

MAHMOOD'S INEC



BURDEN OF TRUST AND HOPE BETRAYED?

Voting in the presidential and National Assembly elections for Nigeria's 2023 national elections began on February 25. Both excitement and concern surrounded the polls, with the former stemming from a large number of first-time voters and the latter from the Independent National Electoral Commission's (INEC) history of challenges with ensuring hitch-free elections. According to

reports, concerns are not unwarranted. Going by preliminary assessments, the electoral umpire INEC has once again failed to provide the essential infrastructure and logistical support to enable a free and fair voting exercise. INEC's inefficiency is highlighted by the delay of elections in some South East and South-South states, reports of violence in Lagos, Kogi, and Rivers, and the challenges with

uploading results of elections captured by the bimodal voter accreditation system (BVAS) devices. INEC's failure to deploy adequate technology during the elections is a major concern. The situation is worrying, with a large percentage of the presidential election results not being uploaded via the iRev results verification portal across the country, the possibility of unscrupulous elements tampering with election results to favor certain political interests cannot be ruled out. These situations have called into question INEC's impartiality and raises concerns about the commitment of the electoral umpire to conducting credible and transparent elections in Nigeria. INEC's perennial incompetence has shown its weak link in ensuring free and fair elections in Nigeria. It is equally depressing to read that thugs were observed interrupting polls and intimidating voters in parts of Lagos and Kogi while underage voting claims trailed elections in Northern Nigeria. Additionally, the refusal of the Nigerian police to be fair and professional, as seen by footage of them either enabling thugs to steal ballot boxes or standing idly by as voters were disenfranchised, raises severe worries about the election process's integrity

At Chatham House in January, the INEC Chairman Mahmood Yakubu applauded his team for the early conclusion of INEC's four-year Strategic Plan and Strategic Programme of Action and the 2023 Election Project Plan over 18 months before the election. However, the evidence displayed in the eyes of Nigerians shows that this so-called preparation has had little to no effect. INEC still grapples with massive logistics and technical issues.

On 01 March, The Independent National Electoral Commission (INEC) announced the presidential candidate of the All Progressives Congress (APC), Bola Tinubu, as the winner of the 2023 general elections. Tinubu scored a total of 8,794,726 votes, meeting the first constitutional requirement to be declared the winner and scored over 25 per cent of the votes cast in 30 states, above the 24 states constitutionally required. Atiku came in second with a total of 6,984,520 votes, Peter Obi of the Labour Party came third with 6,101,533 votes while Rabiu Kwankwaso of the NNPP came fourth with 1,496,687 votes.

The critical question in the minds of Nigerians is how INEC expended the funds budgeted to ensure seamless elections. Available numbers show that INEC budgeted ₦355 billion for the 2023 polls, apart from the support received from international partners. International funding included the European Union 39million pounds under the EU Support to Democratic Governance in Nigeria (EU-SDGN) and the United States government's \$50million for technical assistance and support. Why these funds were not judiciously used to ensure that INEC invests in the right resources is confusing.

INEC's perennial incompetence has shown it is a weak link in ensuring free and fair elections in Nigeria. Similar reports plagued the 2015 and 2019 general elections and, more recently, mid-cycle votes in Ekiti and Osun states. Now more than ever, it has become imperative for the

Nigerian government to revamp the electoral umpire. INEC urgently needs to discontinue outdated practices and invest in the right technologies, staff training, and voter sensitization to prevent manipulation.

'In the 2023 Presidential Election, Mahmood bypassed the process of transferring electronically the result of the Presidential election intentionally and willfully in order to manipulate the election to pronounce Bola Tinubu as the President- elect. Anybody telling you there was a glitch in the BVAS is the first liar of this election. There were three elections conducted on the same day. No BVAS malfunctioned. We were accredited by the BVAS, it did not malfunction, we were counted, announced and the BVAS was used to transmit the result of the Senatorial election, the BVAS did not malfunction. They used it to transmit the election of the House of Representative and the BVAS functioned perfectly. Then in the presidential election they are telling their own fools certainly not Nigerians that suddenly the BVAS started malfunctioning. No, it did not malfunction there was a deliberate attempt to make sure that the presidential election was not transmitted so that they will resort illegally and criminally to rig the election. By the law Section 60 sub- section 4 of the Electoral Act makes it clear, count and announce the result in the polling unit, transmit and transfer in the polling unit, sub- section 5. So, the polling unit independence in the conduct of our election is sacrosanct and anything beyond that is not only illegal but criminal. Sub- section 6 makes it clear that anybody that contravenes this procedure has become a criminal and should be sentence to jail. You will either pay a fine of N500,000 or go to jail for at least 6 months. So, all the INEC officials that committed this crime in front of Nigerian people are now by law criminals.'

It is time for the African Union and other international and technical partners to stop paying lip service to legitimate elections in Nigeria and act now to forestall the breakdown of democratic practices. These partners have a vested interest in seeing that INEC, the electoral umpire, makes the necessary technological and human resource investments and efforts to educate voters to conduct credible and transparent elections. INEC must also demonstrate its commitment to fixing the problems that have plagued the election process to regain the trust of voters and its partners. If Nigeria is to maintain hope for free and fair elections, INEC must have the support of the Nigerian government, foreign and technical partners, and civil service organizations.

Trust is critical in the electoral process, and an election's credibility depends on the public's trust in the electoral umpire, political parties, and the government. A lack of confidence in the electoral process can lead to voter apathy, low voter turnout, and election-related violence, all of which can undermine the democratic process. The Nigerian people's right to vote is at risk, and the country's government, international partners, political parties, and civil society organizations should step up and do something about it. For the sake of the election process's integrity and the continued existence of Nigeria's democracy, immediate action is required to guarantee that electoral procedures in the country are transparent, impartial, and credible.

The Independent National Electoral Commission tried to explain the reason behind difficulties encountered using its Results Viewing Portal for the 2023 general elections.

In a statement by national commissioner and chairman, Festus Okoye, the electoral body said the challenges came as INEC Results Viewing Portal (IREV) struggled to scale from a platform for managing off-season state elections to managing nationwide general elections. 'The Commission is aware of challenges with the INEC Results Viewing Portal (IREV). Unlike in off-season elections where the portal was used, it has been relatively slow and unsteady. The Commission regrets this setback, especially because of the importance of IREV in our results management process. The problem is totally due to technical hitches related to scaling up the IREV from a platform for managing off-season state elections, to one for managing nationwide general elections. It is indeed not unusual for glitches to occur and be corrected in such situations. Consequently, the Commission wishes to assure Nigerians that the challenges are not due to any intrusion or sabotage of our systems, and that the IREV remains well-secured. Our technical team is working assiduously to solve all the outstanding problems, and users of the IREV would have noticed improvements since last night. We also wish to assure Nigerians that results from the Polling Unit Copies of which were issued to political parties, are safe on both the BVAS and the IREV portal. These results cannot be tampered with and any discrepancy between them and the physical results used in collation will be thoroughly investigated and remediated, in line with Section 65 of the Electoral Act 2022. While we fully appreciate the concerns of the public on this situation and welcome various suggestions that we have received from concerned Nigerians, it is important to avoid statements and actions that can heat up the polity at this



Voters queue to vote during the 2023 Presidential and National Assembly Elections in Ikeja, Lagos, Nigeria, on Feb. 25th
.Photographer: Adekunle Ajayi/NurPhoto

Earlier on the 3rd of March, six states comprising Adamawa, Akwa Ibom, Bayelsa, Delta, Edo and Sokoto filed a suit at the Supreme Court, against the Attorney General of the Federation, Abubakar Malami. The states have asked the court to declare that the elections were not carried out in compliance with the Electoral Act as widely reported failure to electronically transmit results from polling units by the Independent National Electoral Commission, contravenes provisions of the electoral law. The states have asked the Supreme Court to declare the result of the 25 February presidential elections invalid. This will nullify INEC's declaration of former Lagos governor, Bola Tinubu, as the winner of the election.

time or promote disaffection towards the Commission. We take full responsibility for the problems and regret the distress that they have caused the candidates, political parties and the electorate,'

INEC explanation and reason for the so-called glitches did not go down well with majority of the electorates who believed that the action was a deliberate ploy on the part of INEC to rig the election in favour of the APC candidate Bola Ahmed Tinubu. While reacting to the outcome of the result of the presidential election declared by INEC, Barr. Kenneth Okonkwo who is the Spokesman for Peter Obi the Presidential candidate of the Labour party 'In the 2023 Presidential Election, Mahmood bypassed the process of transferring electronically the result of the Presidential election intentionally and willfully in order to manipulate the election to pronounce Bola Tinubu as the President-elect. Anybody telling you there was a glitch in the BVAS is the first liar of this election. There were three elections conducted on the same day. No BVAS malfunctioned. We were accredited by the BVAS, it did not malfunction, we were counted, announced and the BVAS was used to transmit the result of the Senatorial election, the BVAS

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Many Nigerians have criticized INEC over its failure to upload results on its results viewing portal. Some describe the elections as a 'rape of democracy'. It was glaring to all and sundry that the election especially the Presidential was neither free nor fair. According to one of the key contestants of the Presidential election Alh. Atiku Abubakar 'Preliminary assessments indicate that it is the worst conducted elections since the return to democratic rule. The manipulation and fraud that attended this election were unprecedented in the history of our nation. Atiku and other political parties like the Labour Party has long gone to court challenge the outcome of the election.

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Notably, all the states demanding for the elections to be set aside are PDP states. The party's presidential hopeful, Atiku Abubakar came in second place at the polls with 6,984,520 votes. The 2023 elections have been criticized for electoral malpractice and voter suppression by both voters and opposition parties.

Of note, vote count this year was historically low. Until this election, the 2019 election had the lowest vote count on record at 34.7%. At 25.7%, early estimates suggest the 2023 election has overtaken the 2019 election as having the lowest vote count percentage since the return to democracy in 1999.

Feb 25 Poll; The stabbing of the major Artery of Trust

By Tony Osakpamwan Agbons

There are some essential paraphernalia used in the decoration of the interior corridors of the Hallowed Chambers of the Temple of Justice. These include fairness, equity, mercy, and trust. In the context of the current mood of the nation, the 'plexus of the organ of trust' in Nigeria has been punctured. The arterial supply of 'oxygen of trust' to the 'aorta of patient Nigeria' has been shunted. In their blog, the *Western and Southern Financial Group* defined trust as "a legal arrangement that allows a third party, known as a trustee, to hold assets on behalf of a beneficiary or beneficiaries. The individual who creates the trust is called a trustor, a settlor, or a grantor". It went further to describe the different types of Trust viz: Living, Testamentary, Revocable and Irrevocable Trusts. At any material point in time, the type of trust used depends upon the wishes and financial priorities of the trustor or benefactor.

The Presidential and National Assembly elections held in Nigeria on 25th February 2023 has left a sour taste in the mouth of millions of Nigerians who came out en-masse to vote for the candidates of their choice. The election which was highly sugar-coated and marketed to the Nigerian people as the 'best ever' has unfortunately not lived up to its billing. The electoral umpire, Independent National Electoral Commission, INEC has ostensibly sold a dummy to the citizens of the Federal Republic. One would therefore ask what kind of trust transpired between INEC and the Nigeria voters on Saturday 25th February. Who was the trustor and who are the benefactors? The jury is out.

At the time when there were rumours (in the last quarter of 2022), that the much vaunted use of the Bimodal Voters Accreditation System, BVAS would be jettisoned for the 2023 elections, the INEC Chairman, Prof. Mahmoud Yakubu was quick to jump on the podium in poetry. His commission quickly released a carefully worded press statement on 11th November 2022 to debunk the rumour mill. The INEC chair followed up with a well-choreographed Press conference. This writer like many other Nigerians has read (severally) that INEC press release, watched and listened over and over again to the well-articulated speech of the INEC Chairman a few days later in Abuja.



Speaking to Journalists and by extension Nigerians at the Abuja Press conference, Prof. Yakubu Mahmoud said, "On this note, let me seize this opportunity to respond to a story emanating from a section of the media that the commission has decided to jettison the uploading of polling unit level results in real-time on election day. It should please be disregarded as fake news". He went on to say; "the commission will upload polling unit level results and citizens will have access to those results in real-time as we upload your polling units. This innovation was introduced by the commission and the commission cannot turn around and undermine itself. So, this technology (BVAS) has come to stay. We will upload

polling unit level results from the polling units and citizens would have the right to view these results". Prof. Yakubu then concluded; "After all, who are we serving? The citizens. How can we deprive the citizens from having access to the results of the process conducted by them at the level of polling units. So, I welcome you to the commission and I want to assure you and reassure you that the 2023 general election is going to be our best ever elections. We are committed and that the votes cast by Nigerians will determine the outcome of the election. Nothing more, nothing less". Fantastic! Fantabulous!! Please clap for yourself Mr Mahmoud Yakubu. You are doing well!!!

At the Chatham House in London on 17th January 2023, Prof. Yakubu repeated his Abuja rhetoric before the world media. Nigerians believed him but fast-forward to 25th February 2023, and the table was turned. So, what changed? How come the BVAS that transmitted House of Reps and the Senate elections to the INEC portal suddenly could not do so for the Presidential election? How come for an election that was held same day, same time? Wonders indeed shall never end in the 'Land of Comedies Nigeriana'. Millions of voters trusted INEC to keep its promise of delivering a free, fair, credible, and transparent elections. Like the proverbial master dribbler, INEC has succeeded in dribbling itself out of the football pitch. Trust has been suffocated and asphyxiated on the altar of compromise, greed, and corruption.

The strength of the base of the pyramid of democracy is the peaceful change of government in each election cycle.



For Nigeria, the 2023 election is our 7th consecutive general election. The expectation was that there would be improvements in this 2023 elections compared to those of 1999, 2003, 2007, 2011, 2015, and 2019. Rather the events of the past few days are on the contrary. The outlook of the Presidential election of 25th February has taken Nigeria back to 1963 or 1979 days. The 25th of February 2023 election was even worse. What a retrogression this is! Nigerians had hoped that this election would be tech-driven and savvy. The incumbent President, Muhammadu Buhari has at several fora (both locally and internationally) promised to deliver a free, fair, and credible election as his legacy. However, what played out on 25th February was thuggery, agberoism, ballot box snatching, voter intimidation, inducements, violence, and logistics inefficiency of the highest order. The violence and intimidation from supporters of the ruling All Progressives Congress, APC on their nemesis, the Obidients especially in Lagos and Rivers State was breathtaking. More worrisome was the manner security operatives turned a blind eye while thugs and non-state actors held sway.

The international observers that monitored the election across the country has stated unequivocally that the election did not meet the minimum standards required. The International Republican Institute (IRI) and National

Democratic Institute (NDI) Joint Election Observation Mission (IEOM) led by Her Excellency Joyce Banda, former President of Malawi submitted that "lack of transparency and inadequate communication by INEC during the elections created confusion and eroded voters' trust in the electoral process". On their part the European Union Election Observation Mission to Nigeria (EUEOM) opined that "lack of transparency in the 2023 election deflated public trust in INEC".

For a sick 'patient' like Nigeria, the stab on its major artery as happened on 25th February 2023 is fatal. As the 'patient' called Nigeria gasps for air and wheeled into the surgical theatre of the Judicial Temple of Justice, the good people of Nigeria must not give in to despair and despondency. We must not give up. We will fight using the right 'medication' (Laws of the Land) as set out in the Electoral Act 2022. INEC has flagrantly disobeyed its own rules and guidelines as elucidated in that Act. The Nigerian people cannot be cajoled or silenced. Our collective mandate cannot and will not be stolen. Let it be said that it was in our time and generation that our 'beloved patient', Nigeria was treated and saved.

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Elections with Guns to the Head: Reversing Judiciary-Induced Democratic Regression

By Jibrin Ibrahim

My big story this week is that the Independent National Electoral Commission (INEC) has reversed itself, saying that there is no winner in the February 25 National Assembly elections in Doguwa and Tudun Wada federal constituency of Kano State. It would be recalled that INEC had earlier announced Hon. Alhassan Doguwa, incumbent Member representing the federal constituency and Majority Leader of the House of Representatives, who contested on the All Progressives Congress (APC) platform, as winner of the election. After reviewing the facts of the matter, INEC on Tuesday, removed Doguwa's name from the list of Reps-elect, attributing the development to irregularities in the electoral exercise. The commission had said he was declared winner of the election by the Returning Officer under duress. This followed the arrest of Doguwa in connection with the violence which broke out in the federal constituency during the collation of the election results, leading to the death of two persons when a secretariat of the New Nigeria Peoples Party (NNPP) was set ablaze allegedly on the order of the embattled lawmaker. The Police arraigned the ranking lawmaker at a Magistrate's Court in Kano, which remanded him in prison. Nigerians were shocked when Doguwa was granted a N500 million bail and released from detention in

time to apparently repeat such acts in the elections that were scheduled to hold tomorrow but subsequently rescheduled for next Saturday. How could someone charged for murder in an election be released just days later and in time to repeat such action for another election. When the story of Nigeria's democracy is told, the judiciary would occupy one of the most despicable roles.

Professor Ibrahim Adamu Yakasai, the Returning Officer for the election, in a letter to INEC written on 27th February 2023 had explained clearly that the results he declared in favour of Ado Doguwa were false, read under duress and fear for his life. He had the courage to admit this and correct the error leading to the decision of INEC to cancel the said results and announce new elections would be organised for the constituency. My fear is that Doguwa would go to court and a judge would declare that the law does not say results announced under duress are invalid. We have seen that before. This time, I hope Nigerians would not accept such an outcome should it occur.

Let us recall. To convince the presidential election petition tribunal sitting in Abuja, to nullify the April 16 general election that brought President Goodluck Jonathan into power, the Congress for Progressive





Democratic Regression

Change, CPC, presented evidence that its supervisory agent in Cross River State, Mr Bassey Okon, was compelled to sign a distorted final result of the presidential poll in the state, at gunpoint (Vanguard, 15 September 2011) and it was dismissed. Another example was that of Professor Ibeabuchi who before reeling out figures at the district collation centre in the Independent Electoral Commission (INEC) Office in Orlu, Mr Ibeabuchi, a professor, said he was being held "under duress" to announce the results:

"My name is Ibeabuchi Izuchukwu Innocent, a professor at the Federal University of Technology Owerri (FUTO), the returning officer for Imo West (Orlu) senatorial zone... "My area commander; my P.Os; the party agents here present; members of the press; ladies and gentlemen. I have been held hostage here for days so I'm trying to ease off and take my life home back to my children and for the sake of that I am calling these results under duress." (Premium Times, 25 February 2019) the returning officer said.

There was also the case of the returning officer of Orumba North LGA, Dr. Michael Otu, who stunned stakeholders at the Anambra State governorship election collation centre on Sunday when he denounced the result he signed. He accused the electoral officer that was supposed to work with him of collaborating with some people to scuttle the election results in the area. He stated this while delivering his report to the State Returning Officer, Prof. Florence Obi, at the ongoing election result collation. He said there was no election in the entire local government area. He said a crisis fomented by policemen led to his signing the result under duress: "I signed a report I didn't believe in. I signed it under duress. I was teargased.... I could not even go out to ease myself. They were monitoring me up and down. At a point, I saw that my life was in danger, so, I have to sign the results they prepared (PM News, 7th November 2021).

In most of such cases of signing results under duress, the judiciary has chosen to play dumb by ruling that the law

says the results read by the returning officers stand and have thereby sided with forces that were raping basic democratic precepts. There is however a strong sentiment in Nigeria today that there must be accountability and sanctions for people who violate the principles of free and fair elections and seek to hide under legal technicalities.

Such stories have tended to create the basis to completely delegitimise Nigerian elections because they are so scandalous and anti-democratic that they become what Nigerians remember about the elections. When one looks at the 25th February elections in Kano for example, the trending story is about Ado Doguwa, the murders and declaration of results under duress. The reality of the Kano elections was that it went very well in over 90% of the polling units, there was neither violence nor fraud. Normal elections are not a great story so all that recedes to the back of people's memories and they remember the violence.

At the national level, what we remember is that failure in posting presidential elections on the IReV portal. The fact that BVAS machines were successfully used to accredit voters in most polling units has disappeared as the story of the elections in spite of its importance in providing legitimacy to the process. YIAGA Africa, which did a parallel vote tabulation count, said in its report that the figures for Imo and Rivers States appeared questionable and did not tally with their estimates and projections. This means the numbers for the 34 other states and FCT were in their findings fairly accurate. Nonetheless, for many people, the whole election was a sham and should be cancelled. My concern is that when we carry out fairly good elections, we do not see our success as a few trees block our sight of the forest. If the judiciary does its work well and we begin to see accountability for actors who brazenly violate electoral rules and procedures, it would reassure Nigerians and place them on the path of beginning to see relative success when it happens.

Chatham House: Nigeria's Presidential Election Not Conducted in Line with INEC's Guidelines

By Emmanuel Addeh

Chatham House, an independent policy institute based in London, has stated that from its analysis of the February 25 presidential election, it would appear that the Independent National Electoral Commission (INEC) failed to learn new lessons. The organisation stressed that the electoral umpire failed to adhere to its own guidelines, which it enunciated before the poll, especially the one bordering on the uploading of results in real-time. The London-based institute made the assertions just as Fitch Solutions lowered Nigeria's Social Stability score in its proprietary Short-Term Political Risk Index (STPRI) to 17.5 out of 100, down from the 25.0 previously projected, following what it described as the aftermath of the "weak" mandate claimed by the country's president-elect, Bola Tinubu.

INEC has announced the former Lagos State governor as winner of the keenly contested presidential poll. However, the contending parties refused to accept the verdict of the electoral umpire. While the presidential candidate of Labour Party (LP), Mr. Peter Obi, approached the courts to overturn the result, the People's Democratic Party (PDP) candidate, Mr Abubakar Atiku, who had also announced plan to challenge the outcome of the election in court, led a protest against the result on Monday. Stating that Nigeria's presidential election results had put disenfranchisement in the spotlight, Chatham House noted that despite boasting the biggest electoral register in Africa of 93.4 million voters, fewer than 25 million valid votes were counted in Nigeria's 2023 election. Writing for the body, the Associate Fellow, Africa Programme, Dr. Leena Koni Hoffmann, noted that the delayed opening of polls meant that many potential voters were not able to vote.

Chatham House, also known as the Royal Institute of International Affairs, prides itself as an independent policy institute headquartered in London. Its stated mission is to provide commentary on world events and offer solutions to global challenges. Founded in 1920, Chatham House engages governments, the private sector, civil society and its members in open debates. All the major presidential candidates in Nigeria were visitors to the organisation before the presidential election. According to Chatham House, the results announced by chair of INEC, Mahmood Yakubu, showed that the incumbent APC candidate, Tinubu, received 8.87 million votes – roughly one-third of the total. His main challengers, Atiku of PDP, in his sixth attempt, and Obi of LP, the organisation said, garnered 7 million and 6.1 million votes, respectively.

Hoffman wrote, "The INEC's performance and controversies over these results mean that the electoral reforms and lessons declared to have been learned were not fully applied and, as an electoral body, it was significantly less prepared than it claimed. "The logistical failures of INEC and widespread delayed opening of polling units meant that voters who showed up at the polls early were frustrated and many voters and INEC staff were not able to locate their polling units for several hours." Chatham stated that Nigerians queued in the sun and rain to cast their votes, despite recurrent fuel crisis,

epileptic power supply, record inflation, and a painful cash crunch. Yet it noted that thousands of voters were disenfranchised, and multiple irregularities were recorded as well as intimidation and violence as noted by election observers.

Chatham House stated, "Less than half of eligible voters could participate in the elections, despite the commission's N305 billion budgetary allocation. While Nigeria's youth seemed energized leading up to the elections, it seems their ability to turn out is still being hugely constrained by how difficult and potentially dangerous it is to cast a vote in Nigeria. "The INEC's performance and controversies over these results mean that the electoral reforms and lessons declared to have been learned were not fully applied "At just 25.7 per cent, the elections have the lowest recorded turnout of any election since Nigeria returned to democracy in 1999, despite being the most expensive. These dwindling numbers highlight how Nigeria's politics and state institutions continue to exclude rather than include."

The commission's patchy deployment of technology in the use of a Bimodal Voter Accreditation System (BVAS), Chatham House stated, was still being intensely scrutinized and criticized. "It failed to adhere to its own statements and guidelines, which derive from its laws, that election results would be uploaded to its portal using the BVAS directly from the polling unit in real-time for the public's viewing," Chatham House added regarding INEC. Having just 23 per cent of the public's trust going into the 2023 election, Chatham noted that the need for strict transparency by INEC in this crucial phase of electronic results transmission could not be overstated and should not be downplayed. INEC's sub-optimal performance, the organization said, must be taken seriously because Nigeria's path to recovery and stability must follow the way of accountability and electoral integrity.

It added that when sworn in, Tinubu would inherit a country made weaker economically, less secure, and diminished in stature under the leadership of his party. The monumental challenges that weigh Africa's most populous country, Chatham said, would not be easy for any leader, adding that the Nigerian people – especially the country's youngest – have demonstrated strong resilience and have waited for far too long for a country that works for them.

The organization stated, "Tinubu's party first came into power in 2015 through a campaign of change and he has won in 2023 by running a campaign for renewed hope. But many of the issues that worried the Nigerian electorate in 2015 are a bigger headache in 2023 – significantly due to the self-inflicted fiscal and monetary decisions of the president he will be succeeding. "In the months leading up to his swearing, Tinubu needs to marshal an extraordinary amount of political capital, goodwill and consensus to redirect and reunite a fractured and volatile Nigeria."

*Election Aftermath:***Fitch Downgrades Nigeria's Short-term Social Stability Index to 17.5%**

Fitch Solutions lowered Nigeria's Social Stability score in its proprietary Short-Term Political Risk Index (STPRI) to 17.5 out of 100, down from the 25.0 previously projected, following what it described as the aftermath of the "weak" mandate claimed by the president-elect. In its latest Country Risk & Industry Research, the global group also downgraded Nigeria's overall STPRI from 42.1 to 40.2, maintaining that political risks are expected to rise in Nigeria as a result of Tinubu's victory. Fitch stated that as it had projected, Tinubu – the candidate of the ruling All Progressives Congress (APC) – was declared the winner of Nigeria's presidential election on March 1, 2023. It added that despite opposition parties calling for a re-run of the presidential election, it believed that chances of this happening were slim. According to the organisation, reduced trust in the electoral process and Tinubu's weak political mandate would increase social unrest in the immediate term.

The Fitch report stated, "In line with the Fitch Solutions' view, Bola Ahmed Tinubu – the candidate for the ruling All Progressives Congress (APC) – was declared the winner of Nigeria's presidential election on March 1 2023. "As we had predicted, the popularity of the Labour Party (LP)'s candidate – Peter Obi – split the opposition vote at the expense of Atiku Abubakar, the candidate for the PDP. "Indeed, Obi received the largest share of votes in many states in Nigeria's South-south and South-east regions, which were PDP strongholds in previous elections. "However, Tinubu received a weak mandate. With all states now reporting, Tinubu received just 36.6 per cent of the national vote. This is the first time since the return of democracy in 1999 that a president has been elected with less than 50 per cent of the vote, and the lowest share received by an election winner since 1979." Furthermore, the report noted that opposition figures had criticized the conduct of the vote and were demanding that the election be re-run. While international observers had not described the vote as rigged, Fitch explained that they had reported that the election was characterized by operational failures and a lack of transparency. It added that opposition parties had been particularly critical of the fact that INEC did not post individual polling station figures to a website that was meant to ensure transparency.

Besides, Fitch explained that it believed that the low voter turnout of an estimated 29.0 per cent – the lowest turnout on record – at a time when voter enthusiasm was high, will give rise to the perception that widespread voter suppression took place. A coalition of opposition parties led by PDP and LP, Fitch said, had already called for the cancellation and re-run of the election. It added that statements by INEC, however, suggested that the institution would stand by the official results, with INEC officials having stated that allegations of electoral fraud were "unfounded and irresponsible" and that the results point to "a



free, fair and credible process." The report said this suggested that there was limited appetite within the commission to hold new elections, noting that, indeed, holding a re-run would be extremely costly, as the commission's 2023 election budget totaled N305 billion (\$660 million) – likely discouraging a re-run.

Fitch stated that it expected that protests were likely over the short term, particularly in urban areas, such as Lagos, stressing that the Labour Party drew significant support from members of the #EndSars protest movement, which launched a series of protests in the commercial capital in 2020. The Fitch report stated, "Given that several pre-election polls showed the Labour Party's candidate winning the vote, we expect that the party's youthful supporters are likely to be dissatisfied with the result. "It is also possible that the Labour Party and PDP may boycott or disrupt gubernatorial elections scheduled for 11 March 2023. Much will depend on how Peter Obi and other opposition figures react over the coming days.

"Taking this into account, we have lowered Nigeria's Social Stability score in our proprietary Short-Term Political Risk Index (STPRI) to 17.5 out of 100, from 25.0 previously (lower score implies higher risk). This brings Nigeria's overall STPRI from 42.1 to 40.2. "Given Tinubu's weak political mandate and widespread opposition to his government, we doubt that the incoming administration will launch any serious economic reforms in 2023." Fitch further forecasted that inflation would average 18 per cent in 2023 – and Tinubu's weak political mandate would discourage him from implementing strong economic reforms in the short term. Fitch predicted, "Indeed, the liberalization of Nigeria's exchange rate regime and the removal of the fuel subsidy would put upside pressure to inflation and would likely lower the president's already weak support base – something we believe Tinubu will seek to avoid. "Indeed, given divisions within the legislature, widespread political opposition and concerns about the president-elect's health, we expect a long period of political stasis."

Broken Promises, Breached Trust: Has Nigeria Been Betrayed by INEC?

By Anthony Ubani

FixPolitics, a citizens-led, research-based movement designed to structurally change and innovate politics in Nigeria and Africa as a whole, views with grave concern the uploading of results and subsequent declaration of a winner of the 2023 Presidential elections in the early hours of Wednesday, March 1, 2023. The haste and timing of these actions have led to widespread consternation raising germane questions as to the motives of both actions. Nigerians will recall that in November 2022, the Chairman of the Independent National Electoral Commission (INEC), Professor Mahmood Yakubu, conscious of growing public concerns about the sincerity, transparency and commitment of INEC to conducting free, fair and credible elections in which the votes of citizens will be respected as the 'voice of the people', spoke at a press conference where he gave Nigerians an assurance and commitment that the Commission will upload polling results from the polling unit; and that citizens will have access to these results in real time. In his own words: "...the commission will upload polling unit results and citizens will have access to those results in real time as we upload the results. This innovation was introduced by the Commission. The Commission cannot turn around and undermine itself. This technology has come to stay. We will upload polling unit results from the polling units. Citizens will have the right to view these results. After all, who are we serving? The citizens. How can we deprive citizens access to the results of the process conducted by them at the polling unit? I want to assure you and reassure you that the 2023 general elections will be our best ever election and we are committed that votes cast by Nigerians will determine the outcome of the elections. Nothing more, nothing less." It is this assurance and several others by the INEC Chairman that built confidence amongst Nigerians to register to collect their PVCs. It was also as a result of this confidence that voters went out enthusiastically to cast their votes on election day despite the significant challenges of access to cash and high cost of transportation for those who had to travel. The public even accepted the added burden of the closure of the tertiary



institutions as part of the sacrifice in reciprocity to the assurances given by INEC of a vote that would mean something. Many returned from overseas to exercise their citizenship in the hopes that the process will be transparent, free and their votes will count. Unfortunately, since the Presidential elections held on Saturday, February 25, 2023, the country has been saturated with reports, complaints and protests from citizens, candidates, political party officials, civil society organizations, the media, local and international observers and well-meaning Nigerians. In spite of the diverse range of these voices, three specific

complaints cuts across most of them: INEC's failure/refusal to upload presidential election results particularly in real time to the I-REV portal; the complete lack of transparency in INEC's processes; and the failure to follow its own regulations and processes amongst other elections management infractions. With regards to the specific issue of electronic transmission of results, the combined effect of sections 50, 52(2), and 63 of the Electoral Act 2022 shows clearly that INEC failed to obey its own law. Article 38: I, 2 and 3 of INEC's guidelines is unambiguous: Article 38 on Electronic Transmission of Results and Upload of Results to INEC's Result Viewing Portal (IReV) states: "On completion of all the Polling Unit voting and results procedures, the Presiding Officer shall: (i) Electronically transmit or transfer the result of the Polling Unit, direct to the collation system as prescribed by the Commission. (ii) Use the Bimodal Voter Accreditation System (BVAS) to upload a scanned copy of the EC8A to the INEC Result Viewing Portal (IReV), as prescribed by the Commission. (iii) Take the BVAS and the original copy of each of the forms in tamper-evident envelope to the Registration Area/Ward Collation Officer, in the company of security agents. The Polling Agents may accompany the Presiding Officer to the RA/Ward Collation Centre." In the face of INEC's failure to upload polling unit results from the polling unit in real time and sundry other failings added to the evident bewilderment and disillusionment of

In spite of the diverse range of these voices, three specific complaints cuts across most of them: INEC's failure/refusal to upload presidential election results particularly in real time to the I-REV portal; the complete lack of transparency in INEC's processes; and the failure to follow its own regulations and processes amongst other elections management infractions. With regards to the specific issue of electronic transmission of results, the combined effect of sections 50, 52(2), and 63 of the Electoral Act 2022 shows clearly that INEC failed to obey its own law. Article 38: I, 2 and 3 of INEC's guidelines is unambiguous: Article 38 on Electronic Transmission of Results and Upload of Results to INEC's Result Viewing Portal (IReV) states: "On completion of all the Polling Unit voting and results procedures, the Presiding Officer shall: (i) Electronically transmit or transfer the result of the Polling Unit, direct to the collation system as prescribed by the Commission.

citizens with the opaque process, it seemed logical and respectful of the citizens whom it claims to serve for INEC to have taken immediate steps, consistent with its law and the promise made to citizens by its Chairman, to address the issues, fears and concerns that have been raised by citizens since the elections held. Instead, the world watched the INEC Chairman blithely dismiss and punt issues raised only to decide to attempt to rectify its egregious infractions and thereafter, to declare a winner of the Presidential election. We believe that INEC's decision to declare the winner of the 2023 presidential election has raised severe doubts in the minds of Nigerian citizens and a global audience about the legitimacy of the process that produced the results announced by INEC. Elections are integral to the democratic process, and validity and legitimacy of elections are rooted in principles of transparency, obedience to the rule of law and the open compliance with due processes. In the absence of these principles of good governance, elections become a mere tool contrived to reach a predetermined end, leaving the citizens as hapless passengers and on-lookers in the governance of a commonwealth that is their patrimony. The beneficiaries of such a poorly managed and questionable process will lack the legitimacy and full support of citizens to govern effectively. We believe that INEC has erred in declaring a winner of

the Presidential election at this time when significant matters of electoral infractions that are of concern to most Citizens are yet to be addressed. This election was primed to be one that will help initiate the process of healing the many wounds inflicted on Nigerians, and uniting them in common purpose to face the monumental challenges that lie ahead. By ignoring the legitimate complaints of Nigerians and choosing to declare a president elect, it is our well-considered and reasoned opinion that INEC has abdicated its legal and moral responsibilities to citizens and de-legitimized any candidate it declares winner. Political leaders govern by the consent, support and confidence of their citizens. If that consent and support is lacking, governance becomes the first casualty. There is still time to get it right. INEC has the power to review its decisions. The clock is ticking as the law in its prescient wisdom recognizes that INEC is not infallible and can still restore the confidence and faith of the citizens in its role as an impartial umpire. It provides a window of seven (7) days for INEC to review its position – We therefore call on INEC to swiftly review the breaches and gaps that occurred, investigate all petitions; and comprehensively review the election results based on findings, in the interest of the citizens and for the sake of the progress, peace, good governance and development of Nigeria.

Election Drenched in Deep Symbolisms

By Emmanuel Onwubiko

The Presidential and national assembly election of 25th February 2023 which took place in Nigeria has all the trappings of a juicy story for the news media of electronic, Print and online including of course the social media. This fact is for a number of reasons which includes but nonetheless limited to the realization that millions of youngsters voted for the first time ever in their lives. The election which was long predicted to be violent and anything but credible, instantly became one of the world's hottest news topics, especially because of many untoward developments on a scale never imagined but particularly because INEC which ought to act as the unbiased umpire, decided to change the rules of the game at the middle if the game. It must be stated that prior to that election, the global media were saturated with feverish reportage of the possibility that the election may give rise to widespread violence.

These media contents in such Worldwide media houses such as the British broadcasting corporation, Sky News, Al Jazeera, amongst many others including of course, a lot of internationally respected print media, were informed by the ugly antecedents of elections in the past right from the earliest political era after Nigeria got Independence from Britain in 1960.

Nigerians, mostly made up of youngsters, however, have used that February 25th election to pass a profound message of the readiness of the Young generation to end the seemingly unending history of lack of good governance. The youths who in their millions poured out into the polling



centres in the hope that their votes will usher in a wind of concrete democratic change leading to practical development and advancement of Nigeria as a member of the international community. The youths turned out for that election with a mindset that it was time for Nigeria endowed with enormous human and mineral resources, will be handed over to Nigerians who are honest and competent enough to turn things around from the ground zero economically and otherwise that the President Muhammadu Buhari's administration has led us into.

The first philosophical symbolism of the February 25th 2023 Presidential election is therefore about the massive outpouring of aspirations, hope, anxiety, frustrations of the younger citizens who were born around the year 2,000, and who are in their early twenties and who poured out in their millions to cast their votes. These young Nigerians came out in the heatwaves and the excruciatingly hot Sun that poured down from the sky and millions of these young persons starved themselves of foods for several hours just so they can exercise their franchise. It was a story of pain, pangs and horrendous experiences for these novices who couldn't easily locate their exact polling units for many hours. The electoral umpires did very little to make the process easier because hundreds of thousands of voters and indeed millions of voters, these voters were rapidly transferred to other polling units and there was not a single text messages from INEC indicating their new locations. INEC urged would be voters to understudy their official website to see where exactly they have been moved but most often than not, the official website of INEC couldn't contain



A significant symbolic reason that motivated the younger citizens that made them to participate actively in that election, was the numerous assurances that the persons charged with the legal obligation to conduct free, fair, transparent and peaceful elections, will abide by their mandate. The hierarchy of the Independent National Electoral Commission (INEC) made heavy weather of the readiness of that public institution to conduct free, fair, transparent elections. The electoral referees told Nigerians through the mouths of both Yakubu Mahmood, the head of INEC and Festus Okoye, the spokesperson of INEC, that they were sure prior to the election that all the computerization systems put in place for that exercise were working optimally. INEC spokesperson and his boss the Chairman further assured Nigerians that electronic transmission of results will start from the polling units and be transparently uploaded in real time up to the national collation centre in Abuja in such a transparent manner that every voters and watchers of that election will view the results as soon as they were uploaded. But was this ever done? Not at all.

the scale of visitors seeking to ascertain their locations for voting. It was traumatic and it was hugely tough. But these determined youngsters withstood these challenges and successfully votes and stayed back to ensure that the polling agents upload these votes. But this became unrealistic and in some places, the staff of INEC deceived the voters that they have uploaded the results but that was not the case eventually. The symbolism in the massive turnout of younger voters who voted for the first time ever, is virtually an eternal attribute of this election that sadly has become enmeshed in needless controversy by an umpire that is anything but credible and transparent. Even the USA through the Ambassador in Nigeria confirmed that the election did not meet the expectations of transparency.

Be that as it may, what is however sensationally symbolic is that the widespread participation of youths in both the electioneering campaigns and the actual election in Nigeria, has inevitably left a footprint in the sands of time that symbolize the long running contestation between the forces of evil who want to keep the status quo and the forces of good, made up especially of young people who had hoped to use the opportunity offered by that presidential and national legislative election to usher in a whole new Nigeria in which their Constitutionally guaranteed Human Rights will not only be protected, but promoted, nurtured, safeguarded and embraced by all and sundry especially by the new political class that they were hoping to elect.

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election, was the numerous assurances that the persons charged with the legal obligation to conduct free, fair, transparent and peaceful elections, will abide by their mandate. These persons including Yakubu Mahmood were not really too old because majority of the National management members of INEC are in their fifties.

The hierarchy of the Independent National Electoral Commission (INEC) made heavy weather of the readiness of that public institution to conduct free, fair, transparent elections. The electoral referees told Nigerians through the mouths of both Yakubu Mahmood, the head of INEC and Festus Okoye, the spokesperson of INEC, that they were sure prior to the election that all the computerization systems put in place for that exercise were working optimally. INEC spokesperson and his boss the Chairman further assured Nigerians that electronic transmission of results will start from the polling units and be transparently uploaded in real time up to the national collation centre in Abuja in such a transparent manner that every voters and watchers of that election will view the results as soon as they were uploaded. But was this ever done? Not at all. What defines a man is his character and his predisposition to always be honest to himself and his creator. INEC officials who had previously assured Nigerians that they were set for a hitch free poll, then started singing a new song when their pay masters in the All Progressives Congress- led Federal Government were not comfortable with the then revolution of young voters that was about to happen to upstage the older generation and sweep them off the political ladder.

It was only then that Yakubu Mahmood started singing that

technology had failed them. In a way, INEC has aided and abetted the criminality of broad daylight robbery of the popular will of the people of Nigeria. This is so because this newly manufactured excuse of glitches with their new technologies, is hardly the truth. This story of glitches is a lie from the pit of hell. Why invest humongous amount of public fund to set up a system that from the beginning, the government intends to sabotage?

These technological acquisitions that cost the taxpayers of over N350 billion to procure, suddenly malfunctioned. Questions were then asked about what has become of the backup of the technological systems that INEC had promised Nigerians were on ground. This same INEC has till now failed to tell Nigerians why the Country had to spend so much money to buy technological equipment which were deliberately sabotaged from the inside on the day of the big election which was February 25th 2023.

Little wonder then that the Civil rights advocacy group, Human Rights Writers Association of Nigeria, (HURIWA), on Thursday, demanded the immediate resignation and arrest of the entire management of the Independent National Electoral Commission (INEC) led by Prof Mahmood Yakubu for wasting N355bn to conduct shoddy polls that has been discredited by Nigerians and international observers as NOT free, NOT fair and NOT credible.

HURIWA, in a statement by its National Coordinator, Comrade Emmanuel Onwubiko, also called for the arrest and prosecution of all INEC's director of Information and Communications Technology (ICT) as well as the Minister of Telecommunications and Digital Economy, Isa Pantami; and the Chief Executive Officer of the Nigerian Communications Commission (NCC), Prof. Umar Danbatta for alleged economic sabotage of the ICT system of transmitting election results during the February 25 presidential and National Assembly polls.

HURIWA aligned with opposition parties in their protest that INEC officials at the polling units refused to upload election results electronically to the commission's Results Viewing Portal (IReV), as stipulated by Section 60 of the Electoral Act 2022.

HURIWA said many Nigerians thought that the introduction of the IReV and the Bimodal Voter Accreditation System (BVAS) for the accreditation and electronic transmission of votes will change this year's polls and make it transparent.

However, as noted by opposition parties, the results by INEC showed "monumental disparities" between what the party agents signed and what INEC officials announced in Abuja.

HURIWA's Onwubiko said, "There is no doubting the fact that INEC under Prof Mahmood Yakubu failed the entire Nigerian people by promising us what he can't deliver on: many Nigerians, especially the youths, for the first time had faith in the electoral process and came out to vote but Yakubu and his co-travellers squashed the hopes of the masses, wasted the N355 billion budgeted for the polls only to bring in the APC candidate, Bola Tinubu to replace an APC President, Muhammadu Buhari. This is daylight robbery!

"It is essential to note that the decision of INEC to resort to the manual transmission of results compromised the integrity of the entire electoral process. But instead of Yakubu heeding the voice of reason by opposition parties

who called his attention to it during the national collation of results in Abuja, the INEC chairman vehemently refused and in defiance went ahead to announce the sham results! How pathetic! How complicit!

"In fact, aside from the opposition parties, foreign observers and elder statesmen in West Africa in the country to monitor the elections called Yakubu's attention to do what is right by following the laws on the transmission of results but he wouldn't have any of their pleas. He shunned the wise counsels of former Presidents Olusegun Obasanjo, Goodluck Jonathan and John Mahama to simply comply with the provisions of the Electoral Act 2022 on the collation of results for the presidential and National Assembly elections held on February 25, 2023.

"Mahmood and the entire INEC management should be arrested immediately and sacked for flagrant disobedience of the provisions of the Electoral Act 2022 on the electronic transmission of results.

"HURIWA also called for broad audits by foreign-based firms and auditors like Anderson auditors into the humongous amount spent by INEC on the polls. 400 billion naira spent on the sham election by INEC has just gone down the drain because despite the huge amount, INEC couldn't perform a simple task of conducting a free and fair election." Suddenly after INEC had disappointed millions of Nigerians, the key officials who ought to resign or be in jail, have started blaming other 'ghosts' within their employ as being responsible for the challenges.

The Independent National Electoral Commission (INEC) had few days back confessed that the deployment of technology in the electoral process especially during the 2023 general elections came with challenges. These same challenges were cooked up last week by INEC also.

The Commission had made the disclosure in the review of the 2019 general elections, a report of the Commission's retreats and stakeholder engagement, presented during a press briefing in Abuja on Friday.

INEC also claimed in the review that the delay in investigation and transmission of case files to the Commission for further action by the police has hindered the successful prosecution of electoral offenders.

Making recommendation on ICT, SCRs, DDCMs, CVR and Internet services, the Commission noted: "The growing use of technology in the planning of elections became a feature in our elections with the introduction of MRI in the voter registration process in 2006. "Since then, INEC has increasingly deployed technology to address some of the key challenges in the management of electoral processes. However, the deployment of technology in electoral process is not without its challenges," INEC noted.

Enumerating some of the challenges, the Commission wrote: "Design, development and deployment of a compact, more versatile system and integrated equipment with improved connectivity that can perform current functions of the DDCMs and SCRs for vote enrolment (registration) and accreditation (verification and authentication). "We will carry out voter fingerprint forensic analysis to identify poor quality fingerprint for recapture and update. Device a mechanism to revalidate all registered voters and integrating their fingerprint data into the national voter registration

database to eliminate the concept of partial accreditations. "Upgrade the fingerprint identification software to allow the assignment of voters fingerprint templates and data to a specific PU in order to compare the live and captured fingerprint scan during accreditation," the Commission noted. On the impact of legal framework on the election, the Commission revealed that some of the challenges it encountered during the 2019 general elections was that the large number of political parties led to an avalanche of pre and post-election litigations. "Large ballot papers and result sheets due to the number of candidates made their management difficult and occasioned errors during entry and computation of election results figures.

The failure of political parties to adhere to election regulations and guidelines issued by the Commission was identified as a major challenge.

"The power to arrest and investigate electoral offenders is vested in the Nigeria Police while the Commission is empowered to prosecute electoral offenders using legal officers or any legal practitioner engaged by it.

"It is clearly constrained in discharging this huge and complex responsibility. In fact, long after the conclusion of the 2019 general elections, only a few case files have been received by the Commission from the police for prosecution.

"Incessant transfer of IPOs who are vital witnesses in the prosecution of electoral offenders affects diligent prosecution which leads to several adjournments that end up frustrating their prosecution. "The delay in investigation and transmission of case files to the Commission for further action by the police has hindered the successful prosecution of electoral offenders and touched on the several recommendations made by Constitutional Review Committees which need to be revisited urgent," the Commission noted.

Speaking during the presentation of the report, INEC Chairman, Prof Mahmood Yakubu said: "The strength of any public institution lies in its ability to ask critical questions, review its processes, strengthen its procedures for better service delivery and engage with stakeholders. "It is my fervent hope that making the two reports public will promote a better understanding of the issues and challenges

associated with the conduct of the 2019 General Election and serve as important resource materials for research and the promotion of a broader national discourse on the necessary reforms required for the continued delivery of peaceful, free, fair, credible, inclusive and safe elections in Nigeria. "I want to assure all Nigerians that the hard copies of the two reports will be widely disseminated while soft copies will be uploaded on our website on Monday next week," he said. These issues were treated as far back as 2020. But INEC even after blowing away over N350 billion to buy technological equipment have rehashed those same challenges that reportedly marred the 2019 Presidential Poll. What does INEC take Nigerians for? Fools?

Weeks before that shambolic election of 25th February, Anthonia Ochei on February 9, 2023 wrote her observations about INEC's new technologies.

She recalled that in a 2023 article by BusinessDay on the "Four Areas where Legal Action will Spring from in 2023", one area that will essentially attract legal action is the 2023 general elections which will be held from February 25. The new electoral law which came into force in 2022 brought with it some innovations to improve the conduct of elections in Nigeria. While some of the innovations in the new law have already been tested since 2021, the incidents at the 2022 Osun election and the verdict of the election tribunal brought about a rethink on some of these innovations already deployed by the Independent National Electoral Commission.

Among other innovations, the Bimodal Voter Accreditation System (BVAS) is expected to improve the transparency of election results and increase public confidence in electoral outcomes in recent elections. INEC claims that the technological advancements in the new law will address the ten most common problems in Nigeria's election result management process. These include falsification of votes at polling units, falsification of the number of accredited voters, collation of false results, swapping of result sheets, forging of results sheets, snatching and destruction of result sheets, mutilation of false results and computational errors, obtaining declaration and return involuntarily premature declaration and return while collation is ongoing and, poor



record-keeping. In summary, issues such as over-voting can easily be noticed and effectively tackled.

However, the over-voting issues at the Osun gubernatorial elections and the subsequent overturning of the results at the Elections Tribunal, have given cause for pause. Does BVAS really reduce the incidences of over-voting and does the decision of the tribunal augur well for the outcomes of the 2023 presidential elections, if over-voting does happen Is The Bimodal Voter Accreditation System (BVAS) reliable? And she responded that according to section 47 (2) of the Electoral Act 2022, "to vote, the presiding officer shall use a smart card reader or any other technological device that may be prescribed by the Commission, for the accreditation of voters, to verify, confirm or authenticate the particulars of the intending voter in the manner prescribed by the Commission".

The Bimodal Voter Accreditation System in Nigeria is a method used to verify and accredit eligible voters during elections. It involves the use of two modes of verification, such as a biometric verification system (fingerprint or facial recognition) and a manual verification system (using a voter card or passport). The goal of the bimodal system is to enhance the accuracy and transparency of the voter accreditation process and prevent electoral fraud. Prior to the election day, voters are pre-registered and receive a Permanent Voters Card which makes them eligible to vote. Their personal information is recorded on the BVAS with INEC. On election day, the voter's PVC is scanned and BVAS confirms whether or not the voter's information is in the system i.e whether they pre-registered. If the voter's name is in the system, BVAS automatically ticks and confirms on the system that the voter showed up to vote at the polling station. Once this is confirmed the voter is given permission by INEC officials to officially go into the voting booth, and vote manually by thumb-printing a ballot sheet. Where a voter is not accredited by BVAS, he is not to be given permission by the INEC official to vote. Before the election commences, the INEC official presents each party's agent with a document containing the number of registered voters for that unit. After voting is completed and the manual votes are tallied, the INEC official provides a document, Form E to the party agents showing the number of votes and how many votes went to each party. Ultimately, the number of voters pre-registered, the number of voters accredited by BVAS, and the number of actual votes (based on the ballot sheets) must correspond. Where there are more actual votes than that accredited by BVAS, over-voting has occurred.

The crucial question then is if these checks are in place, how does over-voting occur? Mike Igini, the former Akwa Ibom State Resident Commissioner of INEC, speaking on the judgment the technology was an offshoot of the smart card reader, earlier deployed for previous elections.

"This is a more sophisticated technology for accreditation and result upload and every presiding officer is expected to sort out the ballot, count and enter total number of votes scored and accredited on the result sheet called Form EC8A.

"Thereafter, he will sign and ensure that it is countersigned by party agents who are entitled to duplicates of same result.

"The presiding officer must thereafter, upload the data from the BVAS, including the number of accredited voters and send same to the INEC Server.

"But by design, the BVAS whenever it is idle will upload accredited data on its own, particularly during the period the presiding officer is busy sorting and counting ballot papers.

"Thus, if for example, at the end of the poll, there was two hundred and fifty total accredited number of persons but the BVAS offloads a total of 200 of the 250 with their unique voter identification number (VIN) and the presiding officer fails to ensure that the remaining fifty (50) data is pushed (uploaded) into the server, then the record will indicate over-voting.

"Now, where any of the candidates that participated in the election applies for a certified true copy of the report of what has been uploaded so far from the Server backend in order to file or maintain his petition, any such certified true copy that obviously reflects inchoate accreditation data uploaded while the BVAS was idling; that is, the 200 number instead of 250, which is the final actual total accredited voters on the form EC8A, will give an erroneous impression of over voting.

"But unfortunately, this is not true. That is why the INEC or better still, the presiding officer has much responsibility to ensure that these lapses are eliminated

But when the physical audit of the BVAS is carried out and the 50 remaining numbers of accredited data is added, it will be 250 numbers of accredited voters, which tallies with the form EC8A."

By this then, perhaps the INEC officer did not notice that the upload was interrupted and an untallied result was presented to the party agents. However, this raises another question: shouldn't a cursory examination of Form EC8A by the Presiding Officer reveal that over-voting had happened?

The tribunal in its judgment acknowledged that INEC officials gave conflicting accounts of the number of accredited voters, which the majority ruling described as "tampering with official records." The ruling stated that INEC's actions in the election in question raised serious concerns, as they resulted in multiple, inconsistent reports, contradicting INEC's commitment to holding free, fair, and credible elections.

Fast forward to the election proper on February 25th, these complications that are essentially man-made were deliberately unleashed by INEC.

The good thing about the election is that the younger citizens are not electorally disvirgined. The younger Nigerians must on no account allow themselves to retreat back to their cocoons of election apathy due to the missteps of INEC and the possible injustice that may come from the Presidential election Petition Tribunal and the Supreme Court that aren't ever known for overturning any Presidential election no matter how brazenly stolen as it was on February 25th, but the youths must remain vigilant and keep the fire of nationalism burning so sooner than later, their new dreams of a New Nigeria will happen in our lifetime. This is achievable.