

OVERCOMING ELECTORAL CHALLENGES IN NIGERIA: A CASE STUDY OF 2023 GENERAL ELECTIONS AND THE ROLE OF INEC

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Abstract

This paper aims at examining some of the challenges confronting peaceful elections in Nigeria, using the 2023 general elections conducted by INEC as a case study. Several presidential and general elections have been held over the years in Africa. Some countries such as Angola, Kenya, Senegal etc. succeeded in conducting free and fair elections, whereas, countries such as DR Congo and Nigeria still resulted in widespread rigging and violence despite several strategies put in place to ensure credible elections. In fact, of 20 armed conflicts worldwide mapped by Global Conflict Barometer in 2021, three were in DR Congo and three in Nigeria. Elections in Nigeria have been characterized by massive violence, rigging, snatching and burning of ballot papers, vote buying and killings. These electoral challenges have for years prevented Nigeria from holding free and fair elections. The Independent National Electoral Commission reported attacks on at least 53 of its offices across the country before the 2023 elections and the violence is still ongoing. However, this paper tends to critically examine these challenges hindering peaceful elections to unravel the causes and at the same time proffer remedy for overcoming these challenges for transparent and credible elections in Nigeria. Employing the method of critical analysis, this paper submits that politicians, citizens, INEC, judiciary and the government must take responsibility for ensuring that the polls are conducted successfully. The politicians should also adopt the strategies those countries like Senegal, Angola and Kenya used during their elections that enabled them to win.

Keywords: Election, 2023 General elections, Election Malpractice, INEC, BVAS.

Introduction

Since 1999 when Nigeria returned to democratic rule, the country had witnessed complete seven cycles of general elections. These are; the 1999, 2003, 2007, 2011, 2015, 2019 and 2023 general elections. These elections from 1999 to 2023 were marred with a lot of irregularities, and in the end, the candidates presented by INEC as the right winners are

not always the people's choice. This is a result of irregularities on the side of INEC to adhere to its functions strictly. This was quite noticeable in the just concluded 2023 general elections which were the seventh elections since the return of democracy in Nigeria. The elections were marred with many shortcomings starting with the high cost of purchasing nomination forms which made many competent candidates decline due to the huge money involved. Before this 2023 general elections, the government of Nigeria together with the election Umpire (INEC) promised Nigerians that they will conduct the freest and fairest elections using the new device (BVA). But, it was quite very unfortunate that the people of Nigeria were once again brainwashed and deceived by INEC. INEC failed woefully to deliver its promises to Nigerians. The 2023 general elections were the worse election since Nigeria returned to democracy in 1999. The presidential and National Assembly elections witnessed a lot of rigging, underage voting, vote buying, burning of ballot papers, killings, delays, disenfranchisements, cancellation of results, poor physical arrangements, the inability of BVA to upload results and widespread violence. What transpired in the 2023 elections was totally against what was written in the 1999 constitution of the federal republic of Nigeria as amended in 2011. In section 133 of the constitution of Nigeria, it says:

A candidate for an election to the office of the president shall be deemed to have been duly elected to such office where being the only candidate nominated for the election- (a) he has a majority of YES over NO votes cast at the election; and (b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the federation and the Federal Capital Territory, Abuja, but where the only candidate fails to be elected in accordance with this section, then there shall be fresh nominations¹.

From the above constitution, it is obvious that INEC was compromised. The candidate declared winner by the INEC was not duly nominated and secondly, he did not have the majority YES because the election was massively rigged. Lastly, the candidate declared winner did not win in all the States including the Federal Capital Territory. All these irregularities and challenges are what this paper tends to critically examine to see ways to overcome them. Importantly, it is good to begin by analyzing a few concepts here; this will go a long way to help achieve clarification.

Conceptual Analysis Election

Collins English Dictionary defines an election as a process in which people vote to choose a person or group of people to hold an official position². The election may be direct or indirect, open or secret as the case may be. Direct election involves when all adults who qualify to vote are allowed to participate and vote directly for candidates of their choice. This type of election is very democratic. Indirect election as the name implies means that voters do not vote directly for the candidates of their choice. They however vote for representatives who will then vote on their behalf for the final representation. Elections in Nigeria are forms of choosing representatives to the Federal Government of Nigeria and the various states in the fourth republic (Wikipedia.org).³ Elections started in Nigeria in 1959 with different political parties. Nigeria has a multi-party system; the strong parties that are electorally successful are the APC, PDP, APGA, NNPP and LP. Members of the PDP had controlled the presidency for 16 years since elections were resumed in 1999 till 2015 when Mr. Muhammadu Buhari won the presidential election. The Independent National Electoral Commission (INEC) was established by the 1999 Constitution of the Federal Republic of Nigeria to among other things organize elections for various political offices in the country. The importance of elections cannot be overemphasized. Election enhances democracy being the only legitimate means of selecting officeholders. It makes elected representatives accountable knowing that they could be removed in the next election if they have not performed well. Election also ensures a smooth change of government, though this happens in a nation that has inclusive political institutions. Elections in Nigeria since 1999 are always under threat. This is a result of manipulation; those who hold power in Nigeria always want to keep it. So they strive so much to retain power. That is why vote-buying and other election frauds are on their high increase in Nigeria.

Electoral Malpractice

Electoral malpractice can also be termed electoral fraud. This involves “any wrongdoing affecting the electoral procedure, electorate, and electoral material which influences the election outcomes to choose personal benefit over the public interest”⁴. It also has to do with those acts that are illegal, wrong, and unjustly carried out before, during, and after elections. These unjust acts can be done by some desperate politicians, security agents, electoral commission staff, political parties, party supporters, thugs etc. to win an election. Election malpractice can take any form of the following forms; destruction of ballot boxes,

underage voting, ballot box stuffing, manipulation of votes, vote rigging, intimidation of the electorates, disenfranchisement, manipulation of electoral devices and vote-buying.

INEC

INEC means Independent National Electoral Commission. It was established by Abudulsalami Abubakar in 1998 shortly before Nigeria transitioned to military rule. INEC is the electoral body which oversees elections in Nigeria. Being the election umpire of the country, it is responsible for all electoral matters in Nigeria. INEC is an independent body, its functions are carried out without any external influence from anybody including the government. INEC has vital functions, which we shall be looking at.

Functions of INEC

- **Electoral Education:** The function of INEC officials is to properly educate all voters to ensure that they do not make mistakes as they cast their votes. This is done by giving the voters orientations and guidelines on how to thumbprint at the ballot paper in order not to make mistakes, avoid multiple voting and how fold the ballot paper to prevent the ink from staining the ballot paper. This is done either through media or going to churches, workplaces and even marketplaces. Due to the low number of INEC officials and the large population of people in Nigeria, INEC employs ad-hoc staff that assists INEC during elections. These people need to be properly trained before elections commence to avoid mistakes while working on the results. However, the question is, do INEC properly educate these people? Some of the discrepancies and cancellations noticed in the 2023 elections are indications that INEC did not carry out its function as it was supposed to. To ensure credible elections, comprehensive voter education and voter awareness programmes with special focus given to women, youth, and marginalized groups

- **Political Party Registration:** Before any election can take place in the country, people must form political parties. It is the function of INEC to register them after their formation following the laid down rules in the constitution of Nigeria as seen in section 221, sub-section (a) which says “no association by whatever name called shall function as a political party unless the names and addresses of its national officers are registered with the independent National Electoral Commission”⁵. Over registration of political Parties in Nigeria has given rise to incessant cross-carpeting of politicians most seen during election

campaigns. This has become a problem facing free and fair elections in Nigeria.

● **Political Parties Campaigns Monitoring:** Political parties in Nigeria are allowed to go on campaigns after they must have registered. Nigeria's constitution has principles that the political parties must adhere to. So, the INEC must ensure that the principles are maintained. But, it is quite sad that the INEC does not carry out this function. Most political parties violate these principles and still nothing will be done by the INEC to punish the parties in question. Billions of naira were seen shared by a particular party to the delegates during their primaries yet nothing was done. The inability to checkmate these parties' activities has given room to more corruption during elections.

● **Voters Registration:** It is the function of INEC to register anybody who is above eighteen years of age. Once the person is fully registered, the voter's card will be issued to the person. The voter's card carries all the necessary and required details of the voter. This is basically to avoid any form of electoral malpractice during the voting process. Anyone without a voter's card is not eligible for voting during elections. To show that INEC failed woefully in carrying out its function in the 2023 elections, underage voters were seen in the poll casting their votes. This shows that INEC does not keep to its rules and cannot be trusted. The registration of voters in Nigeria remains a problem to be solved.

● **Democratic Electoral Process Promotion:** Nigeria being a country, to promote sound democratic information becomes the function of INEC. INEC must advance the democratic knowledge that they have acquired. From the look of things, INEC is undemocratic and not independent as it should be.

● **Delegation of Powers:** INEC has a hierarchy in its offices. From the Chairman to Residential Electoral Commissioners to Electoral Officers, to Returning Officers, to Collation Officers downward. It is the function of INEC to delegate its power to whomever it deems fit to perform a function on its behalf. Sometimes, why INEC fails to adhere to its functions is caused by the government in power. When the government in power is corrupt and selfish, it will likely manipulate the functions of INEC to remain in control. The beauty of democracy is its credibility; INEC begins to fail when it begins to dance to the tune of external bodies.

Challenges Facing Free and Fair Elections in Nigeria

In Nigeria today, there are a lot of challenges confronting peaceful elections and these are;

- **Persistence of Violence ahead of, and During Elections:** Electoral violence is the bane of elections in Nigeria. Nigeria has a long history of violence during elections, and it is very appalling that it repeats in the 2023 general elections. This violence took place in almost all 36 States in Nigeria. Lagos for instance was the epic centre. Thugs were largely used by political parties to disrupt elections in some places like Rivers, Lagos, Enugu, Abia, Adamawa etc. in Enugu for instance, a Labour Party House of Representatives candidate was brutally murdered two days before the HOA election. In Rivers State, a REC was threatened not to call the presidential results of a particular local government. In Lagos State cases of violence were recorded which later resulted in an ethnic crisis between the Igbos and Yorubas. In Anambra State, a voter was shot dead at the poll during the election in Njikoka LGA. Policemen also foil hoodlums who came to snatch ballot boxes at Ihiala LGA in Anambra State. This persistent violence during and after elections has caused serious damage in elections in Nigeria. It is also one of the reasons INEC records low turnouts during elections.

- **Vote Buying:** In Nigeria, money plays an important role in choosing who becomes a leader. Election in Nigeria is no longer based on competency, but on who has more money that is why it is a “do or die affair”. Money politics has become a common feature in Africa. That is why Nigeria is still so unlucky to have competent and incorrupt leaders. The majority of Nigerian politicians still buy votes, and this has become a serious challenge facing the electoral process as it makes election results not to be a true representation of the right people. The 2022 APC primaries brought to light the reality of vote buying. This was an important factor in the electoral victory of most candidates at the primaries. All efforts to end vote-buying in the 2023 general elections proved abortive. The more government is devising means to curb it the more the politicians are discovering other means to promote it. The major cause of this vote-buying has been attributed to the high cost of purchasing nomination forms. No one would like to lose an election after spending huge money on purchasing nomination forms and the high cost of running a campaign. Furthermore, this phenomenon of vote-buying is another thing that gives the political elites the privilege

to remain in power; this is because they will fight to make sure that they retain the position by all means.

● **High Cost of Running Elections:**

The cost of organizing elections in Nigeria has been on the increase over the years without making any attempt to curb it. It was this high cost that gives some politicians that are not fitted for leadership the ground and impetus to have access to leadership positions and still retain power. The implication is that when these people finally get to office, they would like to first and foremost look for ways to loot public funds to replace all the monies spent during elections, and by the end of his tenure one would realize that he does absolutely nothing.

● **Multi-Party System**

This is a serious challenge and a waste of money for INEC. Nigeria has too many political parties and this contributes to huge waste of money during elections. This equally gives room for incessant cross-carpeting/decamping of politicians from one political party to another. Everybody wants to form a political party, and INEC finds it difficult to fix all the parties on one ballot paper.

● **Poor Funding**

Poor funding is another serious problem facing INEC. Despite the millions of naira mapped out for organizing elections, INEC still complains of poor funding. The ad-hoc staff that worked during elections needs to be paid well. The inability to pay them well has resulted in all these criminal means of engaging in vote-buying. So, the INEC needs to increase their honoraria and ensures they are paid on time.

● **Electoral Acts**

In as much as INEC is independent, sometimes the HOA enacts Laws that can hinder INEC in its operations. Electronic voting had been on for so long, but INEC cannot implement it unless permitted by an electoral act. Sometimes INEC violates the law to favour the government in power. The law says in Electoral Acts that for someone to become a president, the candidate must get 25% of votes in all 36 states and also win in FCT. But this law is not applied in the 2023 general elections. Even, when the electoral act says that where there is violence, supplementary election should be conducted. But the INEC did not put all these things into consideration in the 2023 general elections.

●Underage Voter

The underage voter is another challenge facing the electoral process in Nigeria. Despite the deployment of the new technology BVAS, these underage voters surfaced again in the 2023 general elections and were seen voting on election days. The questions are who registered these people? Why were they allowed to vote since they are underage? This reveals the weakness on the side of the INEC to adhere to its functions.

●Snatching of Ballot Boxes

It is very sad that in Nigeria, those that make laws are the people that disobey them. This issue of ballot box snatching is not a new phenomenon. Those involved in this ugly thing are desperate politicians. Once they discover that they will not win in a particular state or ward, the next thing they do is not send marauding hoodlums to invade and attack such places. These criminals are always violent, ready to kill and even burn ballot papers. Unfortunately, many INEC staff and even coppers have lost their lives in this ugly phenomenon.

●Logistics

During elections, there is always difficulty in moving people, sensitive and non-sensitive materials to different destinations. This logistic problem has been the reason elections do not start on time or even do not hold at all. In as much as that there are places that are difficult to discover or get to on time, those places in the river line areas and those violent places. Still, INEC equally contributes to worsening these problems. Sometimes INEC fails to plan ahead of time. These delays can be prevented by planning ahead of time and not making arrangements on the day of the elections. The INEC should also ensure that they make provisions for safe places where the ad-hoc staff will stay. The issue of allowing them to convey at the INEC offices on the day of the election is improper and can cause delays.

●Growing Population

The population of the country is creasing daily. Many people are advancing in age; some are relocating to different places, while some people are dead. Tracing these persons that have advanced and those that have relocated to include their names to avoid disenfranchising them and tracing the names of the dead ones to remove their names from the register become a serious challenge on the side of the INEC.

●Delay in Paying the Ad-Hoc Staff Honorarium

INEC depends majorly on ad-hoc staff for elections. Many of these ad-hoc staff are students, NYSC members and a few government workers.

They are the ones basically at the forefront, despite the crucial and difficult jobs they do, their honoraria are delayed and in some cases, not paid at all. Thousands of ad-hoc staff after the 2023 elections were seen protesting and complaining of not being paid after the presidential and House of Assembly elections. Some of them who were paid were short-paid. The neglect and inability of the INEC to provide enabling ground for them to resort to collecting bribes from desperate politicians to manipulate the elections. Their welfare too is of utmost importance as they are exposed to compromise and harsh living conditions. To be candid, this delay in their payment has been occurring. It did not just start in the 2023 general elections. So, INEC needs to prepare well for the welfare of these ad-hoc staff.

2023 General Elections in Nigeria and the Role of INEC

Before the 2023 general elections were held, the ex-president Mr Buhari together with the INEC chairman Prof. Mahmood Yakubu assured Nigerians that the elections will be free, fair and credible. The sum of N355 billion was budgeted by the umpire body, INEC to take care of the logistical expenses and the deployment of the innovations BVAS and the INEC Result Viewing, IREV, portal. This is to ensure that the elections would be peaceful devoid of manipulation and rigging. The INEC chairman repeatedly assures Nigeria that the introduction of BVAS will help reduce drastically all forms of electoral malpractices during elections. As Uzoanya puts it:

Many Nigerians looked forward to the 2023 general elections for many reasons, among which were: the fact that the elections were not the traditional two-horse race; the repeated assurances from the Independent National Electoral Commission, INEC; the signing of the 2022 Electoral Act which contained the deployment of technology; the increasingly depressing state of the economy, among others. So, the build-up to the elections was one filled with a nostalgia of anxiety, apprehension, and hope that the time has come for us to get things right. But did we? 6

The need to make Nigeria's elections more credible and transparent made the INEC introduce Bimodal Voter Accreditation System. This BVAS deployed is expected to help reduce the cases of manual manipulation of figures. Its role is to verify the genuineness of voters' cards and authenticate voters during the accreditation. This device was first used in the Isoko South Constituency by-election in Delta State in September 2021 and it worked perfectly. But unfortunately, the almighty BVAS failed woefully, despite the assurances made by the

government and INEC that all the results would be uploaded immediately by the IRAV during the accreditation and voting processes. The question remains, did the umpire body fulfil its promise? No!

Nigerians on February 25, 2023, all came out en masse, unlike in other elections with all the passion and enthusiasm under the sun to cast their votes believing that those election malpractices that characterized the formal elections would not be noticed again. Frankly, there was a massive turnout. Some people were at the polling units as early as 6 am. Some even slept at the polling units; some even donated their generators to ensure that there was no manipulation of any kind. All these efforts were to ensure that their votes count and the results were uploaded to the IREV portal as promised by the umpire. The people of Nigeria were eager to see in practice those promises and assurances made to them by the umpire boss. But, unfortunately, the reverse was the case. They witnessed disappointment, deception, intimidation and failure. The February 25, 2023 elections were marred by those things Nigerians taught that they have defeated. Only to realize that they have been brainwashed, deceived and cajoled by the INEC boss. Uzoanya in his words observes that:

The election was marred by irregularities, ranging from voter suppression, intimidation, raw violence, sporadic shootings, snatching of ballot papers, and vote buying, among others. Both international and local observers attested to the fact that the election was grossly below standard. A key factor of uploading results from the polling units to the IREV portal looked like 'the more you look, the less you see'! 7

We would recall that the basic aim of redesigning the Nigerian currency was to ensure that the phenomenon of vote-buying is reduced drastically. But, unfortunately, on the day of the elections, these politicians were seen sharing Dollars with the voters at the polls. We can equally recall vividly that many lives were lost during this period of Naira swap due to the restriction on the amount of money to withdraw in banks by the CBN governor. All these sufferings and pains that Nigerians passed through to ensure that there is good governance became a waste. Sadly, many people were killed during the elections. The violence witnessed in Lagos, Rivers, Kano and Adamawa States was nothing to write home about. As confirmed by reports of local and international observers, there were many problems associated with the 2023 elections. In the area of logistics, INEC failed to provide enough vehicles that will convey ad-hoc staff and sensible materials to some places. This has resulted in disenfranchisement of many eligible voters

in some states. Also, the collation and announcement of results were so slow, this created worries and tension among the electorate. The ad-hoc staff that were used during the elections were not paid their honoraria.

Nigerian state during the 2023 general elections was worse than Thomas Hobbes' "state of nature." Most people lose confidence in government because of their unfaithfulness and lack of trust. To the extent of destroying their voters' cards due to the betrayal they experienced. From what happened in the 2023 general elections, it seems that after 23 years, electioneering in Nigeria has virtually remained the same. The question now is what went wrong. The truth is not far-fetched, the problem is simply bad leadership and failure on the side of the INEC to carry out its functions as an independent body it is. The politicians have, no doubt, been the weakest link in the electioneering process. It is very shameful that our leaders today are the ones inflicting these pains and sufferings on their citizens. After all the monies spent to conduct these elections, nothing has changed, instead, things became worse. No wonder Sowore in one of his interviews laments that unless a revolution happens in this country the same way they had in Sudan or probably Algeria, it's going to be difficult to have free and fair elections⁸. He maintains that Nigeria must understand that unless something drastic happens, we cannot have elections that are won based on ideas⁹. He points out that politicians have destroyed the basis for any progressive politics¹⁰. However, it is in Nigeria that one can see brilliant young people who will be asked to go and run for councillor while people with antiquated ideas are recommended to be presidential candidates.

Despite these disappointments with INEC, some improvements were made by INEC. Unlike in the previous elections, the introduction of the use of BVAS reduced the issues of overvoting, unlike what we used to have before it was manually done. It was recently through the help of BVAS that Nigerians were able to know the number of voters in those areas in the north that always have the high numbers. The level of awareness and participation made the 2023 elections bring about the most diverse political parties PDP, LP, APC, YPP, NNPC, and APGA into office, unlike those years we normally have only two parties.

Ways to Overcome These Challenges Facing Electoral Processes in Nigeria

One thing is identifying the problems; another thing is proffering solutions to curb such problems identified. Some problems marred the

2023 general elections. The first problem is the poor performance of Nigeria's political parties. The second problem is the inability of the INEC to fulfil its promises and adhere to its main functions. The third challenge is the failure and manipulation of BVAS. Having noticed all these problems, as giants of Africa that Nigeria is known for, what are the necessary things we as Nigerians need to put in place to overcome these challenges? Firstly, INEC must ensure that it keeps to its functions and avoid compromising. It must ensure that those ad-hoc staff and its existing staff are well qualified, trained and drilled properly on how to carry out their duties very well during elections. This will go a long way to reducing the rate of too many cancellations and disparities in election results. Secondly, on the part of the government, the progress and sustainability of this country lie in their hands. They know what to do to move this country forward. They should allow those that have good plans for Nigeria to fix this country back. On the part of the masses, they must not give up. They must ensure they stand on truth and keep coming out en masse to vote for the right leaders, knowing well that one-day justice must stand. On the part of the judiciary, they must ensure that they always stand on truth and allow the rule of law to prevail. On the part of the desperate politicians, if they must rule, they should emulate the lives of the leaders of these African countries that have a stable democracy. Countries like Botswana etc. This task is a collective job, when all these people keep to their functions, this will go a long way to help fix the nation back.

Conclusion

Nigeria is the way it is because the political elites at the corridor of power have refused to leave the stage for leaders who are competent and committed to saving this country. Nigeria can become great again if our leaders can rethink and fashion out good ways to improve Nigeria. They need to emulate the leaders of these countries, Senegal, Angola, and Kenya that had credible elections and apply the same in Nigeria. Senegal, Angola and Kenya all participated in President Biden's democracy summit. The experiences of these three countries highlight the need to bolster independent institutions, particularly electoral bodies and the judiciary, as well as campaign finance reforms that diversify participation and mitigate patronage. Such a step they took is paramount for dissuading citizens in Africa from destabilizing violence as well as for enhancing confidence in the legitimacy of elections as a genuine mechanism to foster democratization.

Endnotes

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