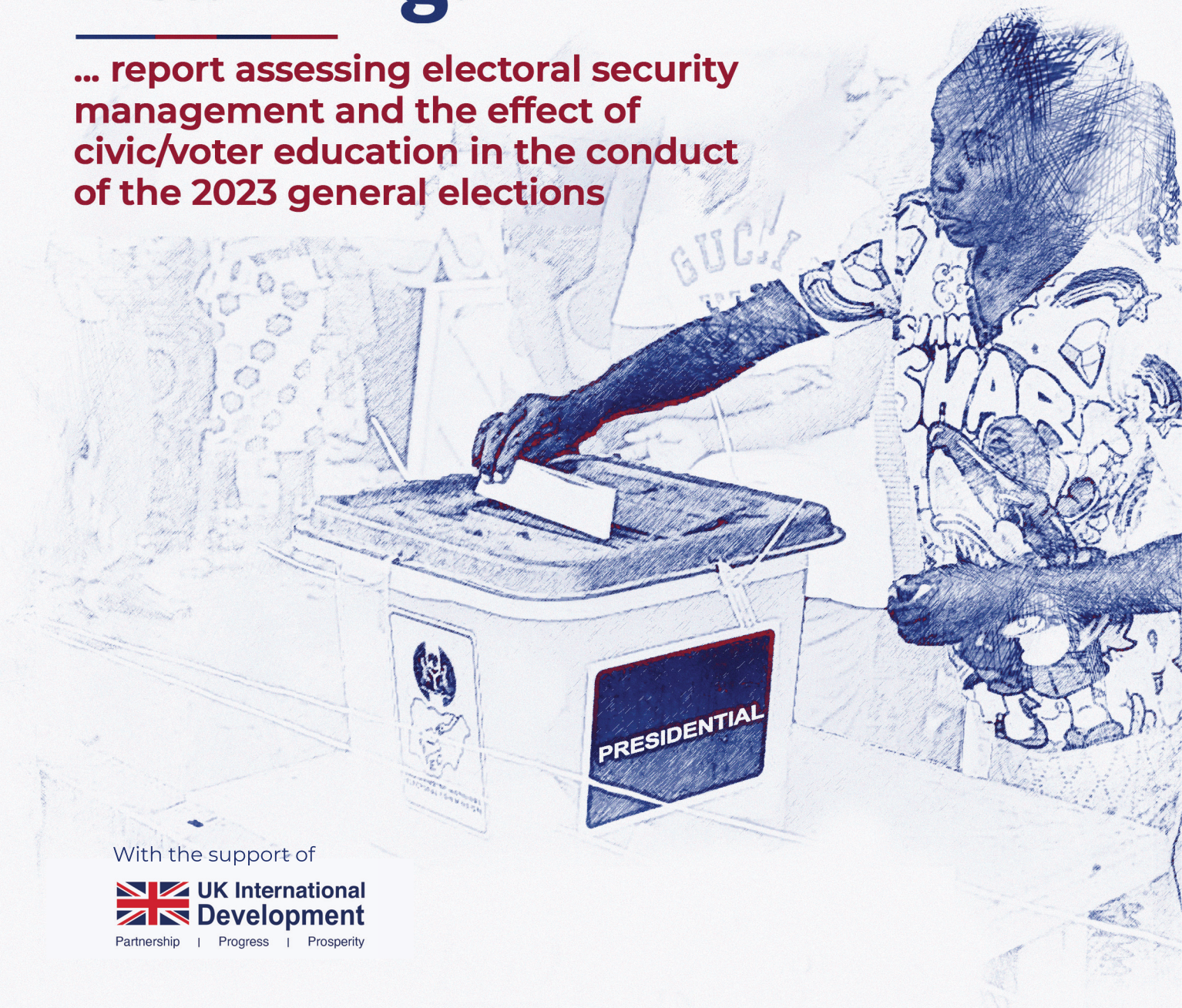




KIMPACT
DEVELOPMENT
INITIATIVE

Post-2023 Election Evaluation and Learning.

... report assessing electoral security management and the effect of civic/voter education in the conduct of the 2023 general elections



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This document has been produced by Kimpact Development Initiative (KDI) to provide information on the findings of her post-election evaluation and learning on electoral security management and the effect of civic/voter education in the conduct of the 2023 general elections. Kimpact hereby certifies that all the views expressed in this document accurately reflect the analytical views of the information gathered through KDI's long-term electoral security observation, the desk review with electoral stakeholders (Security agencies, EMBs, Academics, CSO groups, Media, and Political Parties) and secondary electoral data from desk research, which were verified, reliable and evidence based. Whilst reasonable care has been taken in preparing this document, KIMPACT and FCDO shall take no responsibility for errors or for any views expressed herein for actions taken as a result of information provided in this report.

Acknowledgement

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About KDI

Kimpact Development Initiative (KDI) is an independent non-governmental organization that advances good governance, democratic rights, public policy, and public engagement. We do this by building informed and active citizens through capacity development, advancing public policies, data-driven advocacy and reforms that give a more supportive environment for citizen-led development.

Our Mission

To inspire citizen-led democratic and economic development that is fixed firmly on the principles of participation, data-driven advocacy, strong democratic institutions, and public policies.

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Introduction



Elections are the core of the democratic process. Universal experience has shown that free and fair elections allow citizens to elect leaders who can be held accountable for good governance and rejected in subsequent elections if they fail to meet this demand. As such, elections promote citizens' participation in governance by exercising their rights to choose or reject leaders. Undoubtedly, it is a major way of deepening democracy and promoting good governance.



There can be elections without democracy, but there cannot be democracy without elections and for the virtue and dividend, such as civil liberties that Democracy heralds – the discourse on elections should be taken forthrightly.

Nigeria's 7th general election since the return to democracy in 1999 took place on February 25, 2023. Over 24 million Nigerians went to the polls to choose the country's next President and National Assembly members. On March 18, 2023, Nigerians across 28 and 36 states chose their next governors and elected new State House of Assembly members, respectively, across the federation. This election year marks 24 years of unbroken democratic governance in Nigeria. The elections were held with significant upsets and victories in many ways, even though they are still unresolved in a few states. Evidently, there were incremental signs of progress made in election administration with the use of technology (BVAS), increased competitiveness in the presidential race with the advent of a third force, and quality engagement cum increase in youth digital activism.

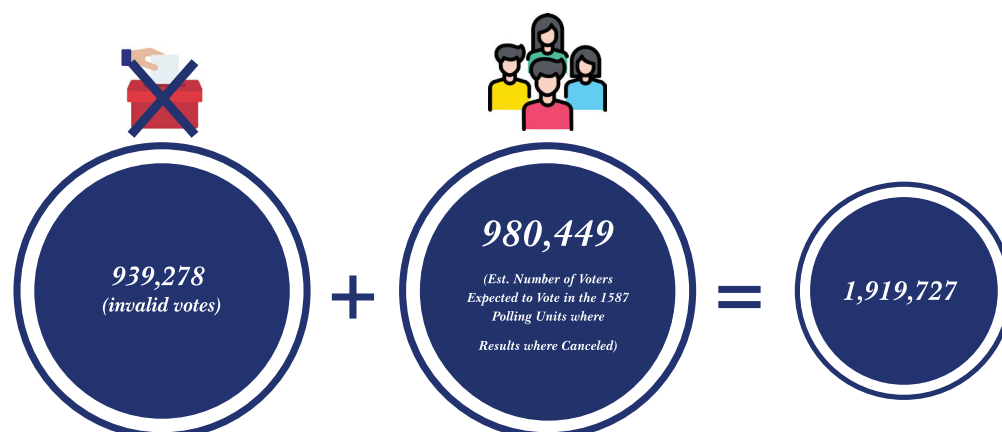
Conversely, the political landscape was ethnically charged and deeply polarized along religious lines. Several of the leading political parties, their flag-bearers, the political elite, and their "influencers" mobilized ethnic and religious sentiments through their comments and, in some cases, Freudian slips to garner votes. Some religious elite, including religious leaders, turned the presidential election into a struggle between the forces of good and evil. This is not far from the prevalent public view after each election since 1999- the Nigerian electoral democracy voyage has been protracted. EMB's administrative flaws, allegations of irregularities, litigations, and widespread violence have characterized elections.

No gainsaying, the 2023 general election was also marred by violence: thugs attacked voters in different places, destroyed votes and chased away voters and electoral officials. KDI Election Day Data Room recorded 89 violence cases with up to 671 victims of various magnitudes across the country on the 25 February Presidential and National Assembly elections; Party thugs and party agents are perpetrators that accounted for the highest number of incidents, and indeed, the voters were essentially the victims. This pattern did not outrightly change in the governorship and SHoA Elections. On the 18 March election day, the KDI Election Data room confirmed 102 violence cases – essentially reports of intimi-

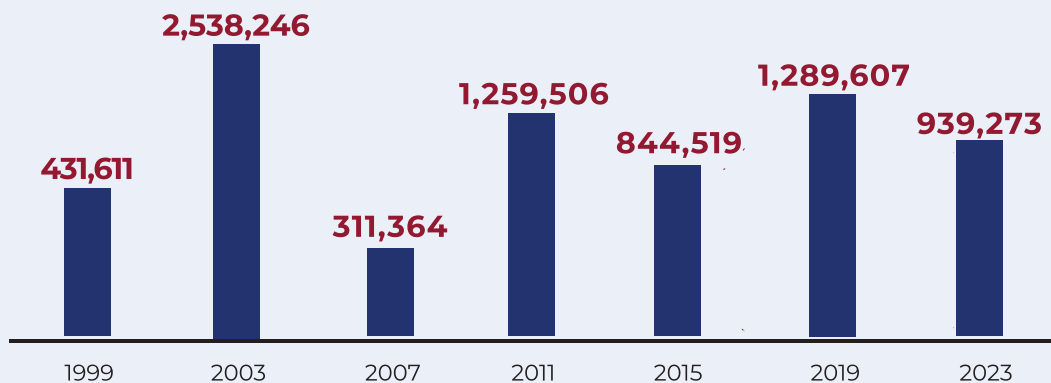
dation and Harassment, ballot box snatching and physical attack. Cumulatively, southern Nigeria experienced 64.2% of these violent cases. KDI recorded 23 deaths (8 deaths on the 25 February presidential/NASS elections and 15 on the 18 March governorship/SHoA elections)¹. Violence's impact on women's representation and involvement in the process is a topic that must be discussed. In both Lagos and Kogi, there have been instances of harassment of female candidates. Violence has a negative impact on women's involvement, as evidenced by events that occurred before and during the presidential election. The second preliminary statement of the European Union Election Observation Mission in Nigeria for March 18, 2023, elections situated that electoral challenges women faced were observed, and it runs contrary to Nigeria's international commitments to eradicate discrimination against women².

Undoubtedly, the 2023 general elections came with so much experience, throwing up salient issues. Conversely, one of the fallouts is the number of rejected or invalid votes. According to the results announced by the INEC chairman, Mahmoud Yakubu, 939,278 out of 24,965,218 total votes cast were invalid, representing 3.8%³. The trend of invalid votes in Nigerian elections is a major concern.

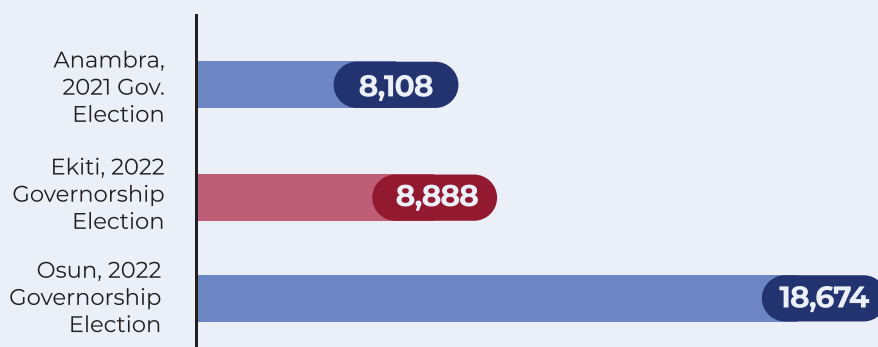
A quick peep into previous elections reveals that the country recorded 1,2989,607 invalid ballots in 2019, representing 4.5% of the total 28,614,190 votes. Disturbingly, the invalid votes of that election were higher than the votes garnered by the candidates of all other seventy-one (71) political parties that took part in that election. Also, the number was greater than the total valid ballots cast in each of the 34 states, including the Federal Capital Territory (FCT), except for Kano, Kaduna and Katsina, where valid votes were 1,891,134, 1,663,603 and 1,555,473, respectively. In 2015, 844,519 votes were declared invalid nationwide, constituting 2.8% of the total 29,432,083 ballots cast. The situation was not better in 2011, when 5.3% of the votes were invalid. Apart from the poll's winner, the first and second runner-up, and the candidate who came fourth, no other candidate out of the remaining 13 candidates or political parties in the 2023 presidential poll garnered votes up to the number of invalid ballots. Also, in the 2023 elections, the votes from 1587 PUs with 980,449 PVCs collected were cancelled based on violence and overvoting in some cases. Adding 939,278 (invalid votes) and 980,449 (estimated population expected to come and vote in the polling unit where results were cancelled) will give us 1,919,727, that amount to nothing in the election due to negligence or flouting the electoral instructions.



Invalid Votes from 1999 to 2023 General Elections



Trends of Invalid Votes in Recent Off-cycle Elections



The question remains - Why does the country continuously record high number of invalid votes?

There are so many factors, but many have come to blame this largely on poor knowledge of the voting principles- a fallout of ineffective voter education. However, the Invalid voter situation is no different in off-cycle elections where voter education is concentrated in a single state. During the Anambra Governorship election in 2021, INEC recorded 8,108 invalid votes out of the 249,631 total votes cast. In 2022, both Ekiti and Osun recorded 8,888 and 18,674 rejected votes out of 360,753 and 823,124 during their gubernatorial elections, respectively. This is not to trivialize the argument for voter education. Much more, there are so many questions on thumbprinting, spoilt ballot and disruption at the voting point.

Undeniably, this has led to the judiciary being inundated with many petitions after the polls. As of 31 May 2023 – KDI, in its Election Petition Tribunal Monitoring project, has tracked and documented 1209 election petitions that have been filed across the 36 states, including the FCT, after the conduct of the 2023 general elections⁴.

Considering these electoral happenings, conducting an evidence-based evaluation of the elections becomes imperative. KDI, with the support of the Foreign Commonwealth and Department Office (FCDO) Nigeria, conducted a participatory evaluation of important aspects of the 2023 election; These include Electoral Security Management and Voter Education Strategies to unravel the reason for the recurring electoral violence, effective violence prevention strategies and factors leading to rejected/invalid votes.





About the Study

The Post-Election Evaluation and Learning (PEEL) Project is an independent peer-review and ex-post facto methodology often deployed by Kimpact Development Initiative (KDI) to identify the weaknesses and strengths of specified electoral processes ex-post-providing vital information to electoral stakeholders, especially EMBs, CSOs, Media, Observer groups and international partners on ways to limit the identified electoral flaws and consolidating the gains made in preparation for the next election.

While this methodology looked at various components, such as:

- the registration of voters,
- registration of candidates or political parties who contested the elections,
- collection and or distribution of voter cards,
- management of election logistics for the elections and
- the polling and counting processes,
- Campaign regulation
- voter education programmes,
- relations between the stakeholders (EMB, political parties, candidates CSOs, media and other partners,
- monitoring of campaign financing,
- Access to polling unit, inclusiveness of the process.
- Electoral Security management
- Electoral Legal Framework

For the 2023 general elections, FCDO supported KDI in enquiring into Electoral Security Management and Voter Education Strategies to unravel the reason for the recurring electoral violence, effective violence prevention strategies and factors leading to rejected/invalid votes. This project approached this using stakeholder participatory review techniques that examined the strengths and weaknesses of the 2023 electoral security management and voter education, especially regarding voting. - providing recommendations for electoral security reforms and procedural development to minimize invalid votes towards sustainable credible elections.

This project envisions to:

- Conduct a series of multi-stakeholder post-election review meetings to learn what went well and what could be done better in the 2023 elections.

The project envisions the following outcomes:

- Initiate conversation to set the pace for electoral reforms post-2023 general elections.

- Increased stakeholders' dialogue and engagement for electoral reforms recommendations.
- The project findings would further guide Electoral stakeholders for Electoral policy implementation in the country.

Methodology and Approach



*Desk Research:
Building on Existing
Data Gathered by
KDI and other CSO
groups on the 2023
general elections*



*Stakeholders
Evaluation and
Learning*



*Recommendation
for Electoral
reforms*

KDI conducted the 2023 Post Election Evaluation and Learning using a mixed-method research design combining quantitative and qualitative datasets. The quantitative design was predicated on the data gathered by KDI and other CSO groups before, during and after the 2023 general election, while the qualitative design involved a 4-day participatory focus group discussion (FGD) with relevant high-profile electoral stakeholders.

KDI used a stratified grouping method to group stakeholders with similar 2023 electoral experience; the selected stakeholders include–

- the Security Agencies who were involved in the elections,
- EMBs (More specifically, selected past and present RECs) and Academics,
- Civil Society groups/Media, and
- Political Parties.

Overall, the views of 60 stakeholders were elicited and analyzed, coupled with insights from available primary data from, INEC, KDI and other CSO groups, to make recommendations for Electoral reforms. This is with the belief that the findings will serve as an advocacy tool for electoral reform conversations and better policy formulation that will regulate electoral security and the procedural development of free, fair and credible elections.



Electoral Security Management in Nigeria





Concept of Election Security

Security is a vital component of democratic and credible elections. It involves protecting the rights and safety of all electoral stakeholders, such as voters, candidates, election officials, media and observers, and the integrity and transparency of electoral information, facilities, and events. Security is essential for ensuring that electoral staff can perform their duties effectively; that voters can cast their ballots freely and securely; that candidates and political parties can campaign peacefully and fairly; that observers can monitor the process impartially and safely; and that the overall legitimacy of the electoral process is maintained.

Security poses a complex challenge that depends on each country's political, social, and economic contexts in which the election is happening. The scale and scope of general elections, the number of people and materials involved, the difficulty of the terrain and the potential for violence and fraud make electoral security a demanding task that requires careful planning and logistics. It requires a comprehensive and coordinated approach that involves various actors, such as EMB, security agencies, civil society organizations and international partners. Electoral security is a technical issue, that can affect citizens' trust and confidence in the electoral process and institutions. Therefore, electoral security is key to ensuring electoral integrity, and it should be based on respect for human rights, the rule of law and democratic principles.



Electoral security is simply the protection or safety from any form of impediment that can distort the conduct of credible elections within the context of acceptable democratic tradition and culture.

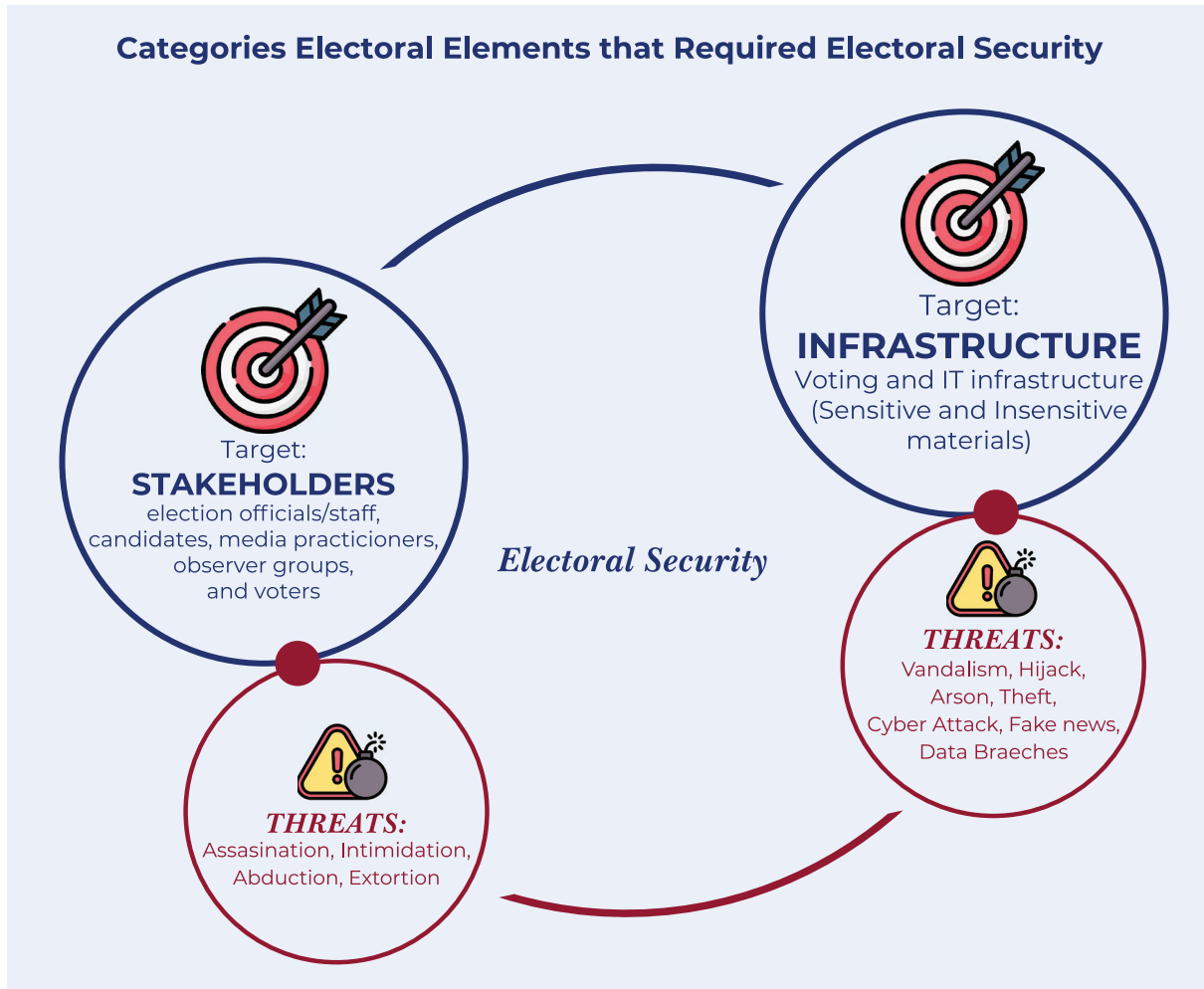
It must address protection from the physical, psychological, and structural threats against the electorate and the citizenry at large without undue consideration for party affiliation, ethnic sentiment, historical antecedent, religious divide, or any other form of social differences⁵.

Electoral Security requirements can be divided into two (2) broad categories:

1. Electoral Stakeholders' Security and
2. Election Infrastructure Security.

Security of electoral stakeholders includes protecting all those who manage, participate in, observe, or report on the elections, such as election officials/staff, candidates, media practitioners, observer groups and voters, against any form of harm. At the same time, election infrastructure security involves safeguarding sensitive and non-sensitive materials. Non-sen-

sitive materials include ballot boxes, cubicles and other materials required for elections , whereas sensitive materials include ballot papers, result forms etc. Elections Infrastructures may involve EMB facilities and IT infrastructures. Depending on their usage, IT infrastructures, such as BVAS, IReV, voter registration databases and associated IT systems, can be sensitive or non-sensitive. With the advent of modern electoral democracy, where electoral technology is central to election administration, failing to prevent election cybersecurity issues can enable hackers to shut down IT systems and demand ransom fees, steal data and make it available on the dark web, and wreak havoc on IT systems⁶ . So, cybersecurity then becomes an integral part of electoral security.



Categories of Electoral Insecurity

Electoral violence is a breach of electoral security, and it is often accompanied by snatching ballot boxes and stuffing ballot boxes with ballot papers well ahead of actual voting. Seizure of or hoarding of electoral materials; voter suppression, manipulation and fabrication of electoral results, and the use of law enforcement agencies to intimidate, maim and disenfranchise eligible voters, as well as political assassination. Electoral insecurity is perpetrated in electoral violence, which manifests in physical, psychological, and structural dimensions.

- Physical electoral violence is a situation where there is a physical assault, which may include any of the following acts: ‘thuggery’ or the use of dangerous weapons to intimidate voters and other electoral stakeholders or to cause bodily harm or injury to any person connected with the electoral process⁷⁸.
- Psychological electoral conflict manifests in terms of indiscriminate pasting of campaign posters, chanting slogans, intimidation of political opponents, biased media reportage, abuse of statutory responsibilities by the electoral institution, the security agencies and the judiciary, unequal access to public media by political parties of varying status, and abuse of office by traditional rulers in terms of intimidating the masses to perform their electoral rights against their political will⁹. In other words, anxiety and apprehension are instilled in the people – not to contest for public office or declare support for a particular political party or its candidates in the open against their will. Moreover, the heavy presence of armed security agents at various polling booths is associated with Election Day psychological violence as eligible voters may be deprived of exercising their lawful and constitutional right of voting without fear of intimidation¹⁰.
- Structural violence is the third dimension of electoral conflict. It is usually indirect and inherent in the structure of society. Structural electoral violence manifests as exclusionary or discriminatory policies against certain groups or political divides to sustain the status quo in favour of a few within the polity.

In the Nigerian context, structural electoral violence manifests in terms of how some social groups are discriminated against. Such people are literally excluded from political opportunities in political parties or communities on account of their ethnic background, religious divides, and gender. Sequel to the foregoing, people from different ideological divides will see elections in the context of the “we” and “they” dichotomy and would not mind becoming instrumental spoilers of the democratic process.



The risk of violence lies in nearly every election if electoral security is ineffective pre-election, election day, and post-election. Failure of election security can plunge a stable democratic society into political crises and governance failures with frequent interruptions of democratic governance through military interventions

National Election Security Strategic Template

Several policies are in place to enhance election security in Nigeria. These policies aim to enhance election security through the legal framework before, during, and after the polls. For example, as amended, section 227 of the 1999 Constitution of the Federal Republic of Nigeria (CFRN) prohibits any conduct or action that may disrupt elections.



Section 227 CFRN: *No person or association shall retain, organise, train or equip any person or group of persons for the purpose of enabling them to be employed for the use or display of physical force or coercion in promoting any political objective or interest or in such manner as to arouse reasonable apprehension that they are organised and trained or equipped for that purpose.*

Likewise, sections 114-129 of the Electoral Act 2022 prescribe measures that regulate the behaviour of all participants in the electoral cycle. To enforce these legal provisions and secure the elections, INEC has the power to make ‘rules and regulations’ as stated in paragraph 15 of the Third Schedule of the CFRN. INEC, in its 2022 Regulations and Guidelines for the Conduct of Elections, outlines the strategic needs and resources for securing elections. One of the provisions in the election guideline is that security agents must be present at every polling station as part of the personnel, and their functions must be clearly defined. Paragraph 104 of the INEC 2022 Regulations and Guidelines for the Conduct of Elections highlighted the functions of the security agents.



104. Security Agents on Election Duty shall:

- (i) Provide security at the Polling Units/polling stations and collation centres to ensure that the Polling Units, counting of ballots, collation and declaration of results are conducted without any disturbance;*
- (ii) Take necessary measures to prevent violence or any activity that can threaten to disrupt the elections;*
- (iii) Comply with any lawful directive(s) issued by or under the authority of INEC;*
- (iv) Ensure the safety and security of all election personnel and materials by escorting*

and guarding the materials at all levels as appropriate;

(v) Arrest on the instruction of the Presiding Officer or other INEC officials, any person(s) causing any disturbance or preventing the smooth conduct of proceedings at Polling Units/Stations and Collation Centres;

(vi) On the instruction of the Presiding Officer, stand at the end of the queue of voters at the Polling Unit at the official close of poll to prevent any person joining in;

(vii) Escort the Presiding Officer and other election officials to deliver the election results, ballot boxes and other election materials safely to the RA/Ward Collation Centre; and

(viii) Escort Collation Officers to deliver election results to the Returning Officer and subsequently to the Resident Electoral Commissioner or Electoral Officer, as the case may be, for the submission of election materials and results.



Section 214 of the CFRN 1999 recognizes the Nigeria Police Force as the lead agency for internal security in the country, and Section 4 of the Nigeria Police Act 2020 reinforces the provision of the constitution as it specifies the general functions of the police. According to the Act, the police are employed to prevent and detect crime, protect life and property, preserve laws and order, apprehend and prosecute offenders, and enforce all laws and rules within and outside the country as may be directed by the Act of National Assembly or any other relevant authority¹¹. Apart from the statutory functions of the Nigeria Police, there are specific functions which the law expected the Nigeria Police Force to perform primarily in

the electoral process.

Nigeria Police are the lead agency to provide security and order within the political system to produce an environment conducive enough to guarantee hitch-free and threat-free to people and the entire electoral processes before, during, and after the actual conduct of elections. Sections 57 and 91 of the 2022 Electoral Act gave direct responsibilities to the Nigeria Police in the electoral process- though, on some occasions, this is subject to the directive of election/INEC officials. With the complexities of Nigeria's electoral geography – the Nigeria Police cannot provide effective policing on election day to the nook and crannies of the country, considering their limited numbers. Hence, the need to involve other sister agencies and the military as INEC deemed fit.

To implement these security arrangements nationwide during elections, state offices of INEC are directed to make specific directional security arrangements. INEC established the Inter-Agency Consultative Committee on Election Security (ICCES). for strategic implementation, proper coordination, and control of operatives. The establishment in 2010 was at the instance of INEC under the leadership of Professor Attahiru Jega, and this represents the major lesson learnt with respect to the role of the security sector in the electoral process. Before its emergence, the relevant agencies that comprise the country's security sector operated with little or no synergy and coordination on elections-related issues¹². As a structure with the primary mandate of ensuring coordination within the security sector on election issues, the ICCES was established in the 36 states, and FCT to

1. Ensure that all security personnel are in the right places and avoid role conflicts at all registration centers or polling stations.
2. Map areas where elections would be conducted to determine flashpoints, violent-prone youth places, and polarized political group communities.
3. Review of confidence-building measures for the public, and where necessary, show the availability of potential force and, in appropriate cases, ensure low visibility of force and diminished threat.
4. Track persons granted arms licenses for possible illegal arms acquisition and distribution to individuals.
5. Gather intelligence on activities of key political actors and supporters and guide disclosure rules to actionable agencies.
6. Ensure the suitability of the voting booth and the approach route for delivery of materials and equipment.
7. Undertake risk and vulnerability analysis of the electoral environment and actors; and
8. Ensure mobility of security personnel and accessibility of relevant stakeholders during the elections.

At the national level, ICCES is co-chaired by the INEC Chairman and the National Security Adviser, with membership drawn from relevant security agencies such as the Ministry of

Police Affairs, Nigeria Police Force, Police Service Commission, Ministry of Interior, Nigerian Immigration Service, Nigerian Prisons Service, Nigerian Army, Nigerian Navy, Nigerian Air Force, Department of State Services, National Intelligence Agency, National Drug Law Enforcement Agency, Nigerian Customs Service, Federal Road Safety Commission, Nigerian Security and Civil Defense Corps (NSCDC), Federal Fire Service, National Youth Service Corps (NYSC) among others. At the state, the Joint State Election Security Committee made of the state Resident Electoral Commissioner (including the Administrative Secretary, Head of Operations Department and Public Affairs Officer), various security agencies, namely, the Police, Department of State Security (DSS), the Navy, the Air Force and officers of para-military organizations such as Customs, Correctional Services, National Drug Law Enforcement Agency (NDLEA), the Civil Defense Corp etc., to plan and coordinate security of elections.

The role of each of these agencies was well spelt out in Appendix 6 of the Code of Conduct & Rules of Engagement for Security Personnel on Electoral Duty- this is very important in the quest for effective electoral security. oversight, checks and balances, and accountability are made easy through such concrete mechanisms for role differentiation and expertise.

Some of the key initiatives designed by INEC to deal with challenges arising from the insecurity of the electoral process include:

- Developing special Electoral Security Strategy & Plans (ESSP) which define roles for different agencies based on their competence, profile and capacity and allocate resources to match assigned responsibilities transparently and with accountability.
- Conduct of initial nationwide Security Vulnerability Assessment (SVA) with a specific focus on implications for INEC facilities, human material assets and operations.

Key Findings

INEC

INDEPENDENT NATIONAL ELECTORAL COMMISSION
STATION INFORMATION

NAME OF POLLING UNIT _____
Voter's Unit Code _____
NAME OF REGISTRATION AREA _____
REGISTRATION AREA CODE _____
NAME OF LOCAL GOVERNMENT AREA _____
LOCAL GOVERNMENT CODE _____

VOTERS WHO HAVE COMPLAINTS OR ENQUIRIES
SHOULD CALL THE FOLLOWING

OFFICE	PHONE NUMBER
INEC OFFICE	0709 811 0916
INEC OFFICE	0709 811 5257
INEC OFFICE	0709 811 7563
INEC OFFICE	0709 811 6381
INEC OFFICE	0709 811 8346
INEC OFFICE	0709 811 5592
INEC OFFICE	0709 811 5583

Signed Chairman, INEC

INEC

INDEPENDENT NATIONAL ELECTORAL COMMISSION

POLLING STATION



Unabated Insecurity Negatively Impacted the Pre-election Environment.

In the build-up to the 2023 general elections, insecurity that has remained unabated negatively impacted the security of the pre-election environment. Unquestionably, Nigeria faces a myriad of multidimensional security challenges that threaten the country's national security. These include terrorism, banditry, militancy, kidnapping, secessionism, ethnoreligious conflict, oil theft, piracy, illicit trafficking, and cybercrime. These security challenges are complex in nature and continually impact the country's socioeconomic development. Consequently, these security challenges have impacted national security, public safety and criminal justice space.



Human Cost of the Unabated Insecurity¹³.

According to SBM Intelligence, at least 7,222 Nigerians were killed and 3,823 abducted due to 2,840 violent incidents between January and July 2022. The 2022 Global Terrorism Index ranks Nigeria as the third most affected country by terrorism in sub-Saharan Africa and is the sixth most impacted country in the world. Over a period of five years (2016 – 2021), it is estimated that over ₦5 billion was paid as ransom to kidnappers, indicating that the country's kidnapping industry is witnessing a boom.

Notable Economic Impact of Unabated Insecurity¹⁴.

Available data on the economic impact of violence on countries' Gross Domestic Product (GDP), according to the Institute of Economics and Peace (IEP) in its 2021 report on the economic value of peace, showed that as much as eight per cent of Nigeria's GDP or \$132.59 billion (₦55.68 trillion at ₦420/\$1) is being impacted economically by growing violence around the country. IEP's 2022 estimates showed that the impact has risen to nine per cent of the country's GDP.

Nigeria has reportedly spent at least ₦6 trillion on security without making much headway in the last decade. In 2015, Nigeria's gross military spending was \$2.07 billion, which was a 12.39% decline from 2014. The defence budget saw a 16.57% decline in 2016, estimated at \$1.72 billion. This is followed by a 5.92% decline in 2017, with a budget estimate of \$1.62 billion. 2018 witnessed a 26.02% increase, estimated at \$2.04 billion. However, the defence budget in 2019 saw a significant -8.95% drop, with an estimated \$1.8 billion and an estimated \$1.2 billion in 2020.

With an allocation of ₦31.97 billion, the Nigerian Air Force took the largest share of the Ministry of Defense's total Capital Expenditure

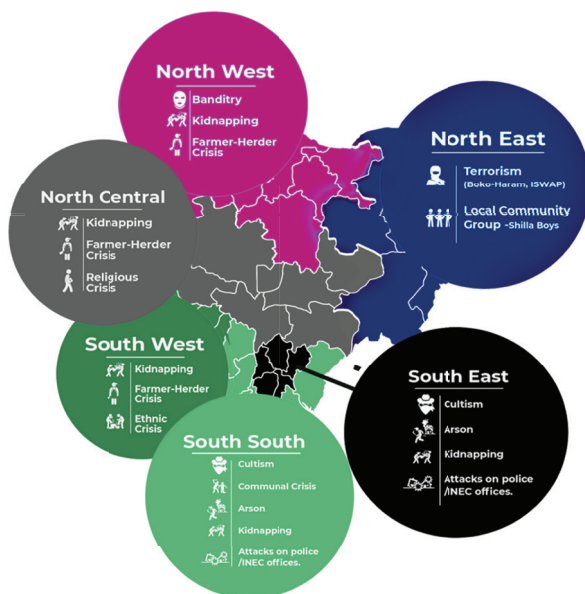
Ceiling of N120.04 billion for 2021. The Nigerian Army followed with N27.87 billion, while the Navy got N12.04 billion.

With food production very low due to climate change and insecurity caused by herders versus farmers violent conflicts, the cost of food has risen, driving food inflation to 21.79 per cent; the farmers-herders crisis has, among other reasons, been taking a toll on local access to raw materials for production, as many manufacturers now depend mostly on the importation, thus increasing demand for scarce foreign exchange. Similarly, cases of kidnappings have also reduced the volume of investments in certain regions of the country. FDI has been discouraged from the economy.

No region was immune from these security woes before the elections. The prevalence of banditry and terrorism has been felt in the North-west and North-East, respectively. Farmer/herder crises in the North-Central, Secessionist agitators have unleashed terror in the Southeast. We have seen extreme political clashes, kidnappings, and cultism in the South-West and South-South. The multidimensional security challenge was a great concern for many stakeholders during the pre-election phase.

Incessant disruptive attacks by non-state actors deepened the woe and fear of the conduct of the 2023 elections. Armed conflict and electoral insecurity that manifested as electoral violence became inextricable in so many regions. Conflict with no political or electoral basis developed as risk factors that portend risk for the elections. Elections do not happen in silos – it happens in an environment. Sociopolitical, sociocultural, ethnoreligious, and security

Predominant forms of violence across the Geo-political zones



contexts frequently determine the nature of the political system and electoral security atmosphere.

Elections do not happen in silos – it happens in an environment. That environment’s socio-political, socio-cultural, ethnoreligious, and security state dictates the nature of the polity and electoral security.

For instance, between 2019 and January 2023, over 51 attacks across 15 states occurred on INEC facilities. Twelve (12) of these fifteen (15) states are in the southern gulf of the country, and all five (5) states in the southeastern part of Nigeria have witnessed these coordinated at-

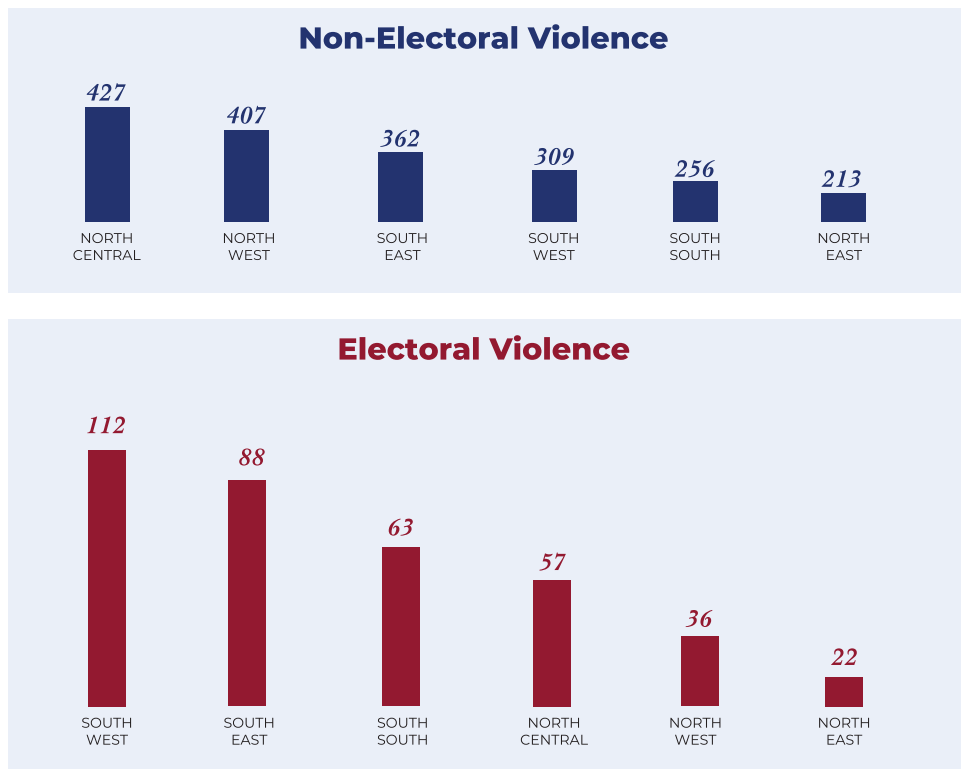
tacks perpetually, not just on INEC facilities but also on some police formations. This shows a typical pattern of how non-electoral and electoral violence is intertwined. It is important to state that electoral violence habitually increased as the security challenges worsened during the pre-election phase.

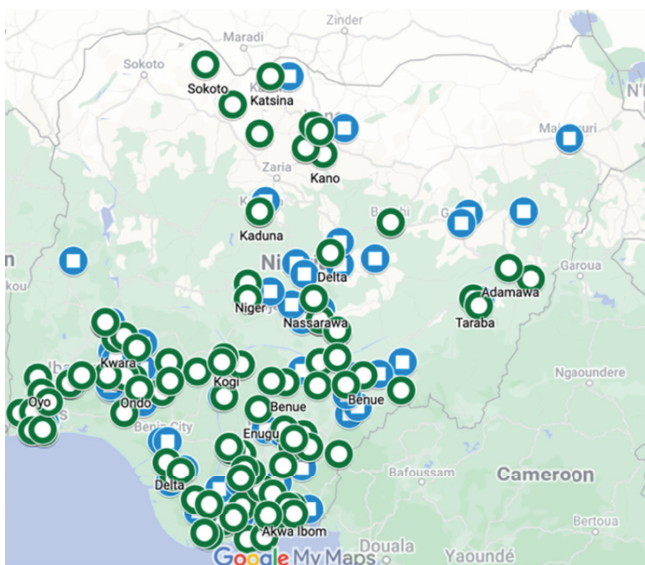
Southern geo-political zones combined recorded higher numbers of pre-Election Violence.

Insight from the non-electoral and electoral violence data disaggregation expresses the following:

- The Southern geo-political zones combined recorded higher numbers of pre-Election Violence, while the Northern part recorded more non-electoral violence.
- The South-west recorded the highest number of EVs among the six geo-political zones in the south. Electoral violence in the South-East was increasing exponentially due to the activities of non-state armed groups and the recent attacks on the INEC offices.

This is not in any way disconnected from the geographical visualization of the time series analysis of electoral violence incidence and trends since 2014- where the southern part of Nigeria is dominated by electoral violence incidence, unlike the northern region. *Although, there were thoughts in some quarters that there was underreporting of violence in the northern part of the country.*





Time Series analysis of electoral violence incidence

From the first republic, the 1964/1965 Parliamentary elections, the 1979/1983 presidential elections to the fourth republic (1999 till date), the southern part has been the epicenter of electoral violence. The only exception was in the post-election violence in 2011

Electoral Violence Increases as The Election Day Draws Closer.

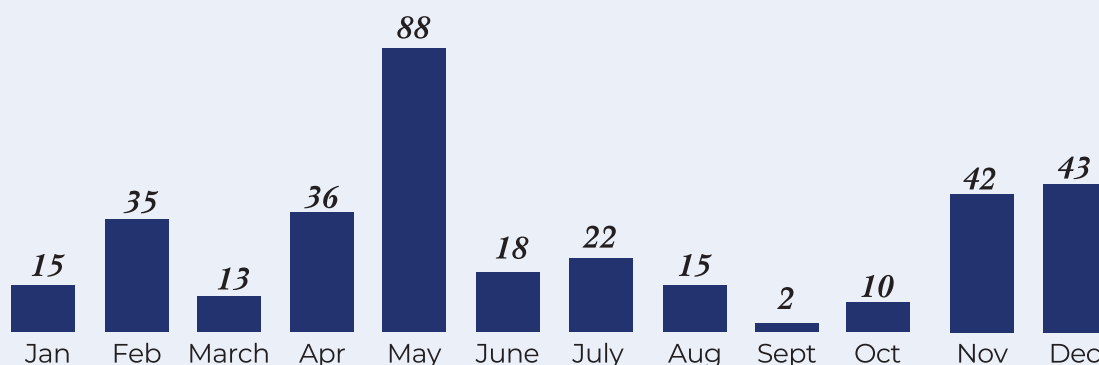


586
Electoral Violence
recorded between
Jan. 2022-Apr. 2023

KDI's long-term electoral violence tracking, ACLED and other open-source violence reporting platforms showed that there had been 586 cases of electoral violence in Nigeria between January 1, 2022, and April 22, 2023.

Disaggregating this to months shows that electoral violence increased as the election day of any elections conducted in 2022 drew closer. This happened during the Enugu local government elections in February 2022, in May 2022, when party primaries were conducted nationwide, and Ekiti/Osun Governorship elections in June/July 2022. Since the start of the political campaign on September 28, Electoral Violence has also risen.

Number of Election Violence Incidents per Month (Jan 1st, 2022, to December 31st, 2022)

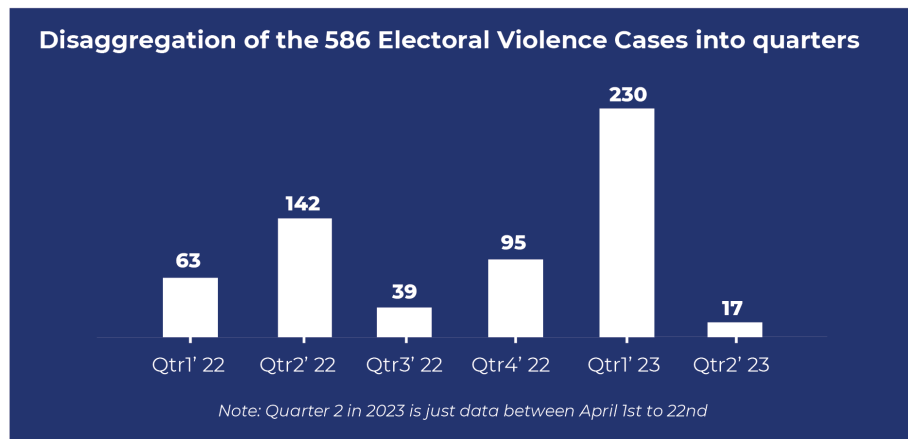


Source: KDI Long-Term Monitoring/ACLED

Disaggregation of the total number of violence based on days revealed that the level of electoral violence incidents recorded in the first quarter of 2023 is unprecedented, and

none of the quarters in 2022 hit that high mark- this corroborates the school of thought that electoral violence increased as the election day of any elections draws closer.

There is only a 15.6% between the percentage total of violence recorded in 2022 and the first quarter of 2023; this corroborates the school of thought that electoral violence increased as election day of any elections draws closer.



Distribution of the 586 Electoral Violence Cases into years

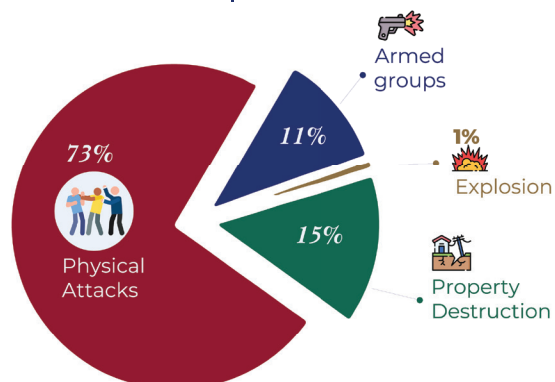


Nature of Electoral Violence in 2023 Elections

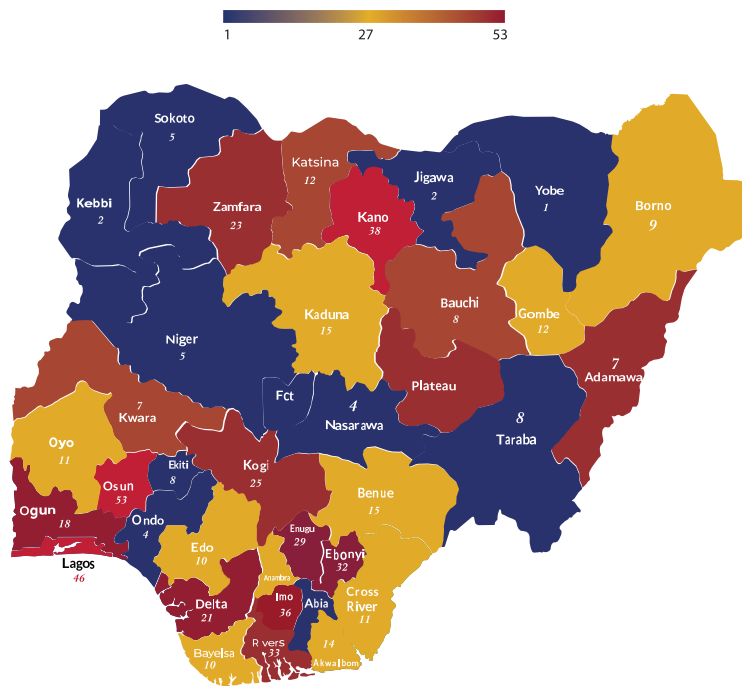
Physical Attacks were the dominant form of Electoral Violence in the 2023 general elections.

Looking at the entire election cycle, starting from January 2022 through April 2023, analyzed data from KDI's long-term electoral violence tracking, ACLED, and other open-source violence reporting platforms showed that there had been 586 cases of electoral violence in Nigeria. 73% of these violent incidents border on physical attacks, 15% are issues of property destruction, 11% are armed group clashes and 1% border on explosions.

Disaggregation of the 586 Electoral Violence into Predominant Forms



Distribution of the 586 Electoral Violence per State



The degree of violence, fatalities and LGAs affected was higher in 2023 compared to 2019.

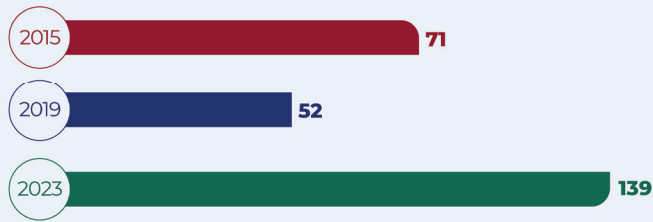
There have been different yet conflicting narratives on the nature and degree of violence in the 2023 cycle. Many have come to believe that the 2023 general elections experienced less violence than the 2019 elections, while others say that 2023 experienced a more strategic form of violence than previous elections. As these narratives circulate, comparing the current election year’s figures to those of past election cycles is crucial.

Nevertheless, it is essential to note that there are some misconceptions concerning public perceptions of electoral violence. Many judges the degree of violence in an electoral cycle by just talking about the election day violence, such as merging the numbers of election day violence with the numbers for the entire electoral cycle. Similarly, there is an utmost focus on body counts as opposed to the number of incidents and geographic areas affected. These approaches are misleading. Given this fact, we must consider the entire electoral cycle and the severity, geographic scale, and nature of election violence to judge its impact truly. Also, in doing a comparative analysis, we must compare data from the same electoral phase.

In comparing the 2022 pre-election violence data with available pre-election violence data of the 2015 and 2019 elections as of when it was a month to each year’s election date. This shows that there are more occurrences of electoral violence in the 2023 pre-election environment ahead of the elections.

Nevertheless, it is essential to note that there are some misconceptions concerning public perceptions of electoral violence. Many judge the degree of violence in an electoral cycle by just talking about the election day violence, such as merging the numbers of election day violence with the numbers for the entire electoral cycle.

Disaggregation of pre-Electoral Violence Data (2015, 2019 & 2023)

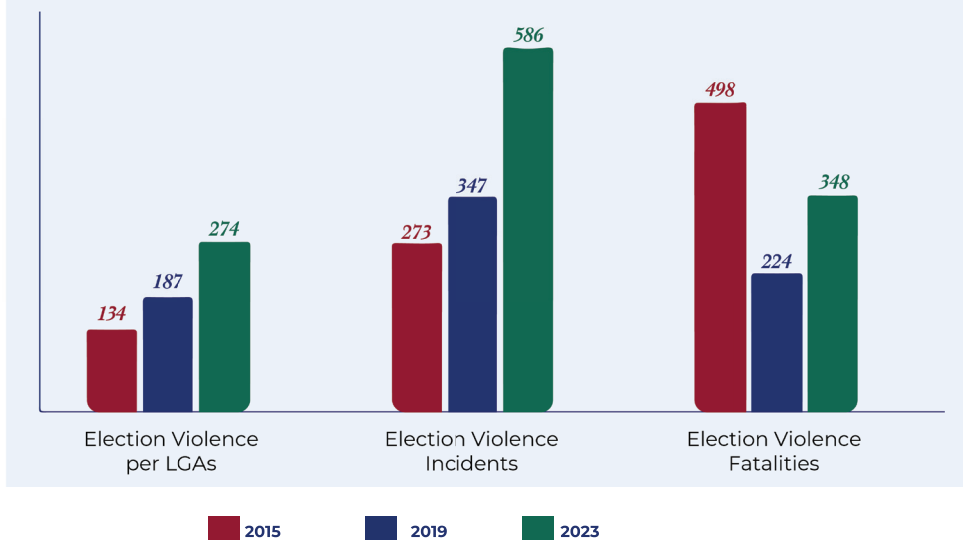


If we look at the entire election cycle, starting from January 2022 through April 2023, numbers show 348 fatalities from 586 incidents in 274 LGAs. This is compared to about 224 fatalities from 347 incidents in 187 LGAs during the 2019 election cycle. This means that the degree of violence was higher on all three counts – fatalities, incidents, and LGAs affected in 2023 compared to 2019. In some respects, it was more violent than the 2015 election cycle, although the 2015 election cycle experienced a higher number of election-related fatalities¹⁵.

The dynamics of election violence were particularly troubling in 2023, with approximately 30 reported assassinations or attempted assassinations of candidates or party officials, some of which happened barely after the signing of the peace accord. On February 25, violent voting disruptions occurred on election day in 22 states and the FCT, compared to only 10 states in 2019. Violent disruptions happened in 21 states on March 18.

Property destruction, restrictions on campaigning, and vote buying – all forms of election malfeasance - paved the way for increased violence.

Comparison of the Electoral Violence Fatalities, Incidents, and LGAs affected from 2015 to 2023



How effective is the peace accord signing?

The candidates signed the peace accord on September 29, 2022, which is the start of political parties' campaigns. Between that time and January 2023- 102, incidents of electoral violence across over 69 LGAs in at least 29 states have occurred¹⁶. Also, In January, we are not unaware that the National Peace Committee cautioned the major parties for direct involvement in numerous election violence incidents. Within 36 hours of signing the second peace pledge, a Labour Party senatorial candidate was assassinated in Enugu, the beheading of an APGA ward chairman in Ebonyi, and a violent riot by APC supporters against NNPP in Kano. It shows that there is not really much correlation between the peace pledge and violence prevention. It is important to state that the NPC is made of imminent statemen who are interested in the stability of the country – this committee thrived on moral suasion and back-channelled persuasion as its strategy since 2015, and the peace accord is still not a tool that can be used as a legal instrument to approach the court upon its violation.

Identified causes of EV in the 2023 election

Electoral violence is rarely monocausal; a confluence of factors enables violence before, during or after an election. Popular risk factors have been identified as the reasons for the troubling nature of electoral violence in the 2023 elections. This includes:

- Zero-Sum politics
- The must-win attitude of politicians
- Unhealthy rivalry and competition by political parties
- Activities of political thugs
- Illicit Campaigns Financing of political campaigns
- Lack of Issue-based campaigns.
- Lack of political tolerance - The ethnoreligious bigotry linked to suppression,
- Unresolved Intra-party Feud.
- Lack of effective preparation and response of security agencies to the changes in the legal framework.
- Disinformation and Misinformation.
- Unabated security challenges.
- Incessant attacks from disgruntled armed groups.

However, KDI went further to test some hypotheses different from the obvious reason that dominated the landscape. These include the following:

- The relationship between registered voters and the likelihood of electoral violence.
- How electoral violence affects voter turnout.
- Correlation between Security agencies deployment and electoral violence
- How applicable are pre-election assessments and early warning systems?
- Is civic and voter education a potent tool for violence prevention?
- What role does electoral security finance play in securing the election environment?

The Number of Registered Voters has a Partial Correlation with the Likelihood of Violence.

KDI tabulated the data of electoral violence per state and registered voters – sampling the top 10 states for both variables. According to INEC, Lagos led in the number of registered voters with 7,060,195 voters, followed by Kano with 5,921,370, and Kaduna with 4,335,208 (the complete list is in the table). Given the KDI’s long-term electoral violence tracking and ACLED Data, Osun led the log of state with the highest number of electoral violence, followed by Lagos, Kano, Imo, Rivers, Ebonyi, Enugu, Kogi, Zamfara and Delta.

<i>States</i>	<i>Number of Electoral Violence</i>	<i>States</i>	<i>Top 10 State with the Highest Registered Voters</i>
Osun	53	Lagos	7,060,195
Lagos	46	Kano	5,921,370
Kano	38	Kaduna	4,335,208
Imo	36	Rivers	3,537,190
Rivers	33	Katsina	3,516,719
Ebonyi	32	Oyo	3,276,675
Enugu	29	Delta	3,221,697
Kogi	25	Plateau	2,789,528
Zamfara	23	Benue	2,777,727
Delta	21	Bauchi	2,749,268

A comparison of these data suggests that four states—Lagos, Kano, Rivers, and Delta—among the ten states with the highest number of registered voters had more cases of election violence than other states with lesser registered voters. This means that some states with many registered voters witnessed more election violence than others. Observations have connected this to the possibility of more actors focusing on the states owing to the high number of registered voters.

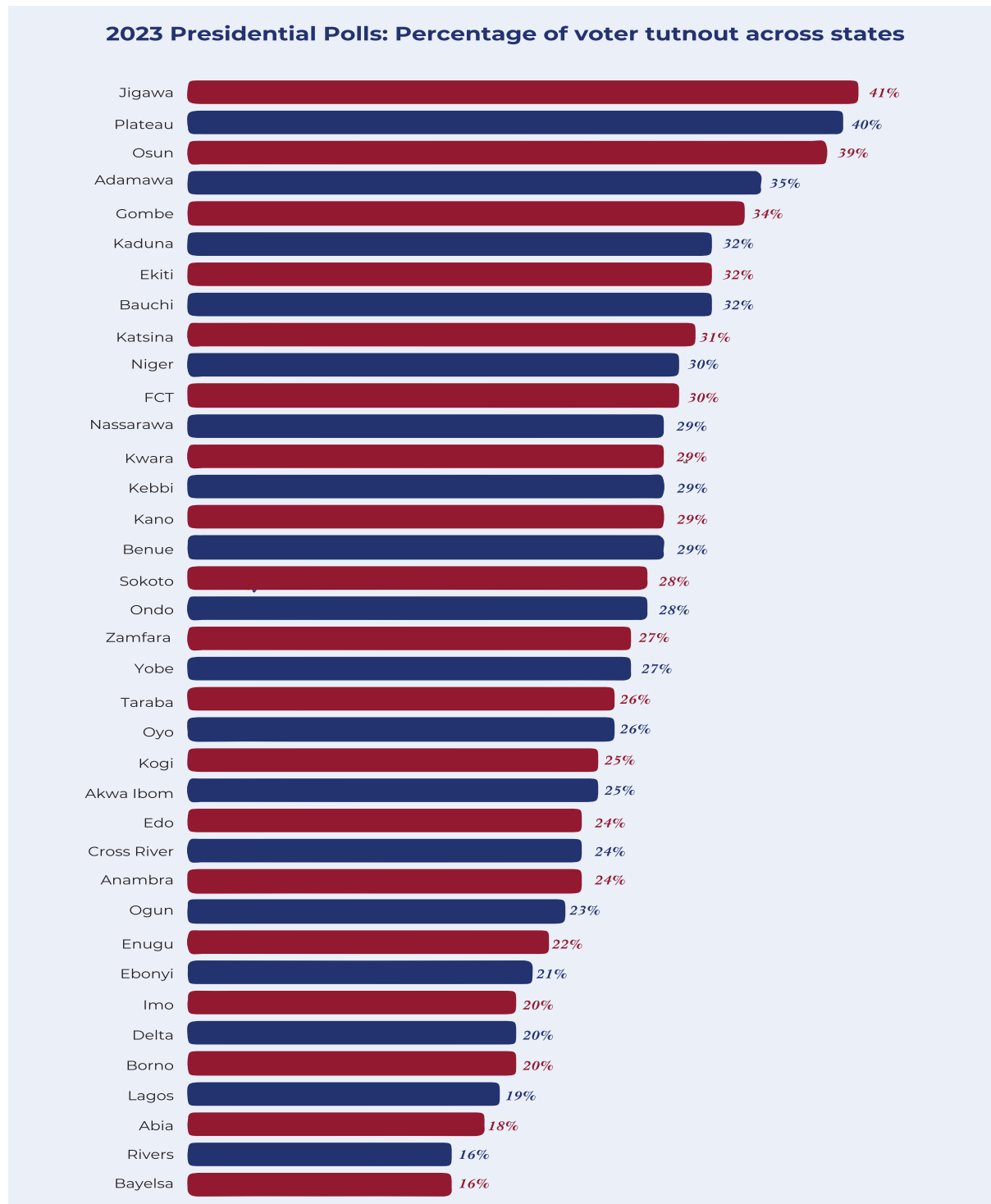
As electoral Violence increases across the electoral years, voter turnout decreases.

Incidentally, none of Lagos, Kano, Delta, and Rivers States recorded up to 30% voter turnout. In Lagos, Kano, and Rivers States - less than a third of the eligible population voted.

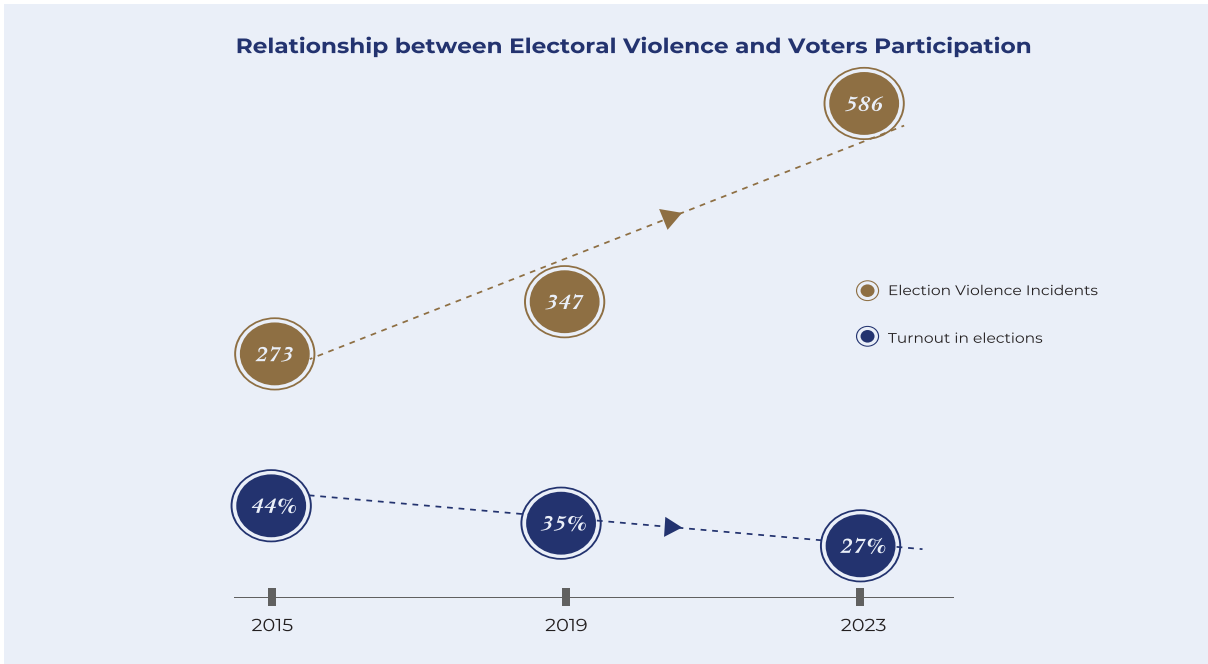
Rivers State turnout was an appalling 16%, the lowest in the country, despite producing many more votes in past elections. This cannot be disconnected from the report of violence and irregularities from the state on the election day. Kano recorded 29%, while Lagos, Nigeria’s most populous state and the state with the most eligible voters, recorded an abysmal 19% voter turnout amid reports of violence and voter suppression¹⁷.

It is no gainsaying that voter turnout in Nigeria for the presidential elections has been on a

downward trend since the beginning of the fourth republic. The 2023 presidential election voter turnout was 29 per cent; no election had a lower participation rate in the six decades of Nigeria's independence. Of the 93.4 million registered voters this year, 87.2 million people collected their Permanent Voters Card, while the total number of actual voters on election day was only 24.9 million. As earlier established, electoral violence across the election year has increased. Implicatively, voter turnout decreases as electoral Violence increases across the electoral years.



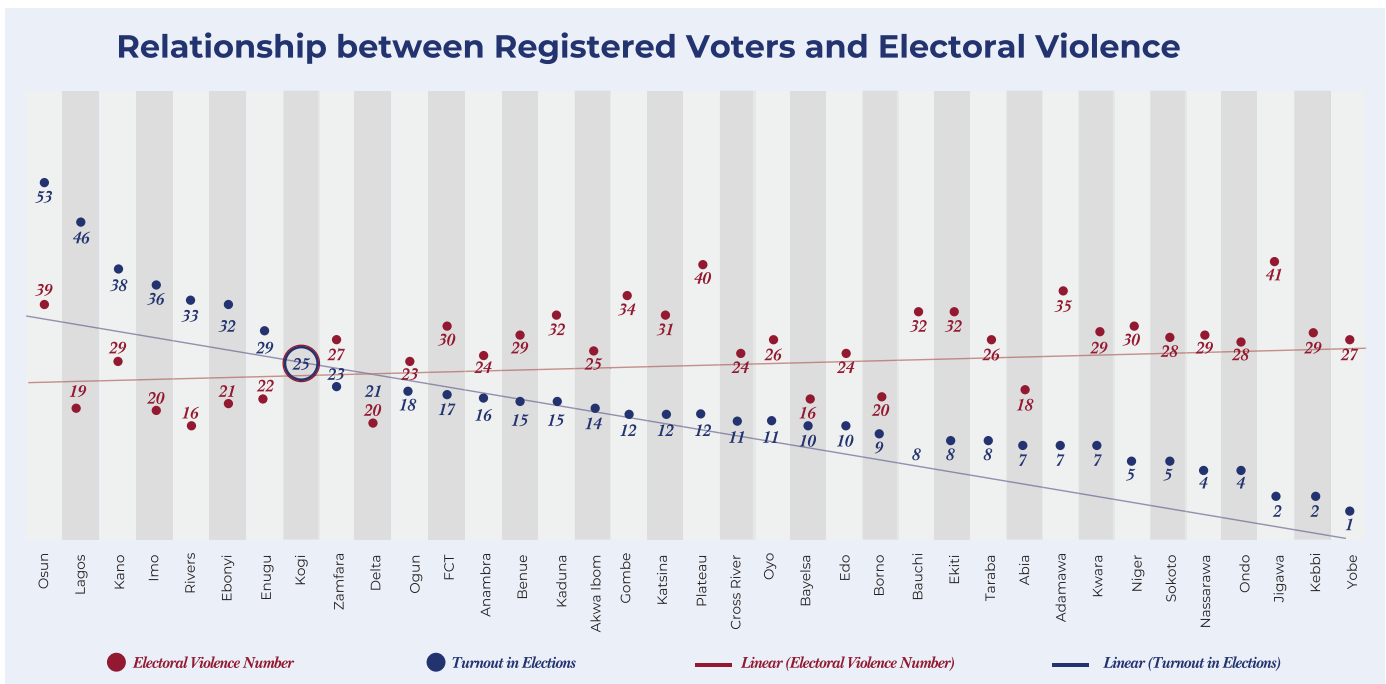
Relationship between Electoral Violence and Voters Participation



We are not unaware that low turnout in elections is more of a systemic issue, and many factors, such as the unaudited voter register, citizen trust in the process and the cumbersome nature of the process, can lead to this. However, we cannot rule out the impact of electoral violence.

Violence deters potential voters from coming out to vote, especially when the pre-election environment is violence filled.

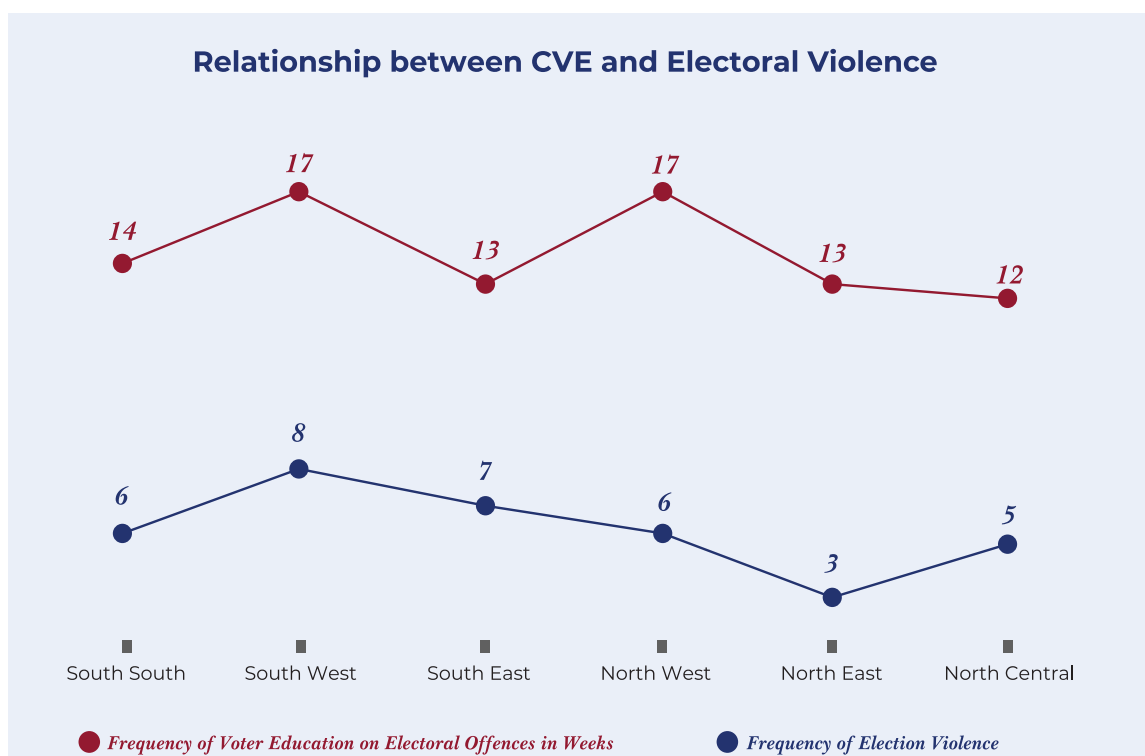
Relationship between Registered Voters and Electoral Violence



Electoral Violence Accountability (Issues, Consequences and Opportunity)

Further in this analysis, KDI looked at the relationship between electoral violence and civic and voter education (CVE) and whether CVE is a potent tool for violence prevention. **(NOTE: Data was culled from the early warning system structured data gathered for 17 weeks in six (6) sampled states -one from each geo-political zone).**

Data shows that civic education campaigns against violence do not show a consistent relationship pattern regarding violence reduction in the 2023 general elections. It becomes difficult to say if CVE is a potent tool for violence prevention. However, what remains undoubted is that the 2023 election witnessed a high number of CVEs nationwide, but with the degree of electoral violence, it is then safe to say CVEs did not have huge impact on violence prevention.



Findings shows that the incentives of Electoral Violence for the perpetrator outweigh the light talk of CVE. Violence is now becoming a strategic tool in the hands of politicians for electoral manipulation. The Electoral Act 2022 made it known that electoral violence is one of the reasons to discontinue an election or suspend or postpone an election. This can be seen in section 24 (3) of the Electoral Act 2022.

Section 24 (3) Where an election has commenced, and there is reason to believe that there is or has been substantial disruption of election in a polling unit or constituency or it is impossible to continue with the election occasioned by threat to peace and security of electoral officials and materials; the Commission shall suspend the election and appoint another date for the continuation of the election or the process.

Politicians leverage any retributive provision of the Electoral Act to neutralize opponents in their strongholds. Many thought the era of ballot box snatching was over because the recent electoral reforms (the use of BVAS and electronic transmission of results) have made it more difficult to manipulate results at the collation center. The BVAS becomes potent when it accredits and scans results to the server and/or the IReV– politicians strategically use ballot box snatching, disruption of polling unit and overvoting as a tool to undermine the opponent’s ability to perform at the poll. Data from INEC at the collation center of the 2023 presidential election results show that more than 1587 Polling units were cancelled due to violence and overvoting. Precisely, 947 polling units’ results were cancelled due to violence, or at least violence was named as part of the reason.



***More than 1,587
Polling Units were
cancelled due to
over voting***

Disincentivizing this act becomes important for the sanity of the electoral landscape in Nigeria, and this can be achieved when perpetrators of violence are brought to justice – prosecuted and convicted if found guilty. However, the public perception of electoral offences is that victims often don’t get justice. Also, over time, electoral offenders and perpetrators of violence are not punished, nor has the act been curbed. So, perpetrators of these violent acts continue to act with impunity since nothing will happen eventually.

*As it stand today, violence is one of the low cost strategy for manipulation in election –
Security Expert at the FGD with Security Agencies*

Electoral Violence Accountability becomes essential in a time like this – Electoral Violence Accountability or accountability for Electoral Violence is the state of being obligated to answer for incidents of electoral violence – it involves the willingness of all democratic institutions involved in electoral security to be transparent in enforcing the law and always ensuring that perpetrators of violence take responsibility for their actions.

INEC, after the 2011 general elections, filed 482 cases in various courts, and as of September 2013 – 167 cases have been determined, and only 24 convictions were gotten¹⁸; this is just 5% of the cases filed. Similarly, out of 125 cases filed after the 2015 general elections, only 60 convictions have been secured so far. Even where the commission recorded the most successful prosecution of electoral offenders following the violence witnessed in a bye-election in Kano State in 2016, it is unclear how many of the 40 offenders sentenced to prison with the option of fine spent time in jail. The fine was paid presumably by their sponsors¹⁹.

After the 2019 general election, the military and police confirmed that 1119 persons were arrested in connection with electoral offences across the country²⁰ and 781 offenders have been arrested by men of the Nigeria Police Force (NPF) for violation of electoral laws during the 2023 general elections²¹. The report states that the commission would prosecute the 215 case files in its docket of the over 700 persons arrested for various electoral offences by the Nigeria Police Force during the 2023 general elections²². No doubt, the prosecution rate when it comes to electoral offences is low. There has been consternation and sometimes anger at the slow pace of prosecuting and, in some cases inability of the Nigerian State to

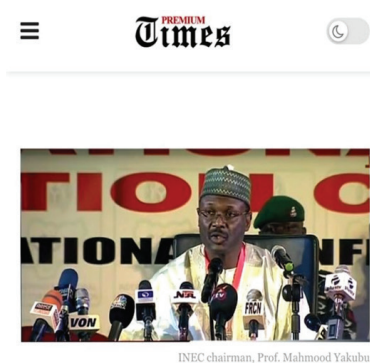
prosecute electoral offenders. Some Nigerians allege this may be responsible for the recurring electoral insecurity in Nigeria.

The fundamental question remains - What is responsible for this minimal success recorded in prosecuting electoral offenders?

Section 145 (2) of the Electoral Act 2022 domiciles the prosecution of electoral offenders with the officers of INEC or officers appointed by it.

145 (2) A prosecution under this Act shall be undertaken by legal officers of the Commission or any legal practitioner appointed by it.

Has Nigeria derived the benefit of prosecution of electoral offenders by domiciling the power of prosecution with officers of the INEC?



Professor Attahiru M. Jega, in 2013, stated the position of the Commission on the issue. The issue of electoral offences and the impunity with which they are committed is also something that we must deal with. We have done our best since we came in as a new Commission to prosecute electoral offenders during the registration and elections. And we recorded quite a number of successful prosecutions, even though these are relatively few compared with a large number of offenders. One of the major challenges we have, obviously, has to do with institutional issues. Under the current laws, INEC has the power to carry out the prosecution of persons who are accused of electoral offences. With the numerous reports of offences allegedly committed during the April 2011 general elections, including electoral violence, it does not appear that INEC has the manpower and resources to pursue all of the prosecutions²³.

In 2019, INEC Chairman, Prof. Mahmood Yakubu, said the commission has challenges prosecuting electoral offenders. He added that INEC was at the moment saddled with the responsibility of prosecuting electoral offenders; it had no capacity to arrest offenders and conduct the investigation “without which successful prosecution is impossible.” Some of the cases were dismissed for want of diligent prosecution, while in some states, the attorneys-general entered nolle prosequi to get the alleged offenders off the hook²⁴.

Why the culture of impunity?

Aside the position of INEC itself on the factors hampering the diligent prosecution of electoral offenders: Stakeholders at the FGD identified the following as the other underlying

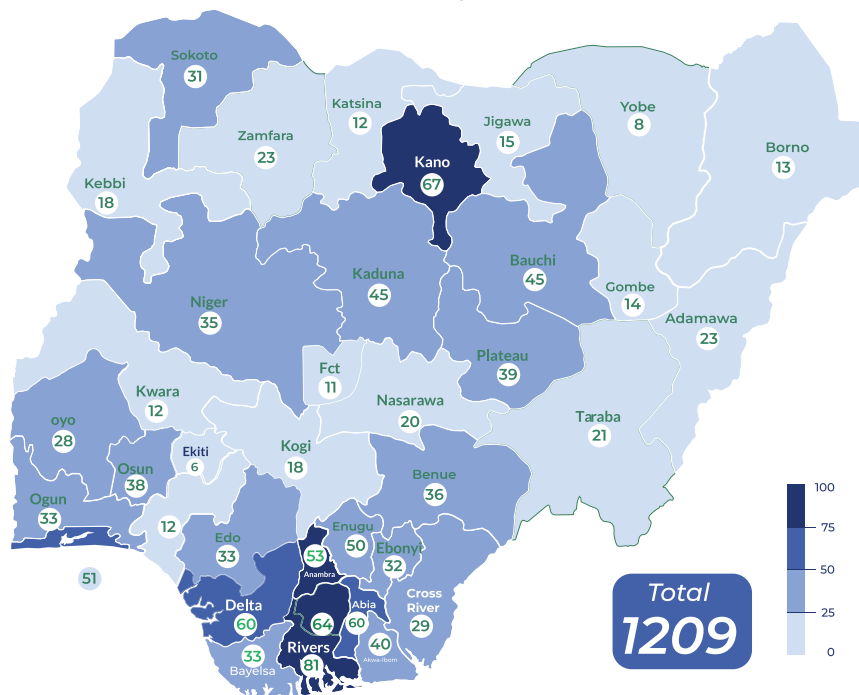
factors hampering the diligent prosecution of electoral offenders:

INEC, which has the mandate of prosecution, is overwhelmed with different electoral activities: INEC, according to paragraph 15 of the CFRN, has the following mandate:

- organize, undertake, and supervise all elections to the offices of the President and Vice-President, the Governor and Deputy Governor of a State, and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation.
- register political parties.
- monitor the organization and operation of the political parties, including their finances, conventions, congresses, and party primaries.
- arrange for the annual examination and auditing of the funds and accounts of political parties and publish a report on such examination and audit for public information.
- arrange and conduct the registration of persons qualified to vote and prepare, maintain, and revise the register of voters for the purpose of any election under this Constitution.
- monitor political campaigns and provide rules and regulations governing the political parties.

Conducting elections requires detailed planning and time – it includes voter registration, distribution/Collection of PVCs, Election Day logistics, training of election officials, and conducting Civic and voter education. INEC is even time joined in most pre-election cases, and they must be joined as respondents in post-election litigation. As of May 31st, 2023 – 1209, election petitions have been filed in various EPTs across Nigeria, and INEC is joined as a respondent in all the cases.

Total Number of Petitions per State as of 31st May, 2023



1893 pre-election cases went to the Federal High Court, contesting the validity of nominations and conduct of party primaries ahead of the 2023 general elections. INEC is joined in



1,893
Court Cases



1,486
Cases Concluded



386
Pending cases

over 600 of these cases.

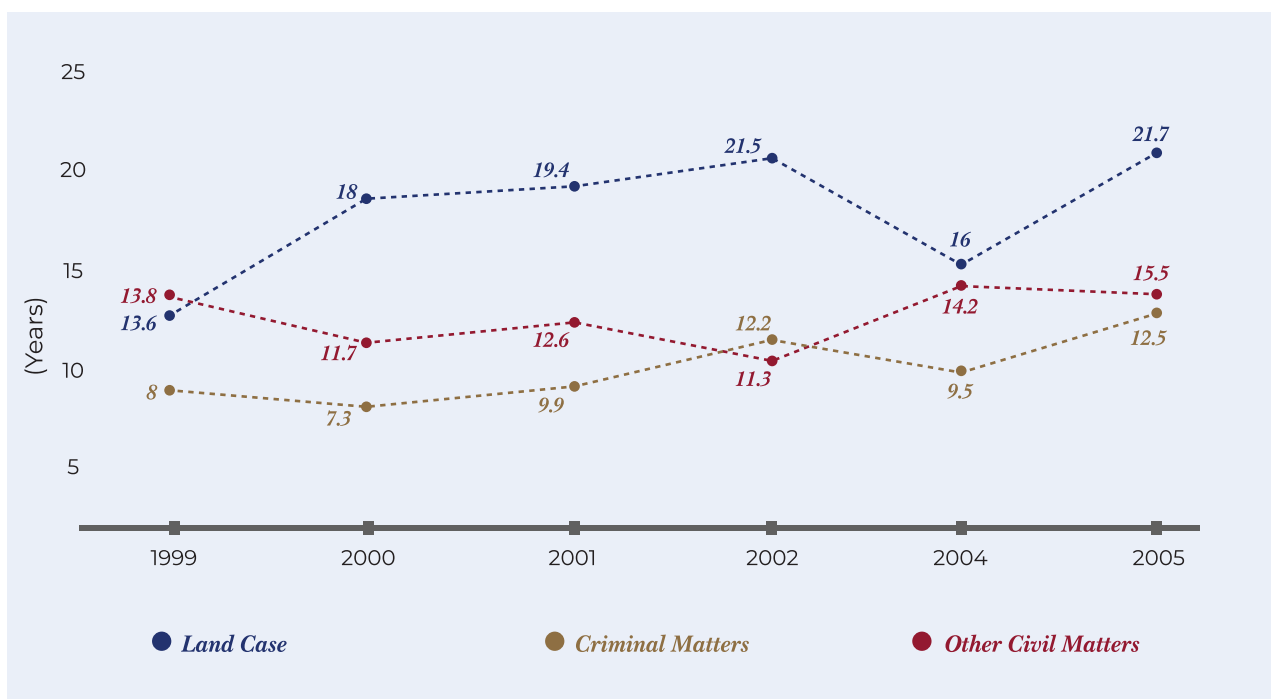
These are more tasks for INEC already, yet the strategic role of prosecuting electoral offenders is still in its care. Unfortunately, the electoral management body does not have the time, expertise, resources, and capacity to shoulder such a responsibility in the face of conducting elections and managing post-electoral challenges.

- **Poor Investigation of the Cases:** There are also challenges with the Nigerian Police Force and other security agencies relating to the arrest, investigation, and prosecution of electoral offenders. In some off-cycle elections, security officers were sometimes deployed from contiguous states to the States conducting elections to ensure some level of neutrality and effective policing. These officers often return to their states and regular duties at the conclusion of elections. Sometimes, they just arrest offenders without properly reporting why they were arrested. Some of them just arrested offenders and dumped them in the Police Station, and such offenders are released immediately after elections because there are no record of why they were arrested. Some of the offenders are charged to court, and the cases against them are struck out because the police officers and those that arrested them are nowhere to be found to give evidence. One obvious fact is that there are no written Standard Operating Procedures (SOP) for gathering evidence regarding electoral offences. Many of the officers in the process of investigating tamper with this evidence.
- **Political interference:** Conversations with some security agencies revealed that when officers do not move back to their state, and the case at hand is high profile- political interference becomes high, and often such officers are transferred out of the station to a location far from the point of the prosecution.
- **Funding becomes an issue** even if there is no political interference. Investigation requires resources, and when such resources are not available either due to corruption, administrative issues, or the lack of budgetary allocation for such from the government. Then, a proper investigation that can enhance prosecution will be lacking. For instance, when an officer who made an arrest and investigated a case of electoral violence is moved out of state after the election, the financial and administrative challenges of going frequently to court from his or her present station as a prosecutor or witness become problematic. Subsequently some of the cases are thrown off and the alleged offender released.
- **The Judiciary is inundated with a load of criminal, civic cases and election petitions:**

Section 145 (1) of the Electoral Act 2022 made it known that electoral offences shall be heard at the Magistrate Court or a High Court of a State where the offence is committed, or the Federal Capital Territory, Abuja.

145. (1) An offence committed under this Act shall be triable in a Magistrate Court or a High Court of a State in which the offence is committed, or the Federal Capital Territory, Abuja.

One important thing is that these judges already have existing criminal and civil cases outside elections, which are overwhelming, and the quest for dispensing cases swiftly is increasing by the day. Ordinarily, the process of litigation has over time become more and more time consuming, expensive, and unduly cumbersome because of the considerable rise in the number of cases in our court, which have led to congestion and delay in their resolution. For instance, the Lagos State Ministry of Justice came up with the following interesting statistics in a survey of cases completed by the Supreme Court of Nigeria between



Years	Land Case (Yr)	Other Civil Matters (Yr)	Criminal Matters (Yr)
1999	13.6	13.8	8
2000	18	11.7	7.3
2001	19.4	12.6	9.9
2002	21.5	11.3	12.2
2004	16	14.2	9.5
2005	21.7	15.5	12.5

1999 and 2005:

The ministry surveyed a total of 208 Supreme Court judgments; this study revealed that it took an average of 18 Years (from the year of commencement) to finalise land cases, 14 Years (from the year of commencement) to finalise other civil cases and 10 Years (from the year of commencement) to finalise criminal cases. The same survey shows that; It took an average of six years for contested cases to move from filing to judgment.

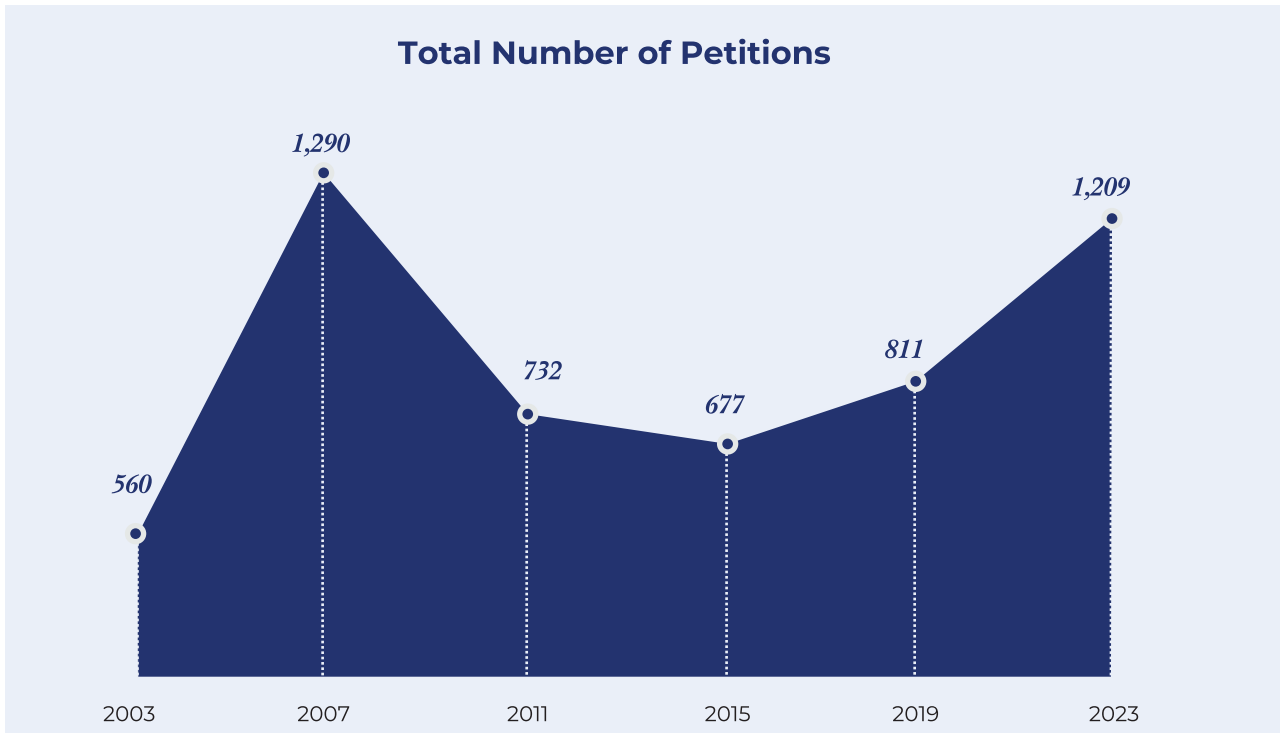
(Nothing has significantly changed between then and the present realities)

The Chief Judge (CJ) of the Federal High Court (FHC), Justice John Tsoho, says that 30,197 criminal cases were filed between September 2020 and June 2021. Justice Tsoho disclosed this when formally declaring the FHC 2021/2022 Legal Year open in Abuja. At the end of June, no fewer than 20,258 fundamental rights enforcement applications were still pending. About 6,915 cases were disposed of during the year, said a total number of 128,234 cases were still pending at the end of the legal year. “There were 40,822 civil cases; 30,197 criminal cases; 35,563 motions and 20,258 fundamental rights enforcement applications pending at the end of the legal year”²⁵.

On the 12th day of December 2022, at a special court session to mark the commencement of the 2022/2023 Legal Year of the FHC in Abuja, Justice Tsoho expressed his reservation about the Electoral Act 2022 since the day it became operational in Nigeria that Sections 29(5) and 84(14) of the Electoral Act, 2022 had imposed additional jurisdiction on FHC judges and linking that to Section 285 (10) of the Constitution of the Federal Republic of Nigeria (as amended), which provides that such pre-election cases must be concluded within 180 days from the date of filing of the suit,” this development was in addition to “the eight-eight (88) judges’ existing ‘high-volume’ dockets with no additional support present enormous challenges.”

This is with the understanding that the justice system is overwhelming for the judges at the State High courts nationwide – considering that many will also be empanelled when the Election Petition Tribunal commences, where they will leave every of the civil and criminal cases they were handling for 6 months. Oftentimes, electoral offences fall as part of these cases.

No gainsaying, election litigations seem to have taken a front burner in the electoral process of Nigeria, especially since the advent of the current democratic dispensation, the 4th Republic. The figure below summarises petitions filed across 36 states and the FCT since 1999.



- The inadequacy of the Legal Framework: This is another important aspect of the conversation. Sections 8(5), 12(3), 16(3), 18(5), 19(5), 22, 23, 29(8), 30(3), 78, 85, 86, 87, 88, 89, 90, 93, 95, 96, and 97 highlighted some penalty for contravening certain provisions of the electoral law and or the constitution. Part VII - Sections 114 – 129 also create separate offences and prescribe penalties for them. The Electoral Act 2022 has adequate provisions which guarantee the security of elections in Nigeria. There are no legal constraints to election security. The provisions of the Electoral Act 2022 are supplementary to the Penal Code of Northern States of Nigeria, the Criminal Code of Southern States of Nigeria, and the Administration of Criminal Justice Act and Laws.

However, exploring this in the face of prosecuting electoral offenders may be a bit different - Section 145 (2) of the Electoral Act 2022 domiciles the prosecution of electoral offenders with the officers of INEC or its appointed officers.

145 (2) A prosecution under this Act shall be undertaken by legal officers of the Commission or any legal practitioner appointed by it.

The Police Act also empowers the Police to prosecute offenders, and Section 174 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) empowers the Attorney General of the Federation to institute, undertake, take over and continue criminal proceedings against any person in any court of law in Nigeria other than a Court Marshal in respect of any offence created by an act of the National Assembly. The Electoral Act 2022 is an act of the National Assembly.

We can't rule out the fact that INEC had successfully prosecuted and obtained some convictions for electoral offences, but some school of thought believes that when INEC ap-

points a Counsel, it requires the fiat of the Attorney General of the Federation to prosecute. In previous years, we have seen the Police and INEC passing the ball to one another as regards the prosecution of electoral offenders. However, since the advent of the erstwhile electoral act 2010 as amended – INEC has always owned up to oversee prosecuting electoral offenders, and the Police are saddled with the responsibility of arrest and investigation. The issue here becomes that the Police are to intervene and arrest offenders as authorized by Presiding Officers to arrest offenders committing an offence at the polling station.

Section 57.(1) Electoral Act 2022

If at the time a person applies to vote and before he or she has left the polling unit, a Polling Agent, polling unit official or security agent informs the Presiding officer that he or she has reasonable cause to believe that the person is under the age of 18 years or has committed the offence of impersonation and gives an undertaking on a prescribed form to substantiate the charge in a court of law, the Presiding officer may order a police officer to arrest that person and the Presiding officer's order shall be sufficient authority for the police officer to act.

This has become another issue in the quest for electoral violence accountability - where the Police hide under section 57(1) of the Electoral Act 2022 to display docility in the face of blatant electoral offences and political violence by not making arrests. The consequence is that impunity persists as the people involved know that the State is not primed to conduct a proper investigation and, thereafter, prosecute electoral offenders.

“Impunity is at the Centre of the unabated violence in Nigeria Elections and there should be consequence for such” – Election Expert at the FGD

Electoral Offences Commission Vs Electoral Court

There are many ideas on how best to solve the bottlenecks of arrest, investigation, and prosecution of electoral offenders. The foremost of these suggestions is the recommendation of the Electoral Reform Committee set up by President Umaru Musa Yar’adua, which is the setting up of an Electoral Offences Commission vested with the power of arrest and prosecution of electoral offenders under a separate mechanism that is independent of the government in power. However, a model is becoming popular – creating a Special or Electoral Court that will adjudicate electoral offences and other related matters such as election petitions.

Other suggestions include the following:

- INEC invests in private legal practitioners and gives them the responsibility for the prosecution of electoral offenders,
- Integrating electoral offences as part of the crimes provided in the various States’ laws and making the arrest and prosecution of the said offences the responsibility of the Ni-

gerian Police Force and the office of the Attorney General of the various States.

- Strengthening the capacity of the INEC and allowing it to continue prosecuting electoral offenders.
- Establishing Mobile Courts to prosecute electoral offenders on Election Day.

Some have strongly opposed the creation of another commission when there is a clamour for the reduction in government spending, and some have argued that the commission's independence may not be guaranteed, considering that the incumbent government will still have a role to play in appointing the commission's leadership. The thoughts that the Commission may be redundant after a while when there is no election has been quashed by the fact that elections happen in Nigeria every year due to bye-elections and off-cycle elections in states like Bayelsa, Kogi, Imo, Anambra, Ondo, Edo, Ekiti and Osun States. So, the commission will have a lot to do.

This argument is also in support of the Electoral Court because the Electoral Court, such as the Industrial Court and the Electoral Court of South Africa²⁶ will have a lot to do year in and year out, considering that the proposal is that the Special Court will handle pre- and post-election litigations and as well, tried electoral offenders. This will aid the speed of court hearing general in the justice system and lessen the burden on the Federal High Court or the Court of Appeal, making them stay with the number of cases in their courts.

From the FGD with stakeholders, many have argued that the current situation is not a point to pick between the Electoral Offense Commission (EOC) and Electoral Court because both serve different purposes. A popular suggestion is that Electoral Court is needed in line with the Electoral Offences Commission. Since the commission is not a court but a prosecuting and investigating agency, charging offenders before the special election court will speed up the will of justice.

This will solve the issue of INEC being incapacitated to prosecute electoral offenders due to the lack of time and human resources. EOC will make for specialization, and the Commission will train a new crop of experts in investigation and prosecution of electoral offences with the assistance of Development Partners. It will also lead to the proper and professional investigation of electoral offences, the people's re-engagement with the electoral process, and the strengthening of the regime of democracy in Nigeria. While the advent of the Electoral Court will help speed the will of justice.

Election Security Finance



Election Security Finance

Election Security Financing refers to the funding and financing of factors, actions and actors that can enhance the protection of Electoral Stakeholders and Election Infrastructures. It is an essential component of the electoral process because, by security in elections, we are referring to the broad concept of ensuring the protection of the integrity of the electoral process. Integrity here refers to the consistency of actions, values, methods, measures, principles, expectations, and outcomes of the elections. Ensuring effective electoral security requires huge logistics – planning and finances. This is with the understanding and thinking of an election as a process, not just the events of Election Day. This leaves us with the complete election cycle- the pre-electoral, electoral, and post-electoral periods.

All of these election cycles need proper security - none may be excluded. This is due to the fact that each phase of the election contains activities that require the highest level of security. These activities include the following:

- Pre-election activities – Voter Registration, PVC Collection, Political Party Congresses and Campaigns, Transporting sensitive and non-sensitive materials.
- Election Day – Safeguarding votes, voters and electoral infrastructures.
- Post Elections: Managing reactions after announcements, tribunal declarations and protests etc.

There are also some activities by actors to enhance Electoral Security, including Training of Operatives, Civil and Voter Education. All of these require the **DEPLOYMENT AND MOBILIZATION OF SECURITY OPERATIVES**.

Normally, it is the Police that take the lead in election security work and by section 4 of the Police Act, they are charged with the following:

- Prevention and detection of crime; (including electoral crimes)
- Apprehension of offenders; (electoral offenders)
- Preservation of law and order; (From pre-election to post-election)
- Protection of life and property; (From pre-election to post-election)
- Enforcement of all laws and regulations.

However, other security agencies, including the Nigerian Security and Civil Defense Corps (NSCDC), Federal Fire Service, Nigerian Army, Nigerian Navy, Nigerian Air Force, Nigeria Immigration Service, Department of State Services, National Intelligence Agency, National Drug Law Enforcement Agency, Nigerian Customs Service, Federal Road Safety Commission, Nigerian Correctional Centre, EFCC and ICPC etc., come into play on Election Day when the security situation requires a greater number of security personnel than the Police can provide or overwhelms the capacity of the regular Police.

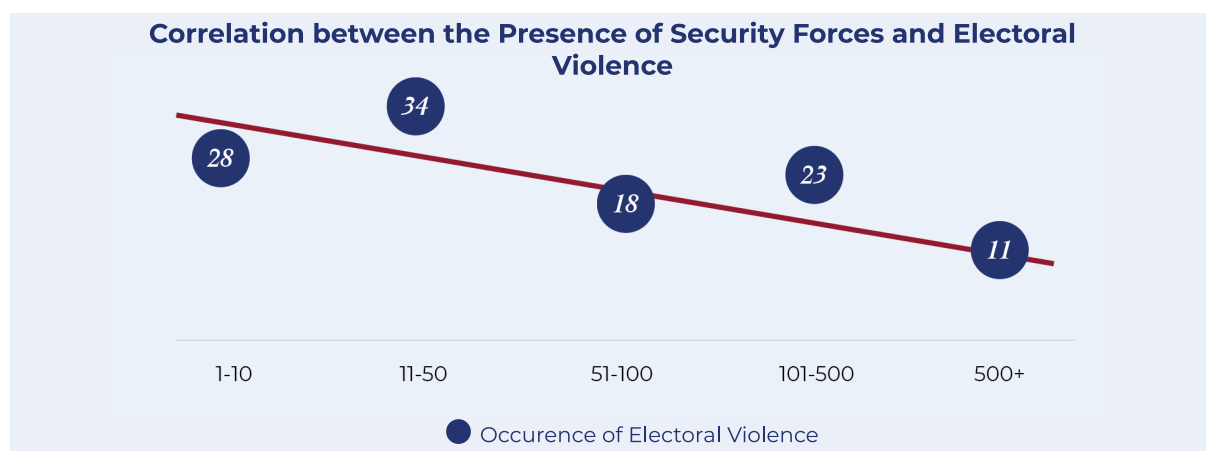
Deployment of Security Personnel for Election Duty

Deployment of security personnel in elections is not to be done arbitrarily. Some logic must guide it since its objective is to ensure that elections are secured so that preference aggregation cannot be corrupted. The FGD, with experts with field experience, shows that the major budgeting done on the electoral security finance is for the election day – welfarism and special duty allowances for operatives. As of the time of writing this report, it remains unclear if electoral security budgeting includes operatives' equipment, materials, or intangibles. Also, there have been concerns about the budget for the operatives on election day. There have been complaints of no or late payment of special allowance to security personnel on election duty.

However, much has not been done in previous elections up till 2023 elections to increase the capacity of Security Operatives on some pre-election activities – as informal as understanding crowd control management can save a community from widespread violence in political campaigns or voter registration designated points. Training operatives' during pre-election phase also requires finances. Capacity building for security agencies may focus on the qualities required during the electoral process, which include alertness, approachability, neutrality and impartiality, professionalism, fairness, and issues around the control of the use of force, reporting, and collaboration with other agencies.

One important factor here is the form of training that security personnel receive pre-election– In the previous election, the senior officer who would not be on the field were often the direct beneficiaries of this training. However, we understand it takes huge resources to train over 400,000 personnel effectively. The question then becomes what the cascading mechanism for this training is. This is not disconnected from the reasons some security field officers who do not understand the electoral process and the legal framework. Other sister agencies to the police, if not adequately briefed and trained on the electoral process and the legal framework, can mar the process. It is then important to decentralize these training opportunities across board.

Furthermore, pre-election, there will be a need for human resources in the correct quantity and quality for electoral activities. KDI collected structured data for 17 weeks before the general elections in six (6) state with representation across the six (6) geo-political zones to



establish if there is any relationship between the presence of security agents and the frequency of electoral violence. The findings show that the quantity of security officers in an environment can help deter perpetrators of violence from fomenting trouble. As security forces increase in an environment, the frequency of electoral violence reduces. Strategic deployment of security operatives should not be only on election day – there should be a consideration for pre-election deployment for electoral activities or the environment.

Moreso, in conversations with security operatives with field experiences in election security, the most frequently mentioned factors used in deploying security personnel include:

- the volatility of the area; thus, the issue of flashpoints comes in and
- the size of the voting population in each polling unit, the number of polling units and their distances.

Flashpoints show that special consideration is ordinarily given to terrains vulnerable to security breaches and where the outbreak of violence is an immediate possibility. This vulnerability is usually derived from the hard data in official statistics about criminal incidents in any divisional police area. Typically, a divisional police officer must be able to determine, from records, threat levels in his division generally and in specific locations. This logic is driven by a criminal social theory that draws a strong relationship between area/location and crime. Another source of information used in determining vulnerability identified from the conversation with stakeholders is the election security risk assessment done by The Electoral Institute (TEI), usually adopted by ICCES, which is predicated on the EVMAT tool. The Nigerian Police mention at different Fora that it conducts its internal Electoral Security Risk Assessment. Triangulating these multi-source data is not out of place for allocating scarce security resources to attain maximal output. Before we continue exploring Electoral Security Finance, it is essential to look at the Election Security Early Warning System largely in Nigeria, which has been said as the primary factor considered in deploying security agents.

Early Warning System and Response.

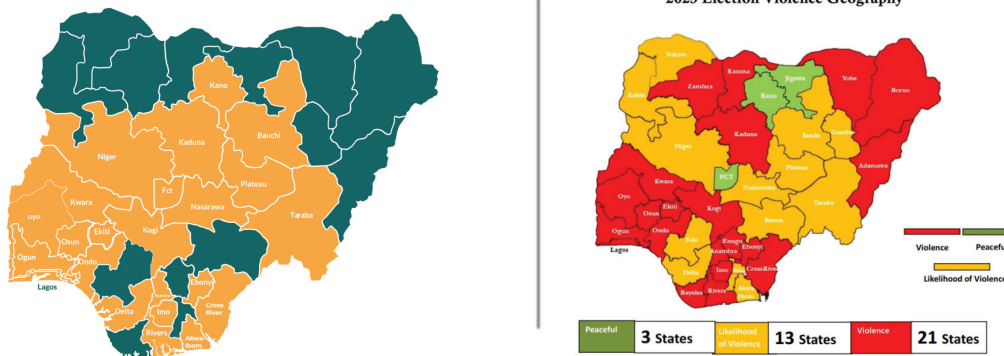
According to United Nations on Disaster Risk Reduction, an early warning system is an integrated system of vulnerability monitoring, forecasting and prediction, risk assessment, communication and preparedness activities, systems and processes that enables individuals, communities, governments, businesses, and others to take timely action to reduce risks in advance of hazardous events²⁷.

An effective early warning system may include four interrelated key elements:

- Risk knowledge-based on the systematic collection of data and risk assessments.
- Detection, monitoring, analysis and forecasting of the vulnerabilities and possible consequences.
- Dissemination and communication, by an official source, of authoritative, timely, accurate and actionable warnings and associated information on likelihood and impact; and

- preparedness at all levels to respond to the warnings received.

EWS houses the risk assessment earlier mentioned – this is the analytical evaluation to determine trends of early warning signs and identify potential flashpoints. The question then becomes how effective the pre-election security assessment is and how advantageous it is for deploying security apparatus.



Towards the 2023 general elections, so many groups conducted risk assessments. It was difficult to ascertain if ICCES took some of these independent risk assessments to serve as a control for the EVMAT or the risk assessment by the Police. However, it was rightly noted that the ICCES framework, upon establishment, has a provision for accepting information from external sources such as CSO groups. However, this is not widely known, and the widespread notion is that ICCES work on the intelligence it gathers solely through its members.

ICCES must consider opening a window of opportunity for other stakeholders working on election security to submit a Early Warning Assessment in subsequent elections. This will serve as a control for the EVMAT tool considering the fixed nature of the EVMAT tool – which doesn't give room for accommodation of emerging trends and issues.

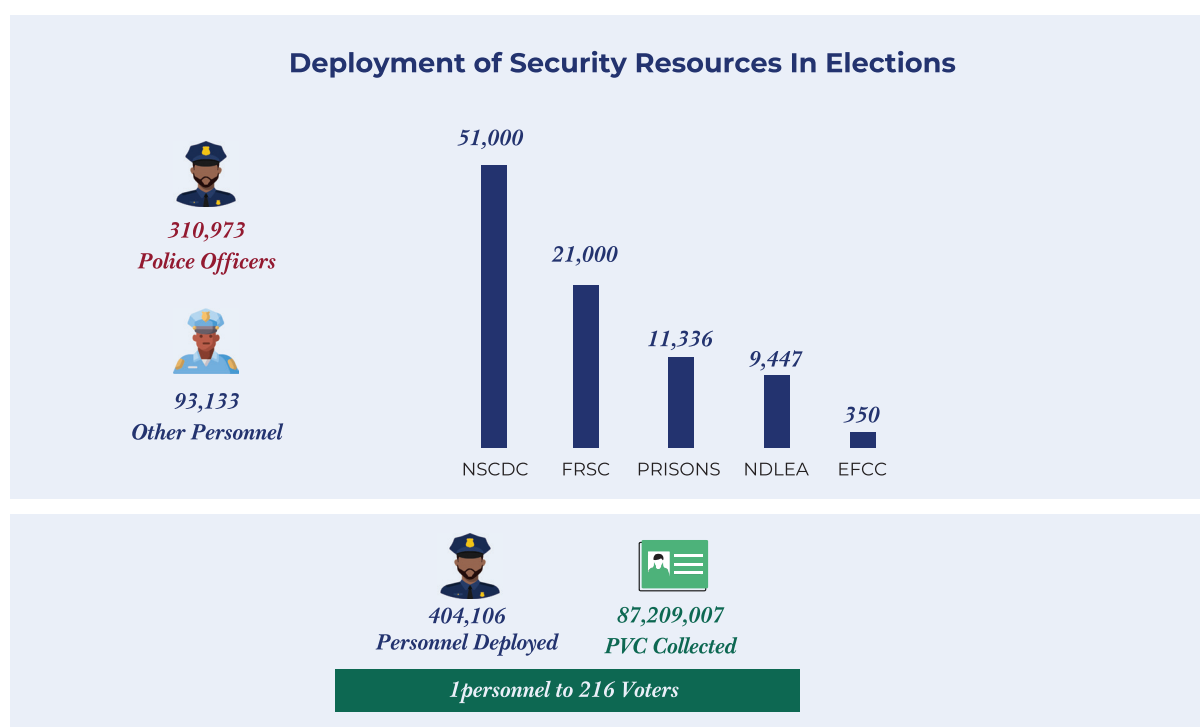
Another viable alternative is to integrate Civil Society working on Electoral Security into ICCES; civil society will serve as a critical link between ICCES and the people, as well as support ICCES to establish an observatory for the monitoring adherence to the code of conduct and rule of engagements by security agents. By taking such a proactive step, civil society is better placed to serve as bridge-builders between ICCES and the people. It is important to understand that civil society will serve as a link for feedback to the ICCES on the security performance and public perception and confidence of the security operatives per elections. It was also noted from the analysis of the information from discussing with stakeholders that having loads of risk assessments can be puzzling for deployment – it is then essential to say that harmonizing this risk assessment is best and will mostly aid the reduction of biases. This can be one of the responsibilities of the CSO groups that will be integrated, working closely with the risk assessment sub-committee.

In previous elections till the 2023 elections – analysis has shown that ICCES and or the Police, which is the lead agency in terms of electoral security, sometimes consider the output

Source: CLEEN Foundation

of the risk assessment majorly at the point of deployment – which makes the electoral security approach in Nigeria reactive and not proactive. ICCES must start employing pro-active strategies, such as fact-finding, mediation, peace-making dialogue, negotiations, and preventive diplomacy. An effective early warning system should be able to predict factors and actors that can portend violence in elections, not just identification of flashpoints. This should help the security agencies to be hands-on and arrest any brewing issue before it becomes a wide fire. The reactive approach to electoral security may not be a total disadvantage. However, this brings to the table the question of the reactive response strategy.

- Do the security agencies have the tools to respond to the issue swiftly?
- Aside from the usual show of force and arrest tactics -do the field security agents understand the nitty-gritty of unforceful mediation?



Logistics, which encompasses transportation, remuneration and welfare, are among the core challenges of deployment of security personnel in election administration. We discover some opacity in the deployment of security agencies – often, the authorities announce that a certain number of officers will be deployed in a particular election. However, no mechanism to confirm and there have been allegations of bloating of figures because disbursement of funds will be made based on those figures. Our field experiences and discussions with stakeholders involved in elections suggest acute dissatisfaction with the welfare and remuneration of personnel. Most times, when security personnel resume to the states, they are deployed to, there is a paucity of information about their postings and how they would get there. Nothing is often said about their remuneration, and speculations are often peddled.

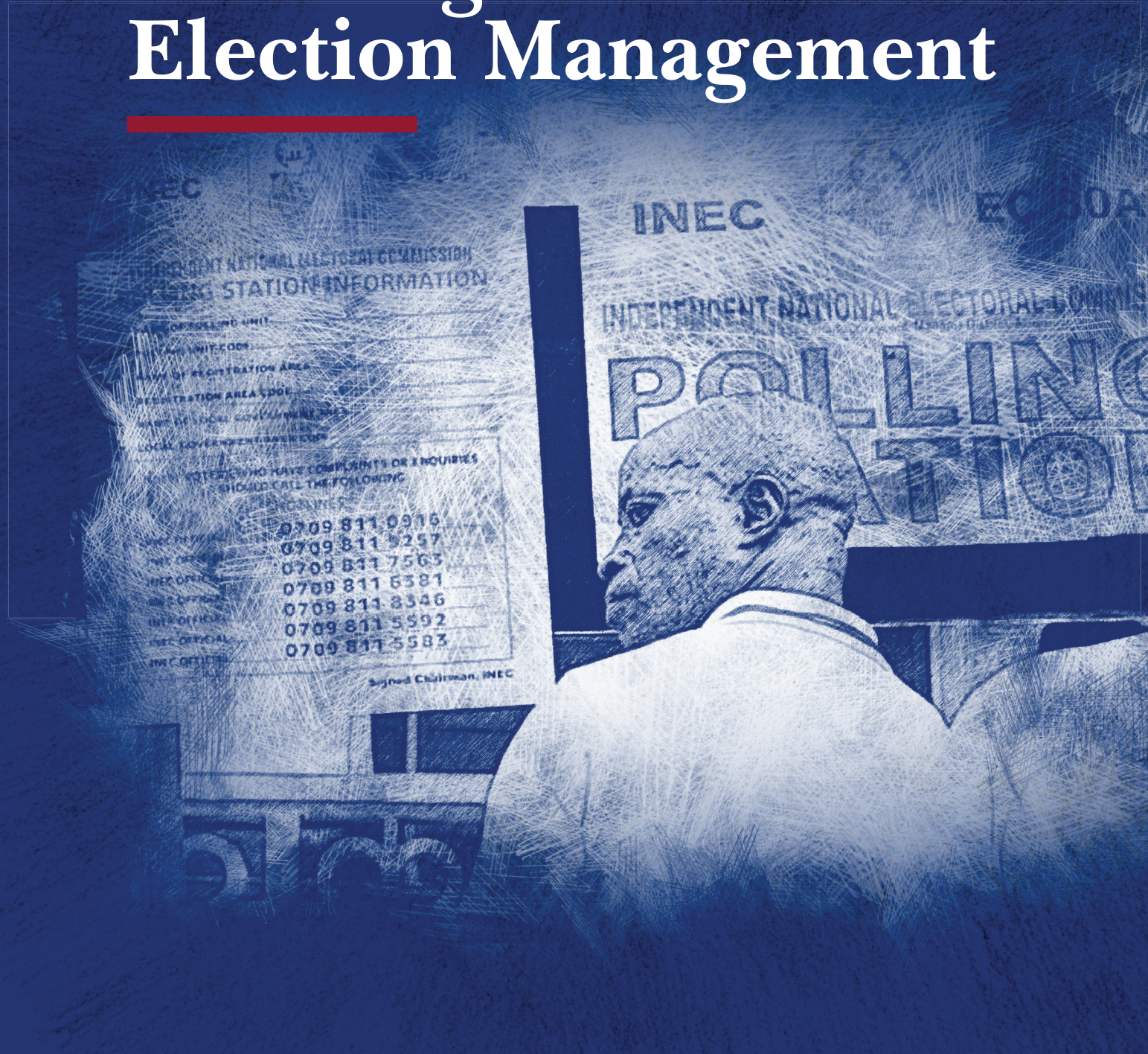
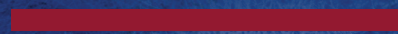
How much the special allowance was, was not revealed - possibly it varies from election to

election. Still, the most prevailing idea is that the funds should be disbursed at the earliest time as far as it is reasonably practicable to motivate the field personnel. It is important to note that this often makes them vulnerable to inducement by politicians because politicians are also believed not to leave things about security personnel to chance. They believe that security personnel can influence electoral process, and they, therefore, try to “cultivate their friendship”.

Election day allowance from the EMB is also an issue that needs to be addressed – it was said that EMB’s budget per polling unit (PU) on election day for refreshments is N3000, with the expectation that each PU will have three (3) personnel thereby allocating N1000 per police officer. However, in practice, this is not so. Sometimes, more than three personnel are deployed to a polling unit based on the unit’s population – the usual recourse is that the money for three (3) personnel are shared among the total personnel involved, or only three personnel will be paid. This, again, can make operatives vulnerable to inducement by bad actors.



Recommendations on Election Security Challenges to Election Management



Election Security & Prosecution of Electoral offender

- It becomes imperative that the perpetrators of violence are brought to justice – prosecuted and convicted if found guilty. This is a major way to disincentive violence; doing this is important to instill the non-violence action in the Nigerian electoral landscape in Nigeria. The challenges of prosecuting and swiftness of judgement are numerous. If created, the combined mandate of the Electoral Offences Commission and the Electoral Court will help in achieving the proper and speedy prosecution.
- It is important to take advocacy to the National Assembly restlessly - the passage of the Electoral Offences Commission Act becomes imperative; this will ensure a dedicated institution vested with the needed tool to arrest and investigate all electoral fraud and related offences and coordinate enforcement and prosecution of all electoral offences.
- The Electoral Court is also needed since the commission is not a court but a prosecut-



ing and investigating agency charging offenders. Court hearings and trial processes will still be slow if the accused are charged to the regular court. The creation of this special election court will speed up the wheel of justice. It will also give room for the specialization of the judges on electoral matters. This special court can take up pre- and post-electoral litigations.

- Civil society groups and organizations should mount sustained advocacy for the passage of an Electoral Offences Commission Act and the establishment of the Electoral Court. Sharing best practices on handling election offences and prosecuting electoral offenders with a dedicated commission and special courts from other jurisdictions, such as in South Africa, will go a long way in the advocacy.
- Due to the stringent time frame before the off-cycle elections, Electoral Offences Commission and Electoral Court may still be in the pipeline; we urge ICCES, in close consultation with the judiciary, to create a written Standard Operating Procedures (SOP) for gathering evidence regarding electoral offences and train field officer on this. This will aid the prosecution of electoral offenders.

Election Security Finance and Deployment of Personnel

- Election Security Finance needs utmost attention– We urge ICCES to map out a template of what must be financed or budgeted for in each of the three major phases of the electoral cycle. It should not just be for a single phase. This requires medium-term planning involving elections, security, and fiscal governance experts. Personnel requirements must be determined, as well as materials (non-human requirements). Some budget items may feature throughout the cycle, whereas others may be skipped. Double budgeting must be avoided.
- The timely distribution of appropriated funds is vital for election security and supplies, and the security personnel’s welfare should be aligned accordingly. It is important that ICCES strategists reconcile electoral security with overall national security. It will seek to resolve the poser of how you can use the existing and already paid-for security resources to promote electoral security and how electoral security will enhance overall national security in the medium to the long run.



- ICCES should decentralize the training of security officers on electoral matters and electoral duties. The training should not be episodic and ad-hoc but should commence and take place at the various Local Governments across the federation as far as it is reasonably practicable.
- The docility of security agencies in the face of blatant electoral offences and political violence by not making arrests is worrying; the understanding of the Electoral laws needs to form part of the security agencies training curriculum.



- Electoral Intervention by CSO groups, diplomatic and donor agencies should look at the peculiarity of each region, especially what data says for that given period, to plan and structure the form of interventions.
- Police-Community relations on Peaceful and Credible Elections should be Strengthened: Discussion platforms should be created to allow security agencies to better collaborate with citizens in securing elections.

Early Warning System

- The Electoral Institute should work collaboratively with ICCES and other stakeholders to review the EVMAT tool to accommodate emerging trends and issues.
- ICCES should Integrate Civil Society into the committee, Civil society working on electoral security will be a key link between ICCES and the people. ICCES must consider

other stakeholders working on election security Early Warning Assessment findings. This will complement their existing assessment of the election security landscape before elections.

- ICCES, through the Police, should work with CSOs groups and communities towards implementing effective and comprehensive mechanisms for tracking early warning signs and responding to them. The fact is that the challenge is often not about early warning; it has more to do with the extent to which they are responded to using the existing infrastructure.
- Electoral Stakeholders should ensure they work with the political parties to strengthen their internal conflict resolution mechanism. This becomes important as most of the factors that heats up the polity in recent times emanated from the intra-party conflict.



Civic Voter Education in the 2023 General Elections:

Approaches, Challenges and Opportunities.

(Emphasis on Invalid Votes)



Civic and voter education (CVE) is a significant component of the electoral process in Nigeria. The law empowers INEC to conduct civic and voter education in Nigeria. This is provided in Sections 2 (a) & (b) of the Electoral Act 2022.

Section 2. *In addition to the functions conferred on it by the Constitution, the Commission shall have the power to— (a) conduct voter and civic education; (b) promote knowledge of sound democratic election processes; and*

Civic education and voter education are organically linked and yet distinct. Civic education could be broadly defined as inculcating in citizens those “skills, values and behaviors that are thought to be necessary for a stable and effective democracy”, while Voter education on the other hand could be considered as a subset of civic education, focusing more specifically on the role of the citizen as a voter. This will include knowledge around several issues including the duties and obligations of a voter, voting procedure, political parties and candidates, electoral offences, counting procedures, the responsibilities of the election management body and mandate protection. Indeed, voter education is designed to equip the citizen with knowledge about the entire gamut of the electoral process²⁸.

The key outcomes that INEC aims to achieve through civic and voter education include²⁹:

1. Increased voter turnout during elections,
2. Improved voter knowledge of new accreditation procedures based on the permanent voters' card,
3. Reduction in the number of invalid votes at elections,
4. Encouragement of ethical voting.

All these are crucial for democratic consolidation and stability. As earlier established, the electoral legal frameworks empower INEC to conduct CVE in Nigeria- INEC, in its commitment to be more focused, structured, and deliberate, began the Strategic Planning process during the 2003-2007 Electoral Cycle. Since then, INEC has had a cardinal strategic objective of “Improving Voter Education” as part of its Strategic Plan. INEC is now implementing the 2022-2026 Strategic Plan, which is the third successive Plan by the Commission in its efforts towards deepening electoral integrity.

The current plan has a strategic objective to **“improve voter and civic education and promote knowledge of sound democratic election processes.”**

In a bid to achieve this strategic objective, INEC created and institutionalized the **National Inter-Agency Committee on Voter Education (NICVE)** in 2014 and, since then, have key actions in subsequent strategic plans to strengthen NICVEP. The inauguration of the Committee, above all, expresses the importance of partner-

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FEATURED NIGERIA June 22, 2014 admin

From: Dian Okon-Effiong, Calabar

The Independent National Electoral Commission (INEC) in Cross River has inaugurated an Inter-Agency Advisory Committee on Voter Education and Publicity ahead of the flag-off of distribution of permanent voters card.

Inaugurating the Committee at INEC state quarters in Calabar Tuesday, The Resident Electoral Commissioner, Mr Mike Igini said the distribution of permanent Voters Card in Cross River would start July 18 and end July 20.

He said that the process of continuous voter registration would immediately begin in the state after the exercise to enable those who did not attain the age of 18 as at 2011 nationwide registration exercise.

He said the continuous voter registration would capture those who did not register in 2011 and those who had irregular registration during the period so that they would be eligible to vote in future election.

He said that members of the committee in which he is chairman were inaugurated because their medium, personality and work rate had positively impacted on society.

Our regional correspondent reports that the 18-member committee had a 7-point terms of reference from INEC.

Igini said: "You will advise on effective strategies for public enlightenment and Voter education, identify various organisations and agencies capable of undertaking voter Education activities and recommend appropriate support for them.

"Prepare for the distribution of Permanent Voter Card and commencement of Continuous Voter Registration: identify those organisation and agencies that can contribute resources to Voter education and develop agreed strategies for engaging with them.

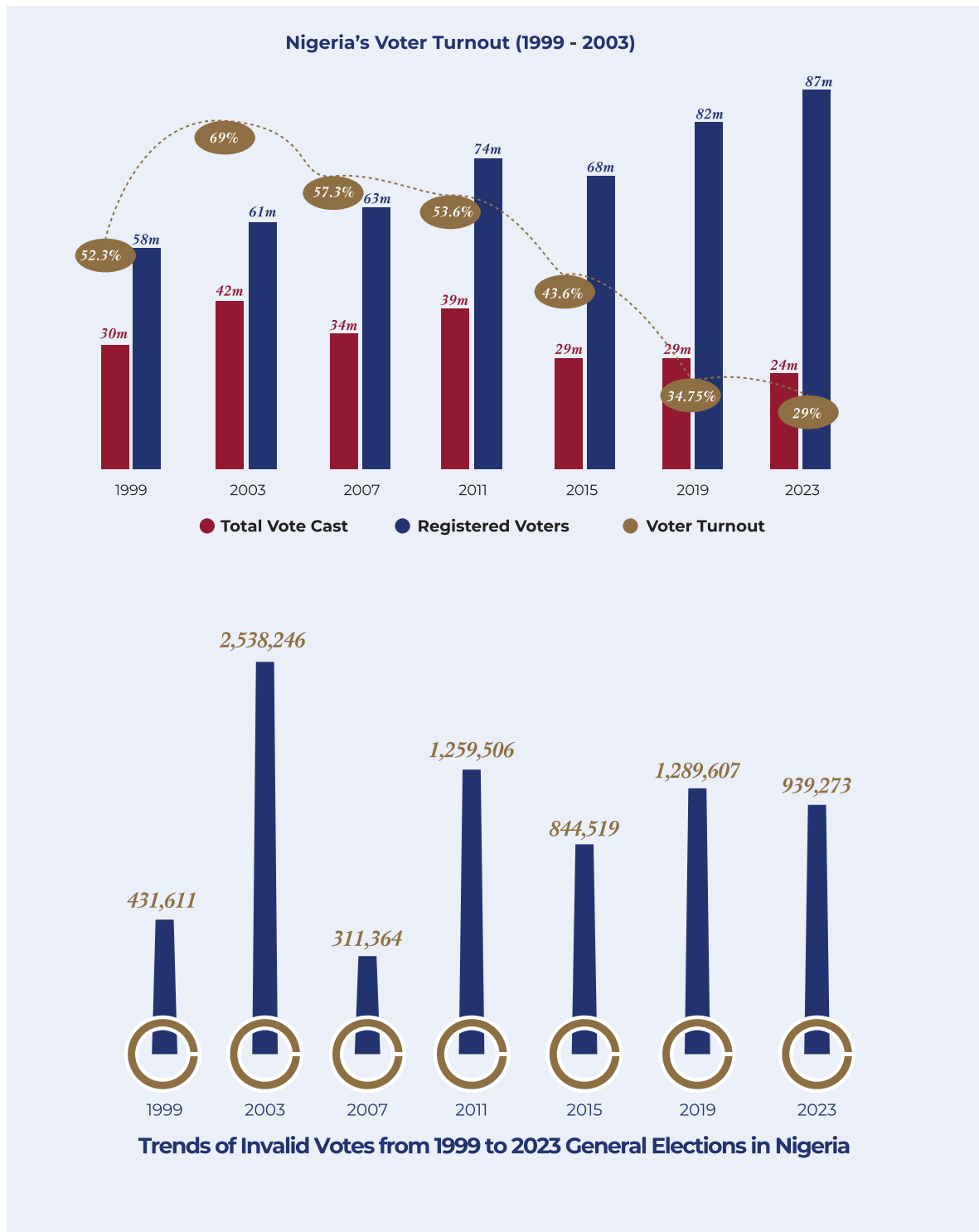
"Assist in the provision of materials for Voter Education as well as their distribution and dissemination to target groups, encourage the pooling of resources and proper utilisation of all available channels and platforms for voter education.

"Undertake periodic review of Voter's education activities in the state.

Igini said INEC would want Nigerian to take ownership of the electoral process and show more commitment to the country.

ship between INEC and other stakeholders in civic and voter education. Before the 2015 general elections, the commission inaugurated this committee in some states.

Not just INEC has made efforts; other electoral stakeholders, such as the CSO groups and the media, have also been making efforts. However, voter turnout has been on a downward trend in our election, Invalid votes have been undulating, and misinformation/ disinformation has been spreading like wildfire in recent elections.



Our analysis of the data from 1999 to 2023 reveals that the number of invalid votes in Nigerian elections has been undulating, posing a threat to the credibility of the electoral process. It becomes imperative to pay attention to this and plan how best to reduce it. In this report, and in line with the study objectives, we will explore CVE with special attention to invalid votes—the factors leading to invalid votes and the opportunity that is presented by effective CVE.

Polyas explained the invalid vote as a vote that doesn't count towards the final election result. When assessing the validity of a vote, the most important factor is whether or not the voter's intention can be clearly determined³⁰. A vote in democratic elections is therefore considered invalid when^{31 32}:

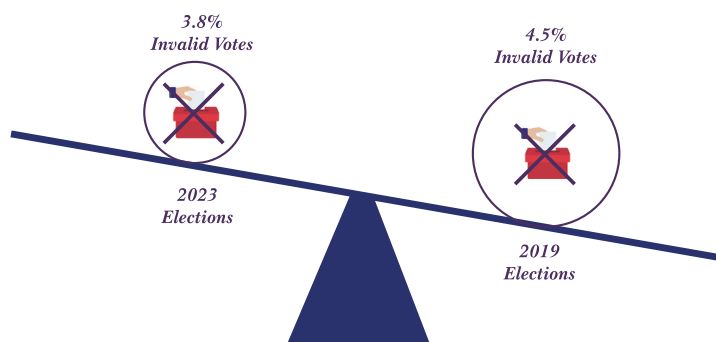
- the intention of the voter is not clearly discernible from the ballot paper;
- the ballot paper was not the officially produced ballot;
- the ballot paper contains no markings whatsoever;
- the ballot contains additional and surplus entries by the voter, such as Double thumbprints/ multiple thumbprints on a ballot paper;
- the thumbprinting is outside the delegated box for thumbprints, and it is difficult to ascertain whom to allot the vote;
- the ballot paper is valid for a different constituency or polling units; and
- the voter intentionally spoils the ballot paper.

Invalid votes have the same impact on the election result as abstentions from voting. Elections are decided solely on clear and valid votes, so invalid ballot papers and abstentions do not count towards the election result. The only difference is that invalid votes are recorded in official election statistics.

The Dynamic Nature of Invalid Votes from 2015 to 2023

- **The ratio of Invalid votes to Registered Voters: Invalid votes in 2023 is lower compared to 2019.**

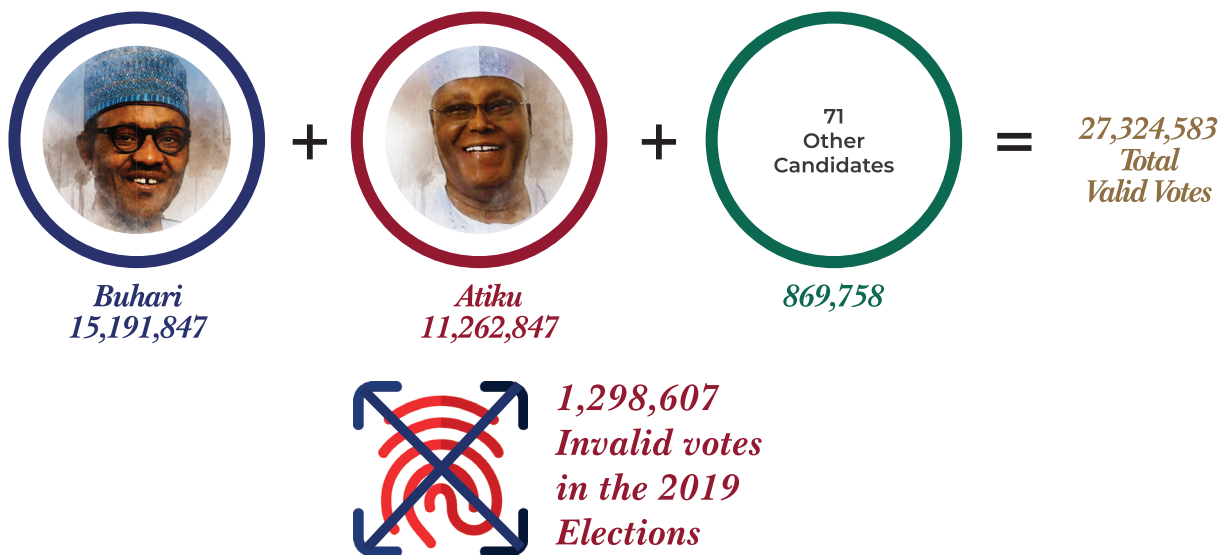
According to the Independent National Electoral Commission (INEC), 939,278 out of 24,965,218 total votes cast were invalid, representing 3.8% in the 2023 presidential election. This was lower than the 2019 presidential election, which recorded 1,2989,607 invalid ballots, representing 4.5% of the total 28,614,190 votes.



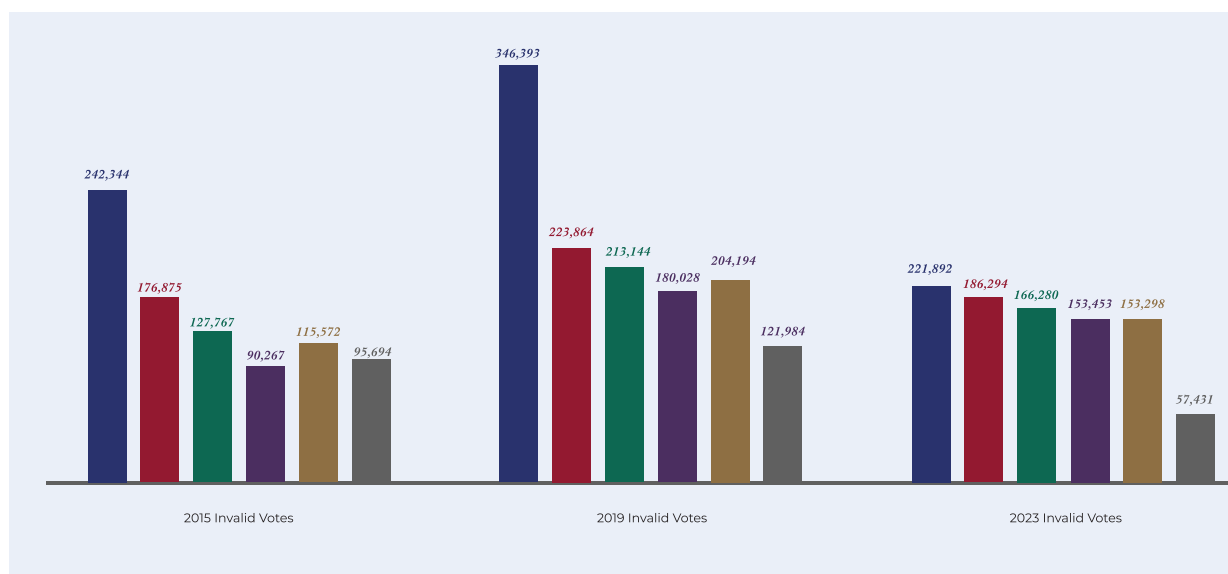
- **Invalid Vote in 2019 Can Stand as a Viable Third Force.**

Disturbingly, the invalid vote of the 2019 election (1,298,607) was higher than the votes garnered by the candidates of all other seventy-one (71) political parties that took part in that election. Also, the number was greater than the total valid ballots cast in each of the 34 states, including the Federal Capital Territory (FCT), except for Kano, Kaduna and Katsina, where valid votes were 1,891,134, 1,663,603 and 1,555,473, respectively.

The total number of invalid votes in 2023 (the number) is more than the combined valid votes in Abia, Ebonyi and Bayelsa states.



Comparative Analysis of Invalid Votes across Geo-political Zones



Invalid votes across the geo-political zones in Nigeria since the 2015 general elections have followed the same ranking pattern- where the North West, South West and North Central have been ranking 1st, 2nd and 3rd, respectively. This pattern remains unchanged in the 2023 general elections. The South South Geopolitical zone has a certain peculiarity and has a different pattern from the aforementioned geo-political zones. Invalid vote in the South-South geopolitical zone has steadily risen in number and ranking. In 2015 the South-South had the least number of invalid votes; its ranking moved a step higher in 2019 and another step higher in 2023.

<i>Invalid Vote Ranking of Geo-political Zone per Election Year</i>			
Geo-political Zone/Year	2015	2019	2023
North West	1 st	1 st	1 st
South West	2 nd	2 nd	2 nd
North central	3 rd	3 rd	3 rd
South South	6 th	5 th	4 th
North East	4 th	4 th	5 th
South East	5 th	6 th	6 th

*With the way increase in the number of invalid votes, the basic question remains- **Why does the country continue to record such a high number of invalid votes?***

There are so many factors, but many have come to blame this largely on poor knowledge of the voting procedures- a fallout of ineffective voter education. Much more, there are so many questions on thumbprinting and spoilt ballot. Other factors identified by this study

include:

- Civil and Voter Education (CVE) often started late.
- Political Parties who are primary electoral actors seldom do CVE.
- Lack of Simplified, Localized & Targeted Message.
- Electoral irregularities, such as vote buying, intimidation and harassment of ad-hoc officers by party agents and Negative Community Consensus, contribute to invalid votes' plausibility.
- The voting procedures, such as thumbprinting with indelible ink and folding the ballot before placing it in the ballot box, contribute to the plausibility of invalid votes.
- Numbers of political Parties

Civil and Voter Education (CVE) often started late.

Understanding the significance of time is the cornerstone of every effective Civic Voter Education (CVE) effort. Popularly, the targets of CVE believe that most electoral stakeholders, especially the EMBs, CSO groups and Development Partners that have the mandate to conduct CVE or support the process often start late – sometimes few months to the elections—this call to question the effectiveness of the CVE done within the period.

Civic and voter education is not limited to knowledge as a cognitive orientation. It also encompasses affective and evaluation orientations. In fact, we can argue that civic and voter education is the inculcation in the citizen of positive orientations towards democratic structures and objects at the cognitive, affective, and evaluative levels.

- Cognitive orientation meant “knowledge of and belief about” democracy and, specifically, the electoral process.
- Affective orientation refers to feelings, particularly confidence and level of trust in the electoral process, while
- Evaluative orientation is concerned with citizens’ judgment towards democracy and the electoral process³³.

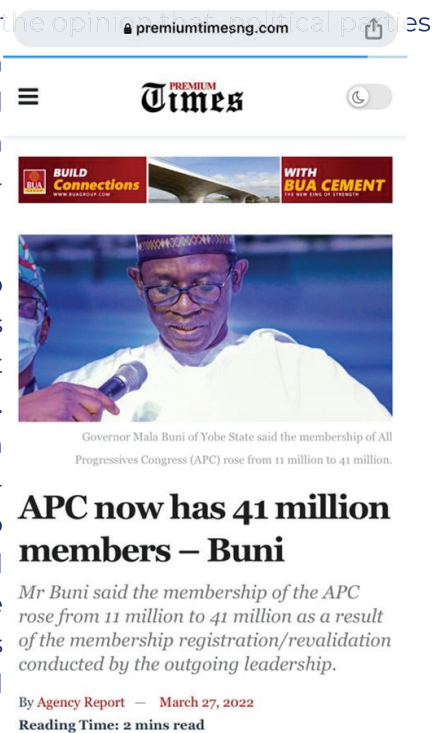
If CVE encompasses all of these, then it is not a task that can be done without proper planning and ample time. In short, it should not cease. Why we understand that CVE takes huge resources and sometimes NGO/FBO/CBO groups go through the due diligence and tendering process (Best and Final Offer) before implementing activities! It is then important to state that CVE is best to plan as a long-term effort while the goals are broken into mid and short-term. This can aid the speedy maneuvering around the bureaucracy of awarding grants. Furthermore, this will aid effective monitoring and evaluation of impacts.

Political Parties who are primary electoral actors seldom do CVE.

Most of the stakeholders engaged during this study are of the opinion that political parties who are the ultimate beneficiary of any development in the democratic electioneering process are rarely involved in educating voters and citizens. Political parties in Nigeria hardly see it as a mandate to educate voters about the importance of voting and how to vote.

The All-Progressive Congress (APC), after its membership registration drive in 2022, said it has 41 million members nationwide. As of the time of this report, we could not get the membership figure of other leading political parties. The imagination is just if only APC target its 41 million members and other political party follow suit with integrated voter education content that demonstrate from time to time for them how to thumbprint on the ballot papers and encouraging them to come out and vote massively on the election day. Ultimately, we may have fewer invalid votes and more voter turnout. Other stakeholders can focus and target CVE to independent voters.

It is then important to state that during this study, political parties blamed their non-conducting CVE on the paucity of funds and shifted the responsibility to INEC and the NOA to conduct civic and voter education. Some of the political parties opined that they do some form of voter education on the campaign ground. It was also generally agreed that the passive CVE on campaign grounds may not suffice as effective voter education. This buttresses the emerging threat of polished political narratives entrenched in lack of issue-based campaigns and personality disparagement.



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BUILD Connections **WITH BUA CEMENT**

APC now has 41 million members – Buni

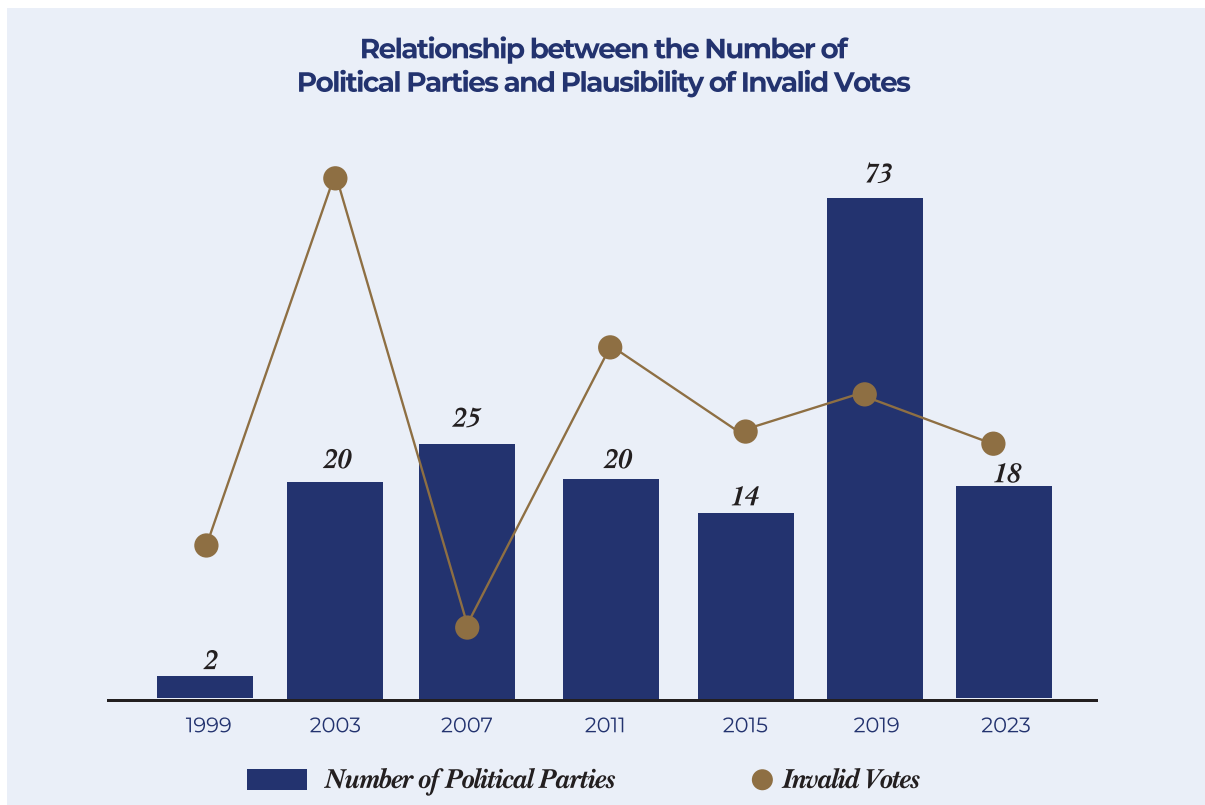
Governor Mala Buni of Yobe State said the membership of All Progressives Congress (APC) rose from 11 million to 41 million.

Mr Buni said the membership of the APC rose from 11 million to 41 million as a result of the membership registration/revalidation conducted by the outgoing leadership.

By Agency Report — March 27, 2022
Reading Time: 2 mins read



Correlation between the Number of Political Parties and the Probability of Invalid Votes



Data analysis shows a strong relationship between the wavy trend of invalid votes and the number of party parties on the ballot. In the 1999 presidential election, Nigeria had two major political parties on the ballot – PDP & AD with 431,611 invalid votes for the election year – the number of political parties on the ballot in 2003 moved to 20, and the trend of invalid votes increased to 2,538,246. In 2007, it was popularly known that electoral statistics for 2007 were not reliable considering the nature of electoral malpractices in that election. In 2011, the number of political parties represented on the ballot was still 20, and the number of invalid votes was above the 1 million threshold. When the number of political parties reduced to 14 in 2015, the trend of invalid votes came downward. 2019 was a record year with 73 political parties represented on the ballot, and the invalid vote also increased. The pattern of 2023 is no different, where the number of political parties reduced to 18, and the trend of invalid votes came downward.

The size and format of the ballot paper are very important in the discourse to reduce invalid votes in Nigeria, and the number of political parties dictates this size. Considering that we still use indelible ink to thumbprint in our elections and if the size of the ballot is extremely big and during folding of the ballot – the ink may smear, and if not well managed, it has a high chance of being tagged invalid.

The Voting Procedures and Material, such as thumbprinting with indelible ink and folding the ballot before placing it in the ballot box, contribute to the plausibility of invalid votes.

Section 52 (1) of the Electoral Act 2022 states that: Where a voter makes any writing or mark on a ballot paper by which he or she may be identified, such ballot paper shall be rejected provided that any print resulting from the staining of the thumb of the voter in the voting compartment shall not be or be deemed to be a mark of identification under this section and Subsection two (2) of the same section states that INEC shall use indelible ink for any thumb mark by voters on ballot papers.

The electoral legal framework already specified the mode of thumbprint. It is then important to re-consider the use of indelible ink-smearing; the immediate alternative is using a dedicated pen for marking the ballot.

Lack of Simplified, Localized & Targeted Message.

Lack of Simplified Message: Previously, loads of information were usually packed in CVE material, often not appealing to Gen-Z or comprehensible to the public.

The capacity to distil complicated concepts without losing their essence is at the heart of what makes the material fascinating. CVE materials must straddle the divide between technical jargon and common speech to make democratic ideas understandable to everybody. We may make abstract ideas into concrete tales that engage and instruct by using storytelling strategies, anecdotes, and real examples. Moreso, visual components are crucial in drawing attention to and boosting the effect of CVE material. Data may be made into colourful, memorable images using infographics, drawings, and multimedia tools. Electoral Stakeholders can invest in creating a multi-sensory experience that imprints voters' minds by adding visual storytelling to our material. It is also very important to consider the people living with disabilities – creating CVE must also have some accessibility features.

Also, **it is important that CVE content is targeted** – if not, the message will not be effective because it may be the right message for the wrong person or the wrong message for the right people. It is important that the following under-listed factor are important to make a message targeted.

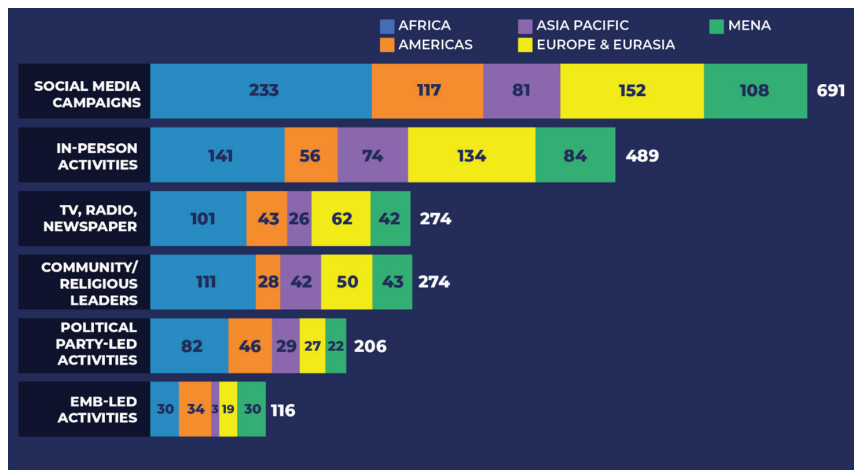
1. Identifying the electoral Issues predominant in the locality
2. Understanding of the demographic that is affected the most.
3. Deploying the right tools for CVE (targeted approach) at the right time is important as against using the same CVE approach for all, since electoral concerns of each demographic and community differs.
4. Using targeted messages putting into consideration the demographic affected and issues that require change is key.

Deploying the right tool at the right time is key.

If the right tool is not used, it then becomes an effort in futility. For instance, considering the number of internet users that are young people, it is a strategic decision to leverage digital tools to educate youth people with youth-friendly content. Furthermore, the power of technology increases the influence and reach of CVE material. Information may be widely distributed through digital platforms, social media, and mobile applications. By utilizing these technologies to their full capacity, we may interact with voters across regional borders, overcoming practical constraints and extending the reach of civic voter education.

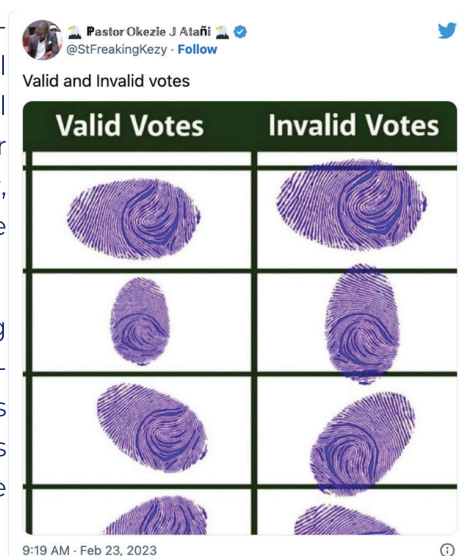
The IFES/KDI global study exploring the best nonformal strategies for civic education for young people corroborates this:

Social media is an effective method for engaging young people. Most survey respondents, including 78 per cent of those living in rural areas, identified social media campaigns as the most effective nonformal civic education method for engaging young people. Respondents also identified social media campaigns as the nonformal civic education strategy that they see young people leading most in their communities³⁴.



Simplified, targeted, proactive communication is needed because a vacuum does not exist in the electoral landscape. If the simplified message is not out, it will then be filled with complex and maybe fake news. For instance, as the February 25, 2023 election drew near, different information was shared on voting to sensitize the public.

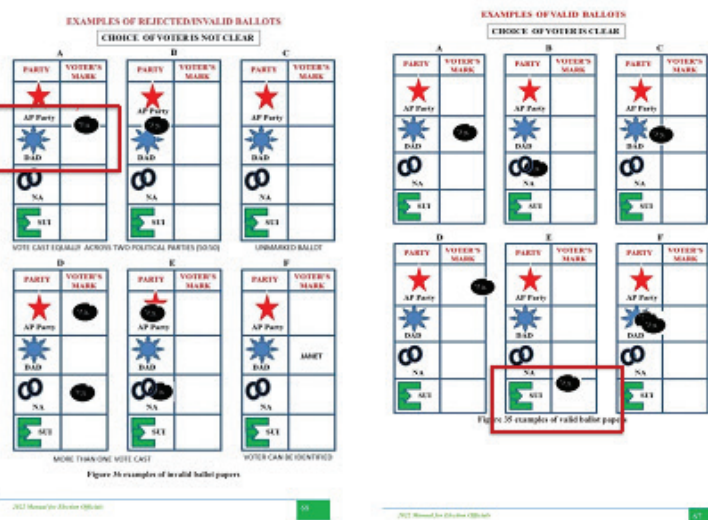
A certain image made rounds on the right and wrong placement of the fingerprint, apparently not from a reliable source. The image shows that only fingerprints within the fingerprint compartment in front of a party's logo are valid. If your fingerprint crosses or touches the



compartment line, it becomes invalid.

While many believe this and have gone ahead to reshare, some Twitter users disagree with the fingerprint placement described as invalid, noting a person's vote only becomes invalid when it becomes difficult to determine which compartment it belongs to³⁵.

While this illustration may not be correct, it has gone far in the media space, and first-time voters would have upheld this misconstrued information because there is no such information targeting them from the official source and on the media space.



Election experts and media personnel at the FGD made it known that the commission's 2022 manual for election officers explained this. According to this manual, only thumbprints placed equally across two political parties' compartments or on multiple compartments constitute an invalid vote. Ballots without fingerprints or with the voter's name in place of a thumbprint also constitute an invalid vote.

However, it was noted that this did not have wide publicity because it was just a document circulated among the electoral officers.

Moreso, the valid and invalid demonstration or illustration is not contained in a poster that is meant to be pasted at the polling units before the commencement of polls; Below is the list of posters that are meant to be pasted at the polling units before the commencement of polls as documented in the commission's 2022 manual for election officers.

8	Poster EC 30PWD – Written Instructions	Four (4) Copies per PU	To be pasted before commencement of poll
9	Poster EC 30A – Polling Station Poster	Four (4) Copies per PU	To be pasted before commencement of poll
10	Poster EC 30A(I) – Polling Station Information Poster	Two (2) Copies per PU	To be pasted before commencement of poll
11	Poster EC 30B – Polling Zone Poster	Four (4) Copies PU	To be pasted before commencement of poll
12	Poster EC 30C – Voting in Progress Poster	Two (2) Copies per PU	To be pasted before commencement of poll
13	POSTER EC30D-Collation Centre Poster	Four Copies per Collation Centre	To be pasted before commencement of poll

Aside from the aforementioned, we further looked at the INEC Twitter platform to see if there is any demonstration of what makes up invalid votes to counter the viral image or

educate the voter, even if the intention is not to counter that viral image misinforming potential voters. The last time INEC communication focused on invalid voters was 6 February 2022 towards the 2022 FCT Area Council Elections – it is important to note that this demonstrated how to fold the ballot paper and not how to vote.



INEC did more defensive and informational communication towards the 2023 general election than educational communication on social media.

Electoral irregularities, such as **vote buying, intimidation, and harassment of ad-hoc officers by party agents** and **Negative Community Consensus**, contribute to invalid votes' plausibility.

As mentioned above, the lack of publicity and forms to be displayed at the polling units may explain why some overbearing political party polling agents overwhelm the electoral officer to declare a supposed valid vote invalid. This is aided by the thought that the decision to invalidate a vote is discretionary to the ad-hoc staff when the thumbprint falls between two compartments. This is sometimes extremely intimidating when the party agent has a huge support base at the polling unit. There were reported cases of community consensus against the right voting principle where the community-built consensus to invalidate valid votes so far it does not align with their interest. This is an emerging form of suppressing the votes of the opposition or minority groups.

Vote buying is another vehicle that increases the plausibility of invalid votes in Nigeria; some political chieftains confirm that voters with multiple parties have induced tend to vote for both parties that have induced him or her materially or financially. This multi-print area automatically invalid votes. It is important to understand that this is intertwined, and it will be helpful if vote-buying can be nipped in the bud because it intersects with issues to make it multi-compound complex.

Recommendations



Localize the Message

CVE materials are filled with many electoral terminologies that illiterates and semi-illiterates cannot comprehend. It is then important to localize the message. Using the indigenous language multi-sensory compelling images will aid the comprehension of those that are grassroots. This is with the understanding that knowing the varied wants and goals of the voters is the first step in developing compelling material. It calls for a profound understanding of Nigeria's diverse cultural, racial, and linguistic variety. Messages can be tailored to voters by embracing this variety, ensuring everyone feels seen, heard, and respected. In this context, INEC, CSOs, and NOA have many roles to play here because of INEC & NOA's presence in the 774 LGA. The already established infrastructure and human resources will aid the widespread of local content at the grassroots.

Recommendations

1. INEC had 7 days to review any decisions- As far as it is reasonably practicable, there should be post-election audits of ballot papers to determine ballots that were invalidated consciously or unintentionally by officers for so of the reasons identified above. This can help reduce the number of invalid votes and help determine the preponderance of mistakes made by voters that led to invalid votes for CVE intervention.
2. There is a need to engage the Inter-party Advisory Committee and/or each political party, most importantly, to support them in creating a voter education department and not just a mobilization desk. Alternatively, the mobilization and publicity office can be engaged to develop civic and voter education curricula and manuals with effective monitoring and evaluation mechanisms.
3. There should be a review of the Civil Education in schools to accommodate Electoral education – IFES worked with NERDC to review the elementary schools' curriculum, and while this is commendable- reviewing the high school and tertiary education curricula becomes imperative.
4. The Inter-agencies Committee on Voter Education should be made viable, and development partners should support this committee for effective CVE. These committees are in each state of the federation and are made up of individuals and organizations working in the localities who will understand the local context, diversities, interests, and language of the people.
5. All electoral stakeholders must work hand in hand to review section 52 (2) of the Electoral Act 2022 to accommodate options like using a dedicated type of pen to mark the ballot as against the use of ink alone to thumbprint on the ballot. Furthermore, since this will take some electoral act reviewed – CSO groups should be ready to support and advocate for this at all levels.

6. INEC need to consider expanding the mock accreditation exercise to mock election or voting because this will help educate the voter and be a viable means to correct voting mistakes.
7. CSO groups and development partners need to work with the voter education and publicity department of INEC to conduct a pre-election study to gauge the public knowledge of the electoral process, especially how to vote. This will also help understand the potential voters and how best to conduct targeted CVE.
8. We recommend that CVE should start as soon as notice of elections is given. This will also help in conducting CVE for a longer period.
9. In the last election, data from the KDI/IRI tracking of the pre-election environment shows that INEC did 63% of the CVE. The question becomes, where is NOA? – many have blamed it on lack of funds and in some states, we have seen NOA work collaboratively with INEC. Overall, we implore the executive arms of government to make adequate budgetary provisions for NOA since their mandate aligns much with the goal of conducting CVE.



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