room observers reported that voting did not hold in some polling units in Benue, Zamfara, Kogi, and Rivers States. In addition, there were reports of late commencement of polls in a number of places, especially in Rivers and Lagos States. Furthermore, there were reports of no or insufficient supply of election materials in Gombe, Oyo, Abia, Borno, Delta, Yobe and Nasarawa States. For instance, in Polling Unit 022, Aluci Gincla Ward, Nasarawa Eggon LGA of Nasarawa State, Situation Room observers reported that the Governorship election result sheets produced were a photocopy while original result sheets were provided for only the State Houses of Assembly election. In PU 060, Abuloma/Amadiama Ward 20, in Port Harcourt LGA of Rivers State, commencement of voting was delayed because as at 10:17 am, the BVAS had not been reconfigured as it still had presidential election data.

With regards to compliance with the electoral laws and procedures, the Situation Room observers note that assistive devices such as Braille ballot guide for the blind, were provided only in 7.1 percent of the polling units visited. The observers also reported that in PU 041 Open Space by Magistrate Court, Ganaja Village, Ajaokuta LGA of Kogi State, temporary voter's cards were used for accreditation in breach of the electoral law.

Election Security

Situation Room notes that despite the presence of security personnel in 91 percent of the polling units visited, the security officials did not live up to expectations as there were reports that security agents were compromised

in some places. Situation Room notes with profound concern that several incidents of election related violence were observed in many parts of the country. Situation Rooms notes that there is a persistent problem of election violence in Rivers State. However, the incidents of violence in Lagos State appeared to have surpassed its existing threshold. For instance, in Bishop Oluwole memorial primary school, Ward 005, Ifako Ijaiye LGA of Lagos State, voting ended at 2:30 pm but fight broke out between the INEC officials and party agents during the counting of votes due to a voided ballot paper. In Polling Unit 069, Amuwo Odofin LGA, Lagos State, thugs attacked voters and vandalized vehicles, prevented people from voting in this Polling Unit by breaking people's cars, fighting, and inciting violence.

In addition, two Situation Room observers were harassed and obstructed from carrying out their duties in Enugu North and Igboeze North Local Government Areas (LGAs) in Enugu State. AIT reporters and cameraman were molested and prevented from covering the elections at some polling units in Eti-Osa, Ifako-Ijaiye and Amuwo Odofin LGAs by political thugs and hoodlums. An ARISE TV crew was attacked while covering the election in Elegushi area of Lagos. A cameraman suffered facial injuries, while camera drones and other equipment were seized. In Ogun State, a reporter with the News Agency of Nigeria was among journalists molested in Itori Odo Area of Abeokuta South LGA where they faced mob attack by political thugs who equally reportedly assaulted INEC officials with axes and allegedly destroyed ballot boxes.

Situation Room further notes that in Rivers, Lagos and Edo States there were reports that voters were denied access to polling units by political thugs. In PU 012, Nonwa Ward 7 in Tai LGA of Rivers State, thugs destroyed materials and beat up election officials. The Situation Room also received a disturbing report that 19 INEC ad-hoc staff who were on their way to seven different polling units in Ugbelie Ward 06 in Ideato South LGA of Imo State were abducted by unknown persons. There were reports of attack on voting centres in an IDP camp in Uhogwa, Ovia North East LGA of Edo State by armed hoodlums. During the attack, one person was severely injured, an INEC ad hoc staff was forced to take refuge in a nearby house, while voting materials were carted away. In addition, there were reports of voter intimidation, disruption of voting and destruction of election materials in polling units visited in Enugu, Imo, Sokoto, Delta, Niger, Gombe, Nasarawa, Akwa Ibom and Ogun States.

The Situation Room notes that the principal actors and propagators of these acts of election violence are well known but have operated in an environment of absolute impunity for years. The Situation Room calls on government to urgently address this persistent issue of election violence.

Collation of Results and Transmission of Results

Situation Room observers reported problems with collation of results in several polling units across the country. The usual procedure of vote counting at polling units and collation at the ward level was circumvented in some places in violation of the election regulations. INEC officials with active support of the security officials moved collation from the polling units to local government headquarters despite the protests by some political parties. Presiding Officers were found to have pasted the election results only in 59 percent of the polling units visited. There was real time electronic transmission of polling unit results in 60.7 percent of the polling units visited.

Vote Buying

Situation Room observers reported high prevalence of vote buying across the country. Items given in exchange for votes included clothing items, food items and money. Amounts given ranged from N500 to N5,000 in cash, transfer or promissory notes.

Voter Apathy

The Situation Room observed that the failings of the 25th February 2023 Presidential and National Assembly elections appeared to have taken a toll on turn out of voters during the Governorship and State Houses of Assembly elections held on 18th March 2023. Situation Room observations indicate a worrying level of voter apathy with this election. In an election that should resonate more with citizens, Situation Room notes that the turnout was very poor. While voter turnout is historically low for the state level elections, Situation Room observations indicate that the voter turnout was also affected by the disappointment that followed the conduct of the 25th February 2023 Presidential and National Assembly elections and the security concerns in different parts of the country.

Conclusion

In the light of the serious shortcomings with the Governorship and State Houses of Assembly elections, the Situation Room calls for an independent inquiry into the conduct of the 2023 Nigeria General Elections. This independent inquiry should address amongst other issues, procurement, logistics management, and abuse of electoral process by INEC and security officials. This is urgently needed to identify challenges and make recommendations towards repairing the damaged credibility of Nigeria's electoral process. It is imperative to undertake a national debate to address all these critical challenges that still confront our electoral process. This, without doubt will enthrone more transparency and help to build peoples' confidence in the democratic process.

SITUATION ROOM'S STATEMENT ON THE 2023 SUPPLEMENTARY ELECTIONS

– Issued: Tuesday, 18th April 2023, Abuja, 11:00am

The Nigeria Civil Situation Room (Situation Room) observed the 2023 Supplementary Elections held on Saturday, 15th April 2023, in 23 States of the Federation: 2 Governorship, 5 Senatorial, 31 Federal Constituencies and 57 State Assembly elections. Field observers were deployed to Kebbi, Adamawa, Kano, Kaduna, Jigawa, Oyo, Imo, Sokoto, Akwa Ibom, Anambra and Edo States.

Situation Room notes that the elections still fell short of the 'Credibility Threshold for the 2023 General Election', a Situation Room document used as a basis for evaluating the elections.

OPENING OF POLLS

Situation Room observed early commencement of polls in many locations particularly in Kano and Kebbi States. However, there was late commencement of accreditation and voting in some polling units due to the late arrival of election officials. In Egor Local Government Area (LGA), Edo State, polls opened by 9:30am, 10:30am in Sokoto South LGA, Sokoto State, about 9:40am in several polling units in Ogbaru LGA, Anambra State, and 11:48am in Michika LGA, Adamawa State.

ILLEGAL DECLARATION OF WINNER IN ADAMAWA STATE

Situation Room received with shock, the illegal declaration of a winner made by the Resident Electoral Commissioner (REC) of INEC in Adamawa State, Barr. Yunusa Hudu Ari, while collation of results was yet to be concluded. Section 25(2)(f) and Section 66 of the Electoral Act 2022 empowers only the returning officer for a Governorship election to announce the result and declare the winner following conclusion of the collation process at State Collation Centre. Situation Room welcomes the action taken by the headquarters of INEC to declare as unlawful the action of the REC in Adamawa State and suspend him from further duties. It is pertinent that the Commission follows up with a proper investigation into what transpired and apply sanctions as necessary. This will serve as a deterrent to erring electoral officials.

Situation Room notes the mob action taken against the supervising National Commissioner in the course of the elections who was physically assaulted and treated with indignity. This action is condemned, and Situation Room calls for the arrest and prosecution of persons involved in this act. Situation Room notes that the action of the suspended REC of Adamawa State represents the collapse of the current system of appointment of RECs and National Commissioners of INEC who are now being appointed by partisan political interests. It also represents the failure of the National Assembly to scrutinise the nominees as required by law and going ahead in confirming partisan persons into INEC at all levels. It is important to revisit the recommendations of the Electoral Reform Committee which in 2010 recommended steps to appoint independent persons into INEC.

VOTE BUYING

Situation Room largely observed vote buying in this election with some political parties displaying with reckless abandon, their pattern of vote buying as seen in polling unit 008, Burum Burum Ward, Tudun Wada LGA, Kano State, where bags of fertilizer, Atamfa (a brand of ankara fabric) and N5,000 were shared to voters who voted for a particular Party. Other places include: polling unit 06, Atani 1 Ward, Ogbaru LGA, Anambra and polling unit 024, Badon Uku Uku Ward, Wamakko LGA, Sokoto States.

VOTER INTIMIDATION AND SUPPRESSION

Reports of voter intimidation and suppression were also received particularly from Uzebu Ward, Oredo LGA, Edo State where local thugs took over Uzebu 1. Owegie Primary School 1 polling unit and the few voters who showed up to vote were asked to display their ballot papers after thumb printing. Also, the Presiding Officer in Kahuta (003) polling unit, Kauru East Ward, Kaura LGA in Kaduna State, is reported to have asked voters which Party they were voting for and consequently paired them with Party Agents.

DISRUPTION OF POLLS AND ELECTION VIOLENCE

Situation Room received reports of disruption of voting in some States with pockets of election violence. In Anambra State, political thugs stormed Atani 1 Ward in Ogbaru LGA and attempted to hijack ballot boxes but were arrested by the Nigerian Army. In Takakume Ward, Goronyo LGA and Badon Uku Uku Ward in Wamakko LGA, Sokoto State, fight broke out between different party agents and voters. Polling units 002, 003, 005 in Amuri 1, Amandugba

Ward, Isu LGA, Imo State, witnessed political thugs carting away election materials. Violence also erupted in polling unit 05, Utai Ward, Wudil LGA, Kano State, which led to several voters sustaining varying degrees of injury. Party agents also disrupted the voting exercise in polling unit 010, Iyiowa/Odekpe/Ohita Ward, Ogbaru LGA, Anambra State, thereby halting the voting process for over an hour. Situation Room strongly condemns the attacks on election officials in both Ikono/Ini Federal Constituency, Akwa Ibom State, and in Adamawa State. Desperation of some politicians must not be allowed to disrupt the electoral process and endanger the lives of election officials and voters.

Generally, there was presence of security personnel in most of the polling units observed. However, their impact was not felt in the places where there were violent incidents. It is the duty of security personnel deployed for election duties to protect voters, election officials and materials, which they failed to do in these instances, a reflection of what was witnessed during the 2023 Presidential and Governorship Elections in February and March. This phenomenon is appearing to be the new normal.

CONCLUSION

Situation Room notes that the supplementary elections of Saturday, April 15th 2023 does not represent an improvement on the two earlier elections that INEC conducted. The same shortcomings of the national and state level elections conducted on 25th February and 18th March respectively, continues to dog our elections in Nigeria. The problems of vote buying, logistics, rogue election officials, compromised security officials, reckless political actors etc., again found their way into the Saturday, 15th April 2023 Supplementary Elections. There is an important need for Nigeria to go back to the drawing board and address the problem of reform of the elections. Part of that reform will need to include accountability on the part of election officials and stakeholders. This election cycle has seen extraordinary levels of abuse of the electoral and collation process by political actors. Their sponsorship of obvious manipulations are electoral crimes that must be prosecuted if this trend is to be reversed. A failure to prosecute the sponsors and beneficiaries of electoral crimes will allow an environment of impunity to continue and escalate, putting both our democratic function and credibility at severe risk.



GALLERY





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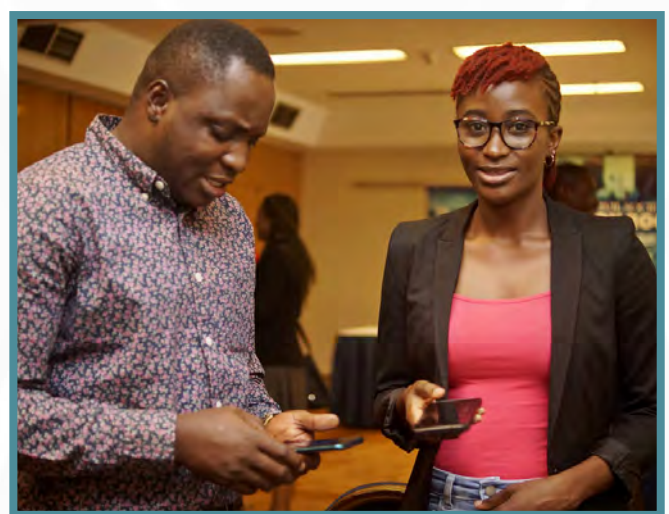








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ABOUT

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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