



**THE ROLE OF ELECTORAL COMMISSIONS IN THE EMERGENCE OF
LEGITIMATE GOVERNMENTS: A STUDY OF THE 2023 PRESIDENTIAL
ELECTIONS IN NIGERIA**

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ABSTRACT: *The paper examined the role of electoral commissions in the emergence of legitimate governments with major focus on the 2023 presidential elections in Nigeria. In democratic dispensations, the quality and credibility of elections conducted by Electoral Commissions are very crucial in the emergence of legitimate governments characterised by wide acceptance and recognition necessary for promoting political stability. The Independent National Electoral commission (INEC) is the institution saddled with the task of conducting elections in the Federal Republic of Nigeria. In order to attain optimum performance, this institution must be highly competent, transparent and independent in the implementation of the nation's electoral process. Nigerians had high expectations for the 2023 elections as the newly adopted 2022 electoral act made provisions for electronic system of voting and transmission of results using the Bimodal Voter Accreditation System (BVAS) and INEC Result Viewing Portal (IREV). This study embraced the Social Contract Theory by John Locke to explain that governments can only function when given consent by the people they govern. A descriptive research design was adopted and data was obtained mainly from secondary sources such as published works, journal publications, newspapers, internet sources and government publications. The study identified that adherence to electoral laws, non violation of voting and electoral rights of citizens, recruitment of competent electoral officers and ensuring integrity and transparency of the electoral process amongst others are roles of electoral commissions in the conduct of credible elections. Findings also revealed that the 2023 presidential elections was marred with myriad of problems and electoral malpractices such as noncompliance with the electoral laws in the area of electronic voting and transmission of results, political thuggery and voters' intimidation, late arrival of election materials and disenfranchisement of a lot of eligible voters. This study therefore recommended proper planning and training of electoral officers, enhanced level of autonomy for electoral commissions and adequate synergy between electoral commissions and other stakeholders.*

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Introduction

Democratic system of government creates an opportunity for citizens in a nation to elect their leaders in government. The people vote for persons whom they trust will take charge of the administration of the state with the objective of improving living standards, providing basic amenities and ensuring security of lives and properties. The democratic process is expected to produce legitimate governments that are characterised by popular acceptance, support and recognition by the people.

The term “Legitimacy” can be referred to as the right and recognition of an authority and is considered a basic condition for governing. Citizens in a democratic dispensation have the right to choose their leaders and participate in decision making through their elected representatives. A government is referred to as legitimate if it assumes position of authority through a generally accepted electoral process considered free, fair and credible. The process must give credence to persons of authority who enjoy the confidence and trust of the citizens. A legitimate government enjoys wide acceptance and doesn't face the challenge of political instability. Citizens are eager to be part of the implementation process of government policies when the government is largely accepted by them.

The electoral process therefore plays a major role in the emergence of governments considered to be legitimate. Countries establish electoral commissions or bodies as institutions saddled

with the responsibility of implementing, coordinating and supervising their electoral processes and procedures towards conducting free, impartial and reliable elections. In discharging their functions, these electoral commissions must be highly professional, efficient, transparent and unbiased in ensuring that the will of the people prevails. Okpoh (2009) rightly noted that the composition of the electoral bodies and their mode of formation, have a lot of implications on their performance capacity, the type of election they would be capable of midwifing, the legitimacy or otherwise of the elections and the electorate perception of this. This is corroborated by Hassan (2023) who noted that the level of integrity, efficiency and transparency exhibited by stakeholders in the course of executing their duties determines the level of success achieved in any electoral process. The establishment of electoral commissions in Nigeria dates back to the pre-colonial era when regional laws and governments regulated and conducted elections and was later replaced by the establishment of the Electoral Commission of Nigeria (ECN) in 1958 which handled the conduct of the 1959 elections (Wikipedia, 2023). In 1960, the Federal Electoral Commission was created to execute the elections of Federal and regional elections in 1964 and 1965. The Federal Electoral Commission (FEDECO) was established by the Obasanjo administration and the 1979 and 1983 elections were done. All these elections were said to have been marred by irregularities, rigging and electoral violence.

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The current Independent National Electoral Commission (INEC) was created in 1988 and handled the electoral process that welcomed the Nigerian fourth republic on May 29, 1999. INEC so far has handled the 2003, 2007, 2011, 2015, 2019 and also the just concluded 2023 Presidential elections. Since Nigeria gained independence in 1960, the country has had twelve Chief Electoral officers with Prof. Mahmood Yakubu currently in charge of INEC. There have been cases of challenges and disappointments during the conduct of elections in Nigeria which has led to election outcomes not reflecting the will of the people. In such cases, unpopular governments get their legitimacy from minor and prominent elites. Problems encountered during elections includes violence, ballot-box snatching, vote buying, delay in supply of election materials to voting locations, disenfranchisement of eligible voters due to inaccurate voters register, voters apathy, manipulation of election results, bias and non-independence of the Electoral Commissions. Ozekhome (2020) lamented the poor electoral process of the nation when he declared that Nigeria's conduct during past elections have been characterised by fraud and corruption. The European Union stated that the 2007 general election was highly characterized by major irregularities and violence, highly fraudulent, had no transparency, lacked integrity and disenfranchisement of eligible voters. (Udeoba and Alokwu, 2021).

The just concluded 2023 Presidential elections by INEC has been adjudged to be the worst election to be conducted by the electoral commission as most persons are of the opinion that the elections did not adhere strictly with the provisions of the law as provided by the Electoral Act 2022 as amended (Aniagwu, 2023). Citizens had high expectations when going to the polls for the 2023 elections as the Electoral Act 2022 made provisions for the electronic system of voting and transmission of results through the Bimodal Voter Accreditation System (BVAS) and INEC Result Viewing Portal (IREV). Nigerians were convinced that with these electronic provisions, elections would be transparent and free from bias but unfortunately the elections were characterised by so many irregularities and the announcement of an unpopular candidate as winner in the most controversial circumstances. This study therefore aims to critically examine the role of electoral commissions in the emergence of legitimate governments and the specific objectives includes:

- I. To examine the role of electoral commissions in the conduct of free, fair and credible elections;
- II. To assess the performance and challenges of the Independent National Electoral Commission (INEC) in the conduct of the 2023 Presidential Elections
- III. To provide adequate recommendations for the successful implementation of electoral processes and procedures by electoral commissions.

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METHODOLOGY

This study adopted a qualitative research and secondary data was collected through desk research from textbooks, journal articles, conference papers, internet, newspaper and government publications considered relevant to the study. The content analysis was utilized to analyze data collected from these instruments.

CONCEPTUAL FRAMEWORK

ELECTORAL COMMISSIONS

Democracy gives citizens the opportunities of electing their leaders through the process of voting for eligible candidates in a manner considered free and fair. Electoral processes must be executed according to prescribed guidelines and provisions of the law hence the establishment of electoral commissions. Electoral commissions are institutions responsible for the management and implementation of the entire electoral process of a nation with the objective of conducting elections to elect qualified candidates into offices of authority. It can also be referred to as a body saddled with the function of coordinating activities, men and materials for successful elections in a political system. For electoral commissions to discharge their functions efficiently, these organisations must be independent, transparent and impartial. This is corroborated by Kaaba and Haang'andu (2020) as they opined that the legitimacy of elections cannot be separated from the competency, professionalism and independence of the institution administering them.

Electoral commissions are usually structured to be independent and non-partisan with the aim of ensuring free and fair elections. These Commissions are usually headed by a chairman with a fixed tenure of office and have their activities guided by the electoral laws and constitution of a country. Cheeseman and Elklit (2020) noted that particularly for countries operating new democracies, these electoral institutions engage in functions such as organisation and management of electoral activities, vote collation and result announcements. Major functions of electoral commissions includes:

- i. Delimitation of the nation into electoral constituencies for the purpose of conducting smooth elections
- ii. To register all eligible voters and update the voters register regularly.
- iii. To ensure all materials required for the voting exercise are made available e.g ballot papers, ballot boxes, stationeries, vehicles and relevant logistics.
- iv. To register all qualified political parties according to prescribed provisions of the constitution and electoral laws.
- v. Conduct of free and fair elections according to the rules, regulations and guidelines already established.
- vi. To supervise the recruitment and training of electoral officers for efficient performance.
- vii. To carry out enlightenment of the public on election guidelines and expectations throughout the period of the elections.

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viii. To count, collate, compile and announce election results for the purpose of declaring winners and issuing certificates of return accordingly.

These electoral commissions over the years have faced major challenges that have inhibited their effective performance. Challenges such as electoral malpractice, insecurity, government interference, inadequate funding, bribery and corruption as well as logistics problems have reduced the confidence of the citizens on these electoral commissions.

CONCEPT OF LEGITIMACY IN GOVERNMENT

Legitimacy emanates from a latin word “legitimus” which means lawful or according to the law. It is the general acceptance by the citizens of a country of the existing political structure and government. Ian Hurd (2023) in the Princeton encyclopedia identifies that political science and sociology definitions perceive legitimacy as the right to govern by a leader, ruler or institution. Authorities that lack legitimacy usually find social regulation cumbersome and challenging and its structure can hardly exist. Legitimacy refers to wide recognition of a government, political institution or system of government (Brittanica, 2023). It therefore means that the procedures and processes through which governments assume positions of authority determine the level of acceptance from the citizens. A legitimate government is an administration that is acknowledged by its people as rightful and has to

do with the general acceptance of the political system in conformity with laid down rules and regulations. States that lack legitimacy channel most of their resources to the maintenance of their rule and less to effective governance (Bruce, 2006).

Maxweber (1864-1920) stipulated the basis for legitimate rule in societies when he categorised forms of legitimacy to be traditional (based of hereditary, customs and family traditions), charismatic (based on personal traits, qualities and human characteristics like leadership skills) and legal-rational legitimacy (emphasis on the emergence through compliance with rules and regulations). The legal-rational authority is the mark of modern democracy where citizens are given the opportunity to vote and elect their leaders while authority lies in the office not in the person. He further reiterated that legitimacy is based on what is widely accepted and a legitimate government obtains approval from the people who consider the activities of those in power just and appropriate. This gives credence to the fact that a government is considered legitimate based on the perception of the people who are being governed.

The Anglo-saxon world sees legitimacy as political participation and regime accountability secured by free and fair elections. Legitimacy encompasses socio-economic and political rights that transcends beyond coercion and force to strong political authority. Furthermore, according to Clements (2019), it was noted that universal legitimacy is not in existence but can be

greater in societies characterised by political inclusion, citizen participation and representation. Citizens normally view a government elected democratically according to the law as being legitimate while governments that acquire power by force and intimidation are considered illegitimate. Major features of legitimacy includes:

a) Popular Support: Government's are considered legitimate if they enjoy wide support from their people. In a democratic system, the political party that gets the highest number of votes during election forms a legitimate government.

b) Popular participation: Citizens and interest groups must play active roles in political activities and governance as this is a major criteria for the legitimacy of any government.

c) Means of power acquisition: The government of the day must emerge through total compliance with the laws and constitution to be considered legitimate. A government that emerges through force, coercion or unlawful conditions would not get wide acceptance and would be considered illegitimate.

d) Periodic Free and Fair Elections: In democratic systems, the conduct of elections is very key in the emergence of legitimate governments. Elections must be free, fair and devoid of electoral malpractices so citizens can elect the candidates with wide acceptance as their leaders. The electoral process must be considered transparent with absolute compliance to the tenets of the rule of law.

e) Compliance with the provisions of the Constitution: A legitimate government must have respect and meet up with the provisions of the constitution in the discharge of their functions.

f) Respect for the Fundamental Human Rights of Citizens: Legitimate governments ensure the respect of the fundamental human rights of citizens and ensure citizens enjoy their rights as entrenched in the constitution. In democracy, the right to vote and be voted for ensures that the people participate actively in political activities and in the election of their leaders.

INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) AND THE ELECTORAL ACT (2022) AS AMMENDED

The Independent National Electoral Commission (INEC) is the institution established for the purpose of conducting general elections in Nigeria. INEC was instituted according to section 153(f) of the 1999 constitution of the Federal Republic of Nigeria and assigned the function of organising elections at the local, state and federal levels. The composition of the Commission includes a national chairman supported by twelve national commissioners striving to achieve the goal of being the best Election Management Body (EMB) in the world with the purpose of meeting the desires of the Nigerian people (INEC, 2022). Its core values includes autonomy, impartiality, credibility, integrity, equity and excellence. The functions of INEC as stipulated in Section 15,

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part I of the 3rd schedule of the 1999 constitution (as amended) and section 2 of the Electoral Act is as stated below:

1. To coordinate, organize, and supervise elections pertaining to the position of the President and Vice-President at the Federal level, Governor and Deputy Governor at the state level as well as elections into the legislature particularly the National Assembly and State Houses of Assembly.
2. To oversee the registration process of political parties while complying with the provisions of the Nigerian constitution and act of the Legislature.
3. To provide adequate monitoring and control of the activities, conduct and finance of political parties.
4. To ensure proper financial accountability through periodic audit of accounts of political parties and public rendering of financial statements.
5. To undertake the registration exercise of all eligible voters as well as updating the voters register for the purpose of any election.
6. To monitor and spell out guidelines for the conduct of political campaigns by parties during elections.
7. To ensure all public officials involved in the electoral process such as Electoral Commissioners and Returning officers pledge to discharge their duties in honesty, integrity and compliance to the rules by taking the oath of office stipulated by law.

8. To delegate powers of INEC to Resident Electoral Commissioners where the need arises. INEC has established its presence in all the 36 states, Federal Capital Territory and the 774 local government areas in Nigeria.

Elections are expected to be carried out within the specifications of the law and constitution to ensure that candidates who are widely accepted by majority of the people and enjoy much support of the citizens are elected. The Electoral Act (2022) was signed into Federal Law on 25th February, 2022 repealing the 2010 Act. The new law came into being as a result of revealed gaps in the old laws and a lot of advocacy for electoral reforms. INEC guidelines and regulations are also binding laws guiding the electoral procedures of elections in Nigeria.

The new electoral law was widely accepted and seen as a means for conducting free, fair and credible elections notably because of the provision for the electronic system of voting, transmission and collation of results. The law indeed provided INEC with some powers that allow innovations in the system which was expected to facilitate transparency during the conduct of elections (Mbamalu, 2023). Section 47 (2) of the Electoral Act 2022 stipulated the mandatory use of the Bimodal Voter Accreditation System (BVAS) for verification of voters. In like manner, the INEC guidelines regulating the conduct of elections states in Paragraph 38 that upon the conclusion of voting and counting or ballots in the respective polling units, the Presiding Officer is expected to:

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(a) ensure the transmission of results of the polling unit directly to the collation system provided by INEC through electronic means;

(b) upload all scanned copies of information contained in the EC8A to the INEC Result Viewing Portal (IREV) through the BVAS;

(c) Transfer in tamper proof envelopes all original result sheets, relevant documents and the BVAS to the Area/ward collation officer accompanied by security officers.

This new introduction of electronic system built confidence on the reliability of the electoral process to be supervised by INEC and as such a lot of expectations were in the air concerning the 2023 general elections as the law provided an opportunity for a free and fair election to be conducted.

THEORETICAL FRAMEWORK

This study adopts John Locke's Social Contract Theory which in simple terms propounds that the consent of the people is the major determinant of government existence with the protection of basic rights and promotion of societal benefits as paramount objectives of government (Nation, 2019). John Locke (1632-1704) was widely known as the father of Liberal Theory of Democracy and an influential political philosopher in modern times. In his work "Two Treatises of Government" (1690), Locke opined that men were free, equal and independent and also subject to the natural laws of showing esteem for one another's right to life, freedom and property (Britannica Encyclopaedia, 2003). His writings emphasized on the right of citizens,

welfare activities of the state, constitutionalism and the democratic power of people to effect and change the government. Human beings by nature have natural rights and at the same time also have natural duties for instance one cannot in the course of exercising his right dominate another person. Though men have been characterised to be good natured, decent and accommodating, one can't rule out the tendency of some men to be selfish, vicious and with degenerative personality. This therefore calls for the establishment of an institutional framework to foster peaceful coexistence and secured environment.

In order to achieve this, it requires the formation of an established law and constitution, impartial judiciary and willingness of the executive to effectively implement the accepted laws and creation of a state. Individual rights are maintained while their sovereignty are partly surrendered to the State. Political governments assume the status of legitimacy when the people of a country enter into a social contract with the government and based on specified conditions concede some of their rights to the government to manage the affairs of the state resulting to stability, improved welfare and comfortability as well as promoting security of properties. (Tuckness, 2020). Emphasis of this theory is government based on consent as there can be no subjections to power without consent and the government that doesn't perform to expectations can be overturned by the people.

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This theory is similar to modern democracies where the constitution and electoral process is the contract and the citizens are supreme. This theory has shown that the citizens of a country must give consent and contribute to the establishment of a government for the purpose of securing individual rights and also enhancing security in the society. It is therefore expected that in a democracy, the electoral process which gives rise to the government of the day must be transparent, free and fair for legitimacy to be established. In addition as propounded by this theory, conformity to the provisions of the constitution and other relevant electoral laws is necessary in handling the process for the emergence of legitimate governments.

The Executive is also expected to be able to implement laws for the good of the people. In like manner, Electoral Commissions which are institutions established by the government are to implement electoral laws and guidelines according to the provisions of the constitution. This is to ensure electoral processes are devoid of malpractices capable of interfering with fairness and credibility of elections. In the long run, when laws are complied with and electoral commissions implement their tasks according to the law, free and fair elections are obtained giving rise to legitimate governments that enjoy wide acceptance and political stability.

ROLE OF ELECTORAL COMMISSIONS IN THE CONDUCT OF FREE AND FAIR ELECTIONS

Elections provide citizens the opportunity of participating in the governance of their country by electing those they feel can administer their country and constituencies satisfactorily. Through the choices they make, government authorities are conferred the status of legitimacy through the citizens they govern which promotes public acceptance and cooperation towards successful execution of government's developmental policies and programs (Udeoba and Alokun, 2021). Citizens through elections are better positioned to choose between different ideologies, political parties and candidates and make them accountable to the people while exercising their powers. Also, those in authority who perform below expectations can have their powers and positions relinquished as elections provide the means of removing non performing leaders. Norman (2018) highlights functions of elections to include provision for succession in power within a political system, to ensure connectivity or an element of consent between the government and the governed and thirdly to contribute towards the political socialisation of the people. This therefore depicts that free, unbiased and credible elections are vital prerequisites for the emergence of legitimate governments in any democracy. According to the perception of the former United Nations (UN) Secretary General, Kofi Annan, democracy, human rights and security can only be promoted

when elections are conducted in a transparent manner devoid of irregularities and bias. Elections play key roles in the democratic process and consequently requires careful planning and implementation. Levin (2016), asserts that elections are the only mechanism of selecting representatives and in legitimizing governmental authority in a parliamentary democracy.

The ability of elections to produce legitimate leaders is highly dependent on how well the Electoral commissions are formulated, structured and its level of adherence to the electoral laws. Electoral bodies must be impartial, competent in the discharge of their responsibilities and must have the trust and confidence of the electorates to carry out free and fair elections. Ekundayo (2015) asserts that in democratic systems, election plays an essential role as it provides an opportunity for citizens to express their political interests legitimately but unfortunately most developed countries have not been able to institute integrity and transparency in their electoral processes. The following are roles of Electoral Commissions in ensuring the conduct of free and fair elections:

(a) Independence in the discharge of functions: Electoral commissions must exercise their duties independently and impartially. They must be free from interference especially from the ruling party and must be non-partisan during the conduct of elections. Citizens and stakeholders must have confidence in the electoral commissions which must be seen as neutral,

objective and free from bias. This is a critical criteria if elections are to be adjudged as free and fair.

(b) Strict adherence to the Electoral Laws: Officers of the electoral commissions must have adequate knowledge of the electoral provisions embedded in the country's constitution and all relevant electoral laws. In the discharge of their duties, the commission must operate within the framework of the law and act accordingly.

(c) Ensure non violation of voting and election rights of the citizens: Electoral commissions are to ensure right of citizens and stakeholders are protected and not violated to ensure fairness in the entire electoral process. According to the Inter-Parliamentary Union declaration on conditions for credible elections (1994), the following areas are specific rights that must be enjoyed by citizens:

- i. Adult citizens who are eligible voters must enjoy their right to vote during elections without any form of discrimination.
- ii. The voters' registration procedure for adult citizens must be free from partiality and discrimination of any sort.
- iii. No eligible adult citizen should be denied the exercise of his or her franchise and consequently must not be deprived of voting rights or disqualified from being registered as an eligible voter.
- iv. Adult citizens must have equal and appropriate access to polling units for the purpose of exercising their franchise. Location to

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polling units must be reasonable and accessible also to the disabled.

v. Political parties and qualified candidates contesting for respective offices must enjoy equal opportunity to access the media to carry out campaigns and publicity of their manifestoes and agenda for public awareness.

vi. The right to security of lives and properties of candidates and the entire electorate must be recognized and preserved.

(d) Recruitment of competent staff and provision of periodic training: Electoral commissions must engage competent staff who have requisite technical skills and are of good conduct to serve as officials of the Commission during elections. These staff must be well trained and must carry out their functions in an unbiased and honest manner to gain the confidence and trust of the citizenry in the electoral process.

(e) Proper enlightenment of the public on electoral procedures: The electoral commissions must carry out enlightenment programmes to inform the electorate about election procedures and relevant information concerning voting patterns. All citizens must be aware of political parties and candidates contesting for various positions. The commissions must set up adequate machinery for smooth interaction, communication and coordination amongst stakeholders such as political parties, security organisations, media houses and civil society associations.

(f) To monitor campaigns during the election period: Electoral commissions must prepare

guidelines and modalities for campaigns throughout the period. Political parties and candidates must be given the opportunity to relate their manifesto to the public and as such these political parties and media are encouraged to follow laid down guidelines and procedures for carrying out election campaigns during the period.

(g) To guarantee credibility and transparency of the electoral process: A key role of the electoral commission towards the realisation of free and fair polls is that integrity of the ballot system must be maintained. The entire exercise must be free from fraudulent activities such as multiple voting, underage voting, inflating figures etc. Party agents and duly accredited observers must be involved in the voting exercise especially during counting and results accurately documented and transmitted accordingly.

(h) Secret ballot and non-intimidation of Voters: Proper measures must be in place to make sure the secret ballot approach is well guarded so as to encourage voters to exercise their franchise freely without fear or intimidation. Voters must feel safe and secure throughout the voting process and must not be threatened by any individual, group or political force.

There are lots of expectations from Electoral Commissions in conducting credible elections no doubt and Yaqub (2006) corroborated this when he opined that the level of competence exhibited by electoral institutions determines the reliability and standard of elections conducted. Electoral commissions must identify their

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strategic role in meeting the desires of the electorates and must perform their duties effectively, efficiently and in compliance with the provisions of the law to ensure sincerity and integrity during elections which is key for the emergence of legitimate governments that command wide support and acceptance.

THE 2023 NIGERIA PRESIDENTIAL ELECTIONS: MATTERS ARISING

Nigeria holds elections into legislative and executive positions every four years and there are adequate laws enacted to ensure that it is the candidate with the highest number of votes and majority acceptance that emerges as the legitimate President in the country. The 2023 Nigerian Presidential elections took place on Saturday, 25th February, 2023 and so many issues arose from the conduct of the elections which many doubt could be termed as a free, fair and credible election. Section 14 (2) of the 1999 Nigerian constitution emphasises on the fact that the Nigerian people determine those to be in authority for the purpose of controlling resources but the question is did the result of the elections reflect the will and desires of Nigerians? Citizens were hopeful that with the introduction of the electronic system of voting which provides for the use of the Bimodal Voting Accreditation System (BVAS) and the electronic transmission of results through the INEC Result Viewing Portal (IReV), the integrity of the process would be maintained. Mbamalu (2023) noted that the election was a missed opportunity for Nigerians to consolidate the gains of the electoral reforms

to have a transparent system. Hopes were dashed as the electoral process was marred with a lot of skewed actions by stakeholders, visible distortions of election results and deviations from the provisions of the law guiding elections in Nigeria (Ozekhome, 2023). Past President Olusegun Obasanjo called for the cancellation of the elections even before the announcement of the results due to non-adherence of the entire conduct of the elections to the provisions of the 2022 electoral law and INEC guidelines. In the same vein, foreign observers also noted that the problems encountered during the polls could make one conclude that the elections did not meet significant best ideals for elections.

The United States Ambassador to Nigeria, Mary Beth Leonard opined that the presidential elections did not reflect the will and aspirations of the Nigerian people and therefore resulted in the citizens being dissatisfied, unhappy and discouraged with the entire electoral process and election results pronounced (Vanguard, 2023). At exactly 4.10 a.m on 1st March, 2023, amidst the controversies and large outcry of irregularities of the elections, INEC declared Bola Ahmed Tinubu, the APC presidential candidate as the winner of the presidential elections after an electoral process adjudged as the worst election ever conducted since Nigeria returned to democratic governance in 1999. The vote count during this election was said to be the lowest in more than 40 years especially when compared to the number of eligible voters (Omotayo, 2023). For instance, Bola Ahmed

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Tinubu scored 8.7 million votes which is the lowest number of votes for a presidential election winner in Nigeria since 1999. This study therefore encapsulates the issues confronting the 2023 general elections which questions the legitimacy of the government that emerged from the process.

1. Logistic Problems: The election process had lots of logistic problems emanating from poor planning and coordination by the electoral umpire. Many polling units commenced very late, some had insufficient voting materials and some officials were not on ground as the INEC personnel were insufficient. In some polling units, voting did not take place as electoral officers and materials did not appear throughout the period of the elections. Mbamalu (2023) lamented that logistics were indeed a huge disappointment and this no doubt led to the disenfranchisement of eligible voters. Simon Mwadkwon, senator-elect representing Plateau-North reported that in Barakin-Ladin local government in Plateau State, there were no ballot papers at all (Tribune, 2023). Some electoral officers complained that there were transportation difficulties as funds were not made available to transporters to convey the electoral materials needed to the various polling units. It was so disheartening to note that these logistic problems existed despite the huge funds allocated for the elections. Edward (2023) revealed that available numbers show that the sum of N355 billion was budgeted by INEC for the polls which excludes the 39 million pounds

received as support under the European Union support to Democratic Governance in Nigeria (EU-SDGN). The government of the United States also provided 50 million dollars as technical assistance and support for the elections but unfortunately, there was nothing to show despite the huge funds earmarked for the electoral process. This election has also been referred to as the most expensive in the history of Nigeria as amount expended was a 62% increase over what was spent in the 2019 general elections. Omotayo (2023) stated that despite the huge spending, INEC's conduct of the 2023 presidential elections failed to make any significant advancement but rather eroded the gains made in the past few years towards achieving real democracy through the conduct of credible elections.

2. Technological Problems and Noncompliance to the Electoral Laws: The positioning of technology was in two areas with the aim of improving the integrity of elections. The first was to utilise the BVAS for accreditation and the second was to transmit results through the INEC viewing portal from the polling units. The mandatory use of the BVAS machine as spelt out in section 47(2) of the electoral act 2022, was quite successful but with some complains of some BVAS machines not functioning. This slowed down the process of accreditation in affected polling units as the machines had to be replaced while some other units did not use the BVAS for accreditation which further questions the authenticity of

results generated. Section 65 of the 2022 Electoral Act and section 38 of the INEC's regulation guidelines states that the presiding officer must transmit results to the INEC viewing portal upon the completion of voting at the polling unit. Unfortunately, this was not the case as it was observed that as at 10.pm on the election day, no result had been uploaded on the portal for the presidential election. As at March 1st when the winner was declared, only 70% of results had been uploaded while as at 5th March, 2023 one week after the election, only 95% of the results had been uploaded. INEC made use of manual collation of results which was alleged to be full of irregularities as polling agents and Nigerians in general complained that the results later uploaded were different from the actual figures collated at the polling units. INEC did not provide prompt and reasonable explanations for difficulty in uploading results to the server but went ahead to collate results and declare a winner in the midst of the controversies generated. This conduct of INEC has been termed to be a deliberate act to favour the ruling APC which majority of Nigerians were ready to remove from the corridors of power especially at the presidential level due to non-performance. Elections are highly contentious and is about competition of ideas and as such the moment an element of doubt exists, it raises questions on everything (Mbamalu, 2023).

3. Poor Training of Electoral Officers: It was observed that some INEC officials and adhoc staff engaged to administer the elections were

not properly trained to efficiently carry out their jobs. Some of the officials had no idea how to operate the BVAS machines neither did they know how to upload results after the voting exercise. This lack of professionalism in the discharge of their duties made the electoral process cumbersome, slow and lack integrity.

4. Political Thuggery and Violence: The election was marred with violent attacks by hoodlums and thugs who went about intimidating voters who were not willing to vote for their candidates. Polls were highly interrupted especially in parts of Lagos state. There were physical assaults on voters, cases of fighting and blood shed during the elections. Security officers were not seen to be fair and professional as they were seen enabling thugs to steal ballot boxes or sitting idly while eligible voters were been denied their rights to vote (Edward, 2023). This level of insecurity led to the disenfranchisement of a lot of eligible voters who scampered for safety and left the voting vicinity to secure their lives and properties.

5. Electoral Irregularities and Malpractices: There were cases of electoral irregularities and malpractices which were major impediments to the credibility of the elections. Ballot box snatching, deliberate destruction of ballot papers, vote buying and corrupt practices were major challenges. Forgery of election results with many result sheets being manually mutilated and adjusted as well as cases where elections did not hold but results were generated questioned the integrity of the entire process.

There were incidents of under-age voting especially in Kano State and when the Commissioner of Police had his attention drawn to this, he explained that probably they were adults but looked like children with stunted growth.

6. Declaration of Winner not Meeting up with the Constitution Requirement: A major issue concerning the Nigerian 2023 Presidential elections is the declaration of a winner under controversial circumstances in

respect to the fulfilment of certain requirements of the 1999 constitution. Section 134 (2) of the 1999 constitution provides that for a candidate to be declared winner after contesting a presidential election, he or she must have the highest number of votes cast during the election. In addition, the candidate must have a minimum of 25% of all votes cast in each of at least two-thirds of the thirty-six states of the federation and the Federal Capital Territory (FCT). Below is the statistics of votes cast in the FCT

	PARTY	TOTAL VOTES	PERCENTAGE
1.	All Progressive Congress (APC)	90,902	19.76%
2.	Peoples Democratic Party (PDP)	74,194	16.13%
3.	Labour Party (LP)	281,717	61.23%

Source: INEC Website

Bola Ahmed Tinubu, the APC candidate who was declared winner had a total of 90,902 votes which translated to 19.76% of total votes cast in the FCT, Abuja which falls short of the requirement but in the early hours of 1st March, 2023 he was declared president. The Federal Capital Territory (FCT), Abuja is strategic in Nigeria because of the diverse tribes, religions and ethnic groups in the location and as such has been classified as a centre of unity. This characteristic was fully recognised by the constitution hence the emphasis on the fact that the winner must earn at least 25% votes from the location. Akinterinwa (2003) explained that if a candidate falls short of this requirement, he or she cannot be declared the winner of the

presidential election irrespective of the number of votes acquired from the other states. Nigerians now await the full interpretation of this section by the judiciary and are left with the question of the legitimacy of the new government and its level of acceptance by the citizens.

Conclusion

INEC's conduct during the last 2023 presidential elections in Nigeria falls below anticipated standards and expectations which has led to the opposition and aggrieved parties approach the judiciary to seek redress. Omotayo (2023) clearly identified that due to the inefficiency and incompetence of our electoral commissions, the country's elections are now being subjected to judicialization making our democracy

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questionable. Electoral Commissions have to be alive to their responsibility and must adopt the tenets of integrity, transparency and fairness for democracy to thrive and for the emergence of legitimate governments which are accepted by the people. Consequently, this study recommends the following:

Recommendation

There should be proper, timely and adequate planning of the entire electoral procedures from registration, material distribution, voting and result transmission to reduce logistic problems to its barest minimum. Sufficient provision of electoral materials must be done and there should be suitable test run of all technological equipment to ensure electoral devices are functioning properly.

Funds released for the conduct of elections should be utilised in an efficient and honest manner and electoral commissions must render accounts to relevant auditing bodies on how these funds are utilised. This would reduce the misappropriation of funds released for election purposes and solve the problem of insufficient and non-availability of materials.

All staff involved in the conduct of elections must be well trained in the use of technology and proper documentation. Efforts must be made to recruit individuals of good character, comportment and integrity to act as electoral officers.

There should be adequate synergy between electoral commissions and other stakeholders for

proper communication, information dissemination and coordination for the purpose of having seamless elections.

Security agencies must deploy sufficient number of officers who are well trained and equipped to polling units and collation centres. The security officers must be non-partisan and professional in the discharge of their official responsibilities while security agents found compromising the process should be made to face the law.

In order to improve on the integrity of elections, electoral commissions must have an enhanced level of autonomy and appointment of heads of electoral commissions should not be done by the President to avoid undue interference by the ruling party.

Adequate sensitization of the citizens on the need to adopt peace and shun violence for the achievement of the ideals of democracy must be done periodically. Also, all culprits involved in electoral violence and malpractices must be made to face the law as this would act as a deterrent to potential offenders.

Finally, provisions of the constitution and electoral laws must be stated in clear terms and free from ambiguity in language. This is expedient for ease of clarification and to avoid misinterpretation in favour of particular candidates by the judicial arm of government which is the only means of seeking redress and getting justice by the people.

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