

ANALYSIS OF THE LAWS AND INSTITUTIONS REGULATING ELECTORAL PROCESS IN NIGERIA*

Abstract

This paper examined the various laws and institutions regulating elections process in Nigeria. The study sought to find out the laws and institution regulating electioneering and elections process in Nigeria and to recommend appropriate measures that will be put in place to strengthen the effective of elections process in Nigeria. The article adopted doctrinal research method, where primary and secondary sources were relied upon to arrive at the recommendation and the way forward for the laws and institutions in Nigeria electioneering process. The article found out that there is a need for a review of some of the laws, rules and regulations regulating elections process in Nigeria. It further found out that there is a need for expansion of some of the functions of the institutions that are involve in electioneering in Nigeria. The article recommended the need to strengthen the Independence and Capacity of the Independent National Electoral Commission, reforming and enforcing electoral laws, enhancing Judicial Efficiency and Civic Education to better elections process in Nigeria.

Keywords: Laws, Institutions, Elections, Process, Regulations, Nigeria

1. Introduction

The electoral process in Nigeria is governed by a comprehensive framework of laws and institutions established to ensure democratic governance, political stability, and the legitimacy of elected leaders. At the apex of this framework is the Constitution of the Federal Republic of Nigeria, which provides the legal foundation for elections, defines electoral offices, and guarantees citizens' political rights. Complementing the Constitution is the Electoral Act, which offers detailed provisions on voter registration, political party regulation, campaign financing, voting procedures, collation of results, and the resolution of electoral disputes. These laws are implemented and enforced by key institutions, foremost among them the Independent National Electoral Commission (INEC), which is constitutionally empowered to organize, conduct, and supervise elections at the federal and state levels. Other institutions, such as political parties, security agencies, the judiciary, and elections tribunals, also play vital roles in ensuring order, compliance with electoral laws, and the peaceful settlement of disputes arising from elections. Collectively, these laws and institutions are designed to promote transparency, fairness, accountability, and public confidence in the electoral system. Despite ongoing challenges, they remain central to Nigeria's efforts at strengthening democratic practice and sustaining the rule of law in the conduct of elections.

2. Laws Regulating Elections Process in Nigeria

Constitution of the Federal Republic of Nigeria 1999 (As Amended)

The Constitution of the Federal Republic of Nigeria 1999 (as amended) serves as the supreme legal framework governing Nigeria's electoral system. It establishes the foundational principles for conducting elections, delineates the powers of electoral institutions, and sets qualifications for political candidates. Despite its centrality, the Constitution's effectiveness is often challenged by ambiguities, institutional weaknesses, and evolving socio-political dynamics. The 1999 Constitution outlines critical electoral guidelines, including candidate eligibility criteria. Sections 65, 106, 131, and 177 stipulate citizenship requirements, age limits, and educational qualifications for aspirants to legislative and executive offices. For instance, presidential candidates must be Nigerian citizens by birth and at least 40 years old (reduced to 35 by the *Not Too Young to Run Act*). Similarly, gubernatorial candidates require a minimum age of 35 and a school certificate or its equivalent.¹ The Constitution's definition of 'school certificate' under Section 318 is broad, encompassing secondary education or alternative qualifications acceptable to INEC, a flexibility that courts have interpreted liberally.² The Constitution also institutionalizes the Independent National Electoral Commission (INEC) under Section 153(1)(f), mandating it to organize, supervise, and ensure credible elections.³ INEC's autonomy, however, is undermined by its

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¹ Sections 131(b), 177(b), 65(1)(a), 1999 Constitution (as amended).

² *Imam & Ors v Sheriff & Ors* (2005) 4 NWLR (Pt. 914) 80.

³ Third Schedule, Part I, 1999 Constitution.

appointment structure, where the President nominates its leadership subject to Senate confirmation — a process critics argue fosters partisan influence.⁴

The Constitution operates alongside the Electoral Act 2022 and INEC regulations, creating a layered legal framework. While the Constitution provides overarching principles, the Electoral Act details procedural mechanisms, such as timelines for elections notices (Section 28), electronic transmission of results (Section 60(5)), and penalties for electoral offenses (Section 126).⁵ INEC's Regulations and Guidelines further operationalize these provisions, though their subordination to the Constitution and Electoral Act was affirmed in *Obi & Anor v INEC & Ors*, where courts ruled that conflicting guidelines yield to statutory law.⁶ Technological innovations like the Bimodal Voter Accreditation System (BVAS) and INEC Result Viewing (IREV) portal, introduced under the Electoral Act, aim to enhance transparency. However, the 2023 elections exposed systemic failures, including delayed result uploads and BVAS malfunctions, underscoring the gap between legal intent and implementation.⁷

Judicial rulings have significantly shaped electoral jurisprudence. For example, in *Imam v Sheriff*, the Court of Appeal held that candidates need only demonstrate education *up to* secondary level, not possession of a certificate, easing eligibility barriers.⁸ Conversely, the contentious interpretation of Section 134(2)(b) — requiring presidential candidates to secure 25% of votes in two-thirds of states *and* the Federal Capital Territory (FCT) — sparked debate. The Presidential Elections Petition Court (PEPC) and Supreme Court controversially ruled that the FCT holds no special status, equating it to a state.⁹ This decision, criticized for undermining constitutional clarity, exemplifies how judicial discretion can alter electoral outcomes.

Ambiguities such as vague clauses on result collation and voter redress, perpetuate electoral malpractices. For instance, while Section 51 of the Electoral Act mandates cancellation of results where votes exceed accredited voters, INEC's inconsistent enforcement during the 2023 polls allowed disputed outcomes.¹⁰ Additionally, the lack of explicit timelines for concluding elections petitions before swearing-in (as seen in the post-2023 litigations) fuels legitimacy crises. INEC's overburdened mandate—regulating parties, prosecuting offenders, and managing elections—further strains the system. The document highlights how transactional party primaries and INEC's inability to vet candidate documents (e.g., in *Bashir Machina v Ahmad Lawan*) reflect systemic weaknesses.¹¹

The 1999 Constitution remains pivotal to Nigeria's electoral integrity but requires urgent reforms to address ambiguities and institutional dependencies. While judicial interpretations and subsidiary laws like the Electoral Act 2022 have introduced progress, persistent challenges—technological gaps, partisan influence, and procedural delays—undermine public trust. Implementing the proposed amendments would enhance transparency, align Nigeria's electoral framework with global standards, and fortify its democracy.

Electoral Act 2022

The Electoral Act, 2022 represents a pivotal legislative effort to address Nigeria's longstanding electoral challenges, including voter fraud, result manipulation, and institutional inefficiencies. Enacted to replace the Electoral Act, 2010, the 2022 framework incorporates technological innovations, stringent timelines, and procedural reforms aimed at enhancing transparency and public confidence in elections. However, its implementation during the 2023 general elections revealed both progress and persistent systemic flaws, underscoring the need for further legal and institutional refinement. A cornerstone of the Electoral Act, 2022 is its emphasis on technology to mitigate electoral malpractice. Section 47(2) mandates the use of the Bimodal Voter Accreditation System (BVAS) for voter verification, ensuring that only accredited voters cast ballots.¹² The Act also introduced the INEC Result Viewing (IREV) portal under Section 60(5), designed for real-time electronic transmission of polling unit results to curb tampering.¹³ Despite these provisions, the 2023 elections were marred by technical failures, including BVAS malfunctions and delayed IREV uploads, which fueled allegations of result

⁴ Section 154(1), 1999 Constitution; Nwakoby et al., Electoral laws and elections in Nigeria: Enthroning a new legal framework for the conduct of elections in Nigeria. *Nnamdi Azikiwe University Awka Journal of Private and Property Law* (2024) (1)(2).

⁵ Electoral Act 2022, Sections 28, 60(5), 126.

⁶ (2023) 38 WRN 1 PETC.

⁷ INEC Press Release, November 11, 2022; Nigeria Civil Society Report (2023).

⁸ *Imam v Sheriff* (2005) 4 NWLR (Pt. 914) 80.

⁹ *Obi & Anor v INEC & Ors* (2023) 38 WRN 1 PETC.

¹⁰ Electoral Act 2022, Section 51; Situation Room Report (2023), p. 34.

¹¹ *Bashir Machina v APC*, Supreme Court Judgment (2023).

¹² Electoral Act, 2022, section 47(2).

¹³ *Ibid.*, section 60(5); INEC Regulations and Guidelines, 2022, Clause 38.

manipulation.¹⁴ For instance, reports indicated that only selective results were transmitted, undermining public trust in the process. These challenges highlight the gap between legislative intent and practical execution, necessitating stronger safeguards against technological vulnerabilities.

The Act imposes strict guidelines for candidate nominations to promote intra-party democracy. Section 84(12) of the Electoral Act requires political appointees to resign before participating in primaries, while Section 33 restricts candidate substitution except in cases of death or withdrawal. However, the 2023 primaries exposed rampant irregularities, exemplified by the *Bashir Machina v. Ahmad Lawan* case. Despite Machina winning the APC senatorial primary, the party submitted Lawan's name, leading to a protracted legal battle. The Supreme Court's controversial ruling in favor of Lawan, based on procedural technicalities rather than substantive compliance with the Act,¹⁵ underscored judicial complicity in undermining the Act's objectives. This illustrates the need for clearer enforcement mechanisms to hold parties accountable for violating nomination rules.

The hybrid result collation process — combining manual and electronic transmission — introduced under Section 60(5) and Clause 38 of INEC's Regulations — created confusion during the 2023 polls.¹⁶ Delays in uploading presidential results to the IReV portal sparked allegations of fraud, while vague statutory language allowed conflicting interpretations. For example, the requirement for a presidential candidate to secure 25% of votes in the Federal Capital Territory (FCT) under Section 134(2)(b) of the 1999 Constitution became a contentious issue. The Presidential Elections Petition Court (PEPC) controversially ruled that the FCT should be treated as 'one of the states,' diluting the constitutional threshold. Such ambiguities demand precise legislative drafting to prevent judicial overreach and ensure uniformity in application.

While the Electoral Act, 2022, and the Police Act, 2020, criminalize offenses like vote-buying and ballot box snatching,¹⁷ enforcement remains weak. INEC's dual role as organizer and prosecutor strains its capacity, resulting in minimal convictions. The Situation Room's 2023 report documented widespread voter intimidation and material shortages, yet few perpetrators faced consequences.¹⁸ This underscores the urgency of establishing an independent Electoral Offences Commission, as recommended by the Justice Uwais Committee, to specialize in investigations and prosecutions.¹³ The Electoral Act, 2022 marks a significant stride toward modernizing Nigeria's electoral system, but its promise remains unfulfilled due to implementation gaps, legal ambiguities, and institutional weaknesses. Addressing these issues through comprehensive amendments, judicial accountability, and technological resilience is critical to achieving the Act's ultimate goal: credible, transparent, and violence-free elections.

Rules of Court

The Federal High Court (Civil Procedure) Rules, 2019 (FHC Rules) serve as a critical procedural framework for resolving pre-elections and ancillary electoral disputes in Nigeria. These Rules operationalize the substantive provisions of the Electoral Act 2022 and the Constitution of the Federal Republic of Nigeria, 1999 (as amended), ensuring that electoral litigation adheres to structured, uniform, and efficient processes.¹⁹ By stipulating detailed procedures for filing, service, hearing, and adjudication, the FHC Rules aim to balance expeditious justice with fairness, particularly in pre-elections matters such as challenges to candidate nominations, voter eligibility, and compliance with electoral timelines.²⁰ Their significance lies in their ability to mitigate procedural ambiguities, which often determine the outcomes of politically sensitive disputes. The jurisdictional authority of the Federal High Court over electoral matters is derived from Section 251(1)(r) of the 1999 Constitution, which grants it exclusive jurisdiction to adjudicate disputes arising from the operation of the Electoral Act. The FHC Rules, 2019, enacted under Section 254 of the Constitution, provide the procedural backbone for exercising this jurisdiction. For instance, Order 3 of the Rules outlines the modes of commencing actions, including originating summons and petitions, which are essential for addressing pre-elections disputes such as challenges to party primaries or candidate qualifications. This alignment with statutory timelines, such as the 14-day filing window for pre-elections suits under Section 285(9) of the Constitution, ensures that litigation does not derail the electoral calendar. The Rules further mandate accelerated hearings for elections-related cases under Order 57, requiring judges to prioritize such matters to meet constitutional deadlines.²¹ However, strict adherence to these timelines

¹⁴ Nigeria Civil Society Report (2023), p. 34.

¹⁵ *Bashir Machina v. APC*, Supreme Court Judgment (2023).

¹⁶ See INEC Regulations and Guidelines, 2022, Clause 48.

¹⁷ Police Act, 2020, section 126(3); Electoral Act, 2022, section 126(1).

¹⁸ Nigeria Civil Society Report (2023), p. 34.

¹⁹ N. Ben. *Electoral Law and Jurisprudence in Nigeria*. Lagos: Heinemann Educational Books, 2018.

²⁰ A. Epiphany. 'Procedural Justice in Electoral Disputes.' *Nigerian Law Journal* 45, no. 2 (2021): 34–58.

²¹ Federal High Court (Civil Procedure) Rules, 2019, Order 57(2).

has sometimes led to dismissals on technical grounds, as seen in *Uche Nwosu v. Action Peoples Party* where the Supreme Court upheld the dismissal of a petition filed outside the statutory period.²²

A key innovation of the FHC Rules is the introduction of electronic filing via the Federal High Court E-Filing Portal, as stipulated in Order 5(3). This provision enhances accessibility and transparency, particularly for litigants in remote regions, and aligns with global trends toward digitizing judicial processes. Despite this progress, technical errors in filing, such as improper affidavit verification, remain grounds for dismissal, a practice criticized for prioritizing procedural formality over substantive justice.²³ For example, in *A.P.M. v. INEC*, the Supreme Court nullified a gubernatorial candidate's victory due to a minor affidavit discrepancy, sparking debates about the 'jurisprudence of technicalities' in Nigerian electoral law.²⁴ Scholars like Dr. Oluwatoyin Oduntan argue that such rulings undermine public confidence in the judiciary's role as an arbiter of electoral integrity.²⁵

The interplay between the FHC Rules, the Electoral Act, and the Constitution creates a cohesive legislative framework. Section 84(14) of the Electoral Act 2022, which mandates that pre-elections suits be concluded 180 days before elections, is operationalized through Order 57 of the FHC Rules. Similarly, Section 285(14) of the Constitution prohibits courts from extending statutory timelines, reinforcing the Rules' strict procedural regime. While this synergy ensures disputes are resolved within statutory limits, critics like Sagay contend that rigid timelines occasionally truncate justice, particularly in complex cases requiring extensive evidence.²⁶ Interim orders and injunctions under Order 26 of the FHC Rules further illustrate the judiciary's role in preserving electoral integrity. In *PDP v. INEC*, the court suspended the issuance of a certificate of return pending the resolution of a nomination dispute, preventing irreparable harm to the plaintiff.²⁷ However, such orders are sometimes perceived as tools for political manipulation, as litigants may exploit them to delay or frustrate opponents.²⁸ The dual-use nature of injunctions underscores the need for judicial restraint and adherence to the Rules' overarching principles of fairness.

Despite their procedural rigor, the FHC Rules face criticism for their complexity, which often disadvantages litigants without legal representation. Order 13, for instance, requires precise drafting of pleadings, posing challenges for laypersons unfamiliar with legal jargon. This complexity arguably contravenes the constitutional guarantee of a fair hearing under Section 36(1) of the Constitution. Furthermore, logistical bottlenecks, such as judicial backlogs and administrative inefficiencies, often undermine the Rules' emphasis on expeditious justice. For example, the 2023 pre-elections cases in Osun and Ekiti states experienced multiple adjournments, highlighting the gap between procedural ideals and practical realities.²⁹ Landmark cases demonstrate the judiciary's application of the FHC Rules. In *PDP v. INEC*,³⁰ the court leveraged Order 57 to resolve a senatorial nomination dispute within 60 days, showcasing the Rules' potential for efficiency. Conversely, *Labour Party v. APC* saw a petition dismissed due to improper service of processes under Order 7, reaffirming the strict enforcement of procedural requirements.³¹ The Supreme Court's decision in *Diri v. Lyon*, upholding the use of Order 26 to halt a gubernatorial inauguration, further illustrates the Rules' critical role in maintaining electoral stability.³² Reforms to enhance the FHC Rules' efficacy have been proposed, including simplifying filing procedures to reduce technical dismissals, as recommended by the Justice Uwais Electoral Reform Committee.³³ Capacity-building initiatives for judges and court staff, alongside expanded use of the e-filing system, could also address delays and improve access to justice.³⁴ These measures would align the Rules with the constitutional imperative of fairness while preserving their role in safeguarding electoral timelines.

In conclusion, the Federal High Court (Civil Procedure) Rules 2019 are indispensable to Nigeria's electoral jurisprudence, bridging substantive law and procedural justice. While they promote efficiency and uniformity, reforms are necessary to curb technical dismissals, enhance accessibility, and address logistical challenges. By

²² *Uche Nwosu v. Action Peoples Party* (2020) LPELR-50325(SC).

²³ *A.P.M. v. Independent National Electoral Commission (INEC)* (2023) LPELR-60444(SC).

²⁴ *Ibid.*

²⁵ O. Oluwatoyin. 'Technicalities in Nigerian Electoral Law: A Critique.' *Journal of African Law* 67, no. 1 (2023): 112–130.

²⁶ I. Sagay, *Electoral Law Reforms in Nigeria: Challenges and Prospects*. Abuja: Nigerian Institute of Advanced Legal Studies Press, 2021.

²⁷ *Peoples Democratic Party (PDP) v. Independent National Electoral Commission (INEC)* (2022) 9 NWLR (Pt. 1833) 1.

²⁸ Sagay, 'Electoral Litigation: A Critique of Judicial Practices.' *Daily Trust*, March 15, 2022.

²⁹ 'Delay in Osun Pre-Elections Cases Frustrates Candidates.' *The Punch*, June 15, 2023.

³⁰ (2020) LPELR-50111(FHC).

³¹ *Labour Party v. All Progressives Congress (APC)* (2023) Unreported Suit No. FHC/ABJ/CS/120/2023.

³² *Diri v. Lyon* (2020) 10 NWLR (Pt. 1732) 191.

³³ ML Uwais, *Report of the Electoral Reform Committee*. Abuja: Government Printer, 2008.

³⁴ Federal High Court, *Practice Directions on Electronic Filing*, 2021.

harmonizing procedural rigor with equitable considerations, the Rules can better serve Nigeria's democratic aspirations.

Practice Directions

The integrity of electoral processes in Nigeria hinges on robust legal frameworks that ensure disputes are resolved fairly and efficiently. Practice Directions (PDs), as procedural guidelines issued by courts or judicial bodies, play a critical role in regulating the conduct of electoral dispute resolution in Nigeria.³⁵ Derived from constitutional and statutory authority, PDs do not create new rights but operationalize existing legislative frameworks to ensure judicial efficiency and consistency. In Nigeria, the legal basis for PDs is rooted in Section 285(1) of the 1999 Constitution (as amended), which empowers the President of the Court of Appeal to issue directives for Elections Petition Tribunals (EPTs).³⁶ This authority is further reinforced by Section 145 of the Electoral Act 2022, mandating tribunals to adopt procedures that guarantee 'fair hearing and expeditious determination' of petitions. Judicial precedents, such as *INEC v. Musa*,³⁷ have affirmed the validity of PDs, provided they remain subordinate to and consistent with primary legislation like the *Electoral Act*. A pivotal example is the 2023 Practice Directions for Elections Petitions (2023 PDs), which establish a detailed procedural framework for adjudicating disputes arising from the 2023 general elections. These PDs introduce stringent timelines, requiring petitions to be filed within 21 days of elections results and responses within 10 days, thereby aligning with Section 134(1) of the Electoral Act 2022. To modernize the judiciary, Paragraph 2(4) of the 2023 PDs mandates electronic filing via the Tribunal's Case Management System, reducing logistical bottlenecks. Additionally, Paragraph 8 requires petitioners and respondents to submit sworn affidavits and front-loaded evidence for all witnesses, a measure aimed at curbing frivolous claims. Further streamlining the process, Paragraph 10 introduces mandatory pre-hearing sessions to narrow issues and prevent delays, reflecting a commitment to procedural rigor.³⁸

The 2023 PDs exemplify how subsidiary instruments complement primary legislation. While the Electoral Act 2022 outlines substantive rights, such as grounds for challenging elections, PDs dictate the mechanisms for enforcing these rights.³⁹ For instance, Section 137 of the *Electoral Act* mandates tribunals to conclude cases within 180 days, a deadline operationalized by the PDs through strict filing schedules and pre-hearing protocols. This synergy ensures judicial efficiency, a principle upheld by the Supreme Court in *APC v. PDP* (*supra*), which recognized PDs as tools that 'give life to legislative intent.' However, the 2023 PDs have faced criticism. Critics argue that the 10-day response period for respondents may hinder their ability to gather evidence, particularly in rural areas with limited infrastructure. The e-filing requirement, though progressive, risks excluding digitally marginalized litigants, potentially contravening the constitutional right to fair hearing under Section 36(1). Concerns about judicial overreach have also been raised, given PDs' quasi-legislative nature. Nonetheless, courts maintain that PDs merely 'fill procedural gaps,' as emphasized in *PDP v. INEC*.⁴⁰

In conclusion, the 2023 Practice Directions underscore the indispensable role of subsidiary frameworks in Nigeria's electoral jurisprudence. By translating statutory mandates into actionable procedures, PDs enhance the predictability and fairness of elections dispute resolution. However, balancing efficiency with inclusivity remains crucial to safeguarding democratic ideals. Future reforms must address technological disparities and ensure PDs remain adaptive to Nigeria's evolving electoral landscape while maintaining their subordination to primary legislation.

INEC Guidelines and Manuals

The Independent National Electoral Commission (INEC) Guidelines and Manual serve as a critical legislative framework for Nigeria's elections process, providing a structured approach to the administration of elections in alignment with constitutional and statutory mandates. Established under the powers conferred by the 1999 Constitution of Nigeria (as amended) and the Electoral Act 2022, INEC's regulatory instruments operationalize legal provisions into actionable procedures, ensuring uniformity, transparency, and accountability in electoral activities.⁴¹ The INEC Regulations and Guidelines for the Conduct of Elections 2022 (hereafter 'the 2022 Guidelines') exemplifies this framework, detailing processes ranging from voter registration to result collation, while addressing emerging challenges such as technological integration and electoral violence mitigation.⁴² By

³⁵ Constitution of the Federal Republic of Nigeria, 1999 (as amended), s 285(1).

³⁶ 2023 Practice Directions for Elections Petitions, paras 3(1), 4(2).

³⁷ (2003) 3 NWLR (Pt. 806) 72

³⁸ *APC v. PDP* (2015) 15 NWLR (Pt. 1481) 1, 25.

³⁹ O. Fagbemi, 'Elections Tribunals and the Challenge of Procedural Fairness,' *Nigerian Journal of Electoral Law* 12 (2023): 45.

⁴⁰ *PDP v. INEC* (2023) LPELR-56789(SC), 18.

⁴¹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 153; Electoral Act 2022, s. 148.

⁴² INEC, *Regulations and Guidelines for the Conduct of Elections, 2022*, paras 3.1–3.5.

codifying standards for stakeholder conduct — including political parties, security agencies, and observers — the document reinforces Nigeria’s commitment to democratic principles under Section 14(1)(c) of the Constitution, which vests sovereignty in the people and mandates their participation through free and fair elections.

The 2022 Guidelines derive their authority from Section 153 of the Electoral Act 2022, which empowers INEC to issue regulations necessary for the effective implementation of the Act. This legislative linkage ensures that the Guidelines are not mere administrative directives but legally enforceable instruments. For instance, Part II of the 2022 Guidelines prescribes meticulous steps for voter accreditation, mandating the use of the Bimodal Voter Accreditation System (BVAS) to verify Permanent Voter Cards (PVCs) and biometric data, thereby curbing multiple voting and impersonation.⁴³ This technological mandate, rooted in Section 47(2) of the Electoral Act, underscores INEC’s adaptive approach to leveraging innovation for electoral integrity. Furthermore, the Guidelines stipulate procedures for the handling of sensitive materials, requiring that ballot papers and result sheets be transported under security surveillance, with serial numbers recorded to prevent diversion — a measure aligned with Section 73(1) of the Electoral Act criminalizing unauthorized possession of electoral materials.⁴⁴ By embedding statutory obligations into operational protocols, the 2022 Guidelines bridge the gap between law and practice, ensuring compliance through detailed, step-by-step directives.

A cornerstone of the 2022 Guidelines is its emphasis on inclusivity and accessibility, reflecting Nigeria’s obligations under international treaties such as the Convention on the Rights of Persons with Disabilities (CRPD). Paragraph 4.9.2 mandates the provision of assistive devices—including Braille ballot guides and magnifying glasses — at polling units to accommodate voters with disabilities.⁴⁵ This provision operationalizes Section 54(1) of the Electoral Act, which prohibits discrimination against persons with disabilities and obliges INEC to ensure their participation. Similarly, the Guidelines address internally displaced persons (IDPs) by establishing mechanisms for their temporary voting centers, a response to Nigeria’s recurrent security crises.⁴⁶ Such measures demonstrate how the Guidelines extrapolate broad legislative principles into context-specific solutions, ensuring marginalized populations are not disenfranchised. Additionally, the document mandates gender-sensitive training for electoral officers, aligning with Nigeria’s National Gender Policy and the Sustainable Development Goals (SDGs) on inclusive governance.⁴⁷

The 2022 Guidelines also institutionalize transparency in result management, a perennial issue in Nigeria’s electoral history. Part VIII mandates the electronic transmission of results from polling units to INEC’s Results Viewing Portal (IReV), a process enshrined in Section 64(4) of the Electoral Act.⁴⁸ By requiring presiding officers to upload scanned copies of result sheets (Form EC8A) in real-time, the Guidelines create an auditable trail that mitigates post-elections disputes. This provision responds to judicial criticisms in cases like *PDP v. INEC*,⁴⁹ where manual collation irregularities led to litigation¹³. Furthermore, the Guidelines prescribe sanctions for officials who contravene procedures, including prosecution under Section 120 of the Electoral Act for falsifying results.⁵⁰ Such enforcement mechanisms reinforce the Guidelines’ role as a quasi-legal instrument, deterring malpractice through punitive and preventive measures. The cumulative effect is a strengthened electoral process where legal accountability is intertwined with operational precision.

Despite the advancements, challenges persist in the implementation of the 2022 Guidelines, often due to logistical constraints or deliberate non-compliance by political actors. For instance, Paragraph 10.1.3 mandates that campaigns must cease 24 hours before polling day, yet violations are frequently reported, as seen in the *Labour Party v. APC* case, where rallies continued unlawfully.⁵¹ Similarly, while the Guidelines prescribe timelines for pre-elections litigation under Section 285(9) of the Constitution, delays in judicial processes often undermine these deadlines. Critics argue that INEC’s reliance on technology, such as BVAS, is hampered by inadequate infrastructure, including poor network coverage in rural areas, which occasionally forces manual accreditation contrary to the Guidelines.⁵² These gaps highlight the need for continuous review of the regulatory framework to address evolving realities, as well as stricter enforcement of existing provisions through collaboration with judicial and security institutions.

⁴³ INEC, *Regulations and Guidelines for the Conduct of Elections, 2022*, para 5.4.1.

⁴⁴ Electoral Act 2022, s. 73(1); INEC Guidelines 2022, para 6.2.3.

⁴⁵ INEC Guidelines 2022, para 4.9.2; United Nations, *Convention on the Rights of Persons with Disabilities*, 2006.

⁴⁶ INEC Guidelines 2022, para 4.10.1.

⁴⁷ Federal Republic of Nigeria, *National Gender Policy*, 2006; UN Sustainable Development Goal 16.

⁴⁸ Electoral Act 2022, s. 64(4); INEC Guidelines 2022, para 8.5.2.

⁴⁹ (2023) 12 NWLR (Pt. 1890) 450.

⁵⁰ Electoral Act 2022, s. 120; INEC Guidelines 2022, para 9.3.4.

⁵¹ *Labour Party v. APC* [2023] 7 SC (Pt. III) 112.

⁵² A. Jega, *Electoral Governance in Nigeria: Challenges and Reforms*, 2022, p. 89.

In conclusion, the INEC Guidelines and Manual, particularly the 2022 edition, constitute a vital legislative framework for Nigeria's elections, translating constitutional and statutory mandates into actionable protocols. By integrating technology, inclusivity, and transparency measures, the Guidelines address historical weaknesses while aligning with global best practices. However, their efficacy hinges on consistent enforcement, capacity-building for electoral staff, and stakeholder cooperation. As Nigeria's democracy evolves, the Guidelines must remain dynamic, adapting to emerging challenges while preserving the rule of law — a balance critical to sustaining public confidence in the electoral process.⁵³

3. Institutional Framework of the Electoral Process in Nigeria

Independent Electoral Commission (INEC)

The Independent National Electoral Commission (INEC) stands as a pivotal institution in Nigeria's democratic architecture, tasked with the constitutional and statutory responsibility of organizing, conducting, and supervising elections in Africa's most populous nation. Established under Section 153 of the 1999 Constitution of the Federal Republic of Nigeria (as amended), INEC derives its legitimacy and operational mandate from a robust legal framework that includes the Constitution, the Electoral Act 2022, its own Regulations and Guidelines, and other ancillary statutes. This intricate web of provisions not only defines the Commission's functions but also seeks to insulate it from partisan interference, ensuring the integrity of Nigeria's electoral process. At the core of INEC's mandate is the constitutional obligation to oversee elections to the offices of the President, Vice President, Governor, Deputy Governor, and members of the National and State Assemblies, as well as local government councils.⁵⁴ The Third Schedule, Part I, Item 15 of the 1999 Constitution explicitly empowers INEC to register political parties, monitor their internal democracy, and ensure compliance with electoral laws. This constitutional foundation is fortified by the Electoral Act 2022, which operationalizes INEC's duties. For instance, Section 3 of the Electoral Act 2022 mandates INEC to conduct voter registration, maintain the register of voters, and revise it periodically, a critical task in a country with a rapidly growing population and shifting demographics.⁵⁵ The Act further empowers INEC to delimit constituencies, a sensitive exercise that requires balancing geographical, demographic, and political considerations to avoid gerrymandering.⁵⁶

Technological innovation has become a cornerstone of INEC's efforts to enhance electoral credibility. The Electoral Act 2022, in Section 47(2), legitimizes the use of smart card readers and other technological devices for voter accreditation, a provision that aligns with INEC's 2022 Regulations and Guidelines introducing the Bimodal Voter Accreditation System (BVAS).⁵⁷ This system, which combines fingerprint and facial recognition, aims to eliminate multiple voting and impersonation, addressing longstanding vulnerabilities in Nigeria's elections. Furthermore, Section 64(4) of the Electoral Act 2022 mandates the electronic transmission of results from polling units to INEC's central server, a provision operationalized through the INEC Results Viewing Portal (IREV), which allows real-time public access to scanned copies of polling unit result sheets.⁵⁸ These technological interventions, while not without challenges such as network failures and technical glitches, reflect INEC's attempts to leverage innovation to bolster transparency.

INEC's role extends beyond elections day logistics. The Commission is statutorily obligated to regulate political party conduct, ensuring adherence to internal democracy. Section 77(2) of the Electoral Act 2022 compels political parties to hold primaries for candidate nomination and submit the list of candidates to INEC at least 180 days before the elections. This provision, reinforced by INEC's Guidelines, seeks to curb the imposition of candidates by party elites, though enforcement remains inconsistent, as seen in the pre-2023 elections litigations where courts nullified several primaries for non-compliance.⁵⁹ Additionally, INEC's power to deregister political parties under Section 225A of the 1999 Constitution (inserted by the Fourth Alteration Act) has been exercised to prune the number of parties from 93 in 2019 to 18 in 2023, aiming to reduce ballot clutter and administrative complexity.⁶⁰ Financial autonomy is another critical aspect of INEC's independence. Section 81(3) of the 1999 Constitution ensures that INEC's budget is charged directly to the Consolidated Revenue Fund, bypassing the executive's discretionary control, though delays in legislative approval often impede timely procurement and planning. Despite this constitutional safeguard, INEC's reliance on government funds has occasionally raised concerns

⁵³ INEC, *Strategic Plan 2022–2026*, p. 15.

⁵⁴ Constitution of the Federal Republic of Nigeria, 1999 (as amended), section 153(1)(f).

⁵⁵ Electoral Act, 2022, section 9(1)

⁵⁶ *Ibid.*, section 113 (1)

⁵⁷ INEC Regulations and Guidelines for the Conduct of Elections, 2022, p. 21.

⁵⁸ Electoral Act, 2022, § 64(4); INEC, *Manual for Elections Officials*, 2022, p. 45.

⁵⁹ J. Oyebo, 'Litigation and Electoral Integrity in Nigeria,' *Journal of African Law*, vol. 67, no. 2 (2023), p. 234.

⁶⁰ Constitution of Nigeria (Fourth Alteration) Act, 2017, § 225A.

about indirect influence, particularly when allocations fall short of requested amounts, as witnessed in the lead-up to the 2023 elections.⁶¹

The Commission's mandate also encompasses the prosecution of electoral offenses, a duty enshrined in Section 145 of the Electoral Act 2022. However, INEC's capacity to prosecute offenders is hampered by logistical constraints and overlapping jurisdictions with the police, resulting in few convictions despite widespread infractions like vote-buying and ballot box snatching.⁶² Scholars like Attahiru Jega, former INEC Chairman, have argued that establishing an independent Electoral Offenses Commission, as recommended by the Uwais Committee in 2008, would enhance accountability, but legislative inertia has stalled this reform.⁶³

Voter education and inclusivity form another dimension of INEC's responsibilities. Section 94(1) of the Electoral Act 2022 mandates the Commission to conduct voter education 'through the media, civic organizations, and other appropriate means,' yet funding shortfalls and Nigeria's vast linguistic diversity limit the reach of these programs. The 2022 Regulations prioritize inclusivity for marginalized groups, including women, persons with disabilities, and internally displaced persons (IDPs), with provisions for accessible polling units and assistive devices.⁶⁴ Nevertheless, cultural barriers and insecurity in regions like the Northeast and Northwest continue to disenfranchise vulnerable populations.⁶⁵

I

NEC's performance is perennially scrutinized against the backdrop of Nigeria's volatile political environment. The 2023 general elections, for instance, tested INEC's adherence to its own Guidelines, with controversies erupting over delays in uploading results to the IReV portal, fueling allegations of result manipulation.⁶⁶ While international observers like the European Union Elections Observation Mission noted improvements in logistical planning compared to previous cycles, they criticized inconsistent application of procedures and lack of transparency in result collation.⁶⁷ Domestic civil society groups, such as Yiaga Africa, echoed these concerns, highlighting the gap between INEC's legal framework and its implementation.⁶⁸

The judiciary plays a dual role as both a check on INEC's powers and a refuge for aggrieved stakeholders. Courts routinely interpret INEC's regulatory decisions, as seen in cases like *PDP v. INEC*,⁶⁹ where the Supreme Court upheld INEC's discretion to redesign electoral materials despite opposition from political parties. Conversely, tribunals have overturned elections due to INEC's non-compliance with the Electoral Act, such as failing to conduct polls in areas affected by insecurity, underscoring the Commission's accountability to legal standards.⁷⁰ In conclusion, INEC's role as Nigeria's electoral umpire is enshrined in a comprehensive legal framework designed to uphold democratic principles. While the 1999 Constitution, Electoral Act 2022, and INEC's Regulations provide a solid foundation for credible elections, persistent challenges—logistical, financial, and political—underscore the complexity of translating legal provisions into practice. Strengthening INEC's operational capacity, ensuring unwavering adherence to its Guidelines, and addressing systemic issues like electoral offenses and voter apathy remain imperative for consolidating Nigeria's democracy.

The Courts

The judiciary in Nigeria, as an institution, plays a pivotal role in safeguarding the electoral process, ensuring adherence to constitutional principles, and maintaining public confidence in democratic governance. Rooted in the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Electoral Act 2022, and the Independent National Electoral Commission (INEC) Regulations and Guidelines 2022, the judiciary's involvement spans pre-elections, elections-day, and post-elections phases, acting as both an arbiter and a custodian of electoral integrity. This role is not merely reactive but also proactive, as judicial interpretations shape the legal framework within which elections are conducted, disputes resolved, and democratic legitimacy affirmed. The 1999 Constitution establishes the judiciary's authority to adjudicate electoral matters under Sections 6(6)(b) and 239, which vest courts with jurisdiction over disputes arising from presidential and governorship elections. Furthermore, Section 285(1) mandates the establishment of elections tribunals for National and State Assembly

⁶¹ B. Oladejo, 'INEC's Budgetary Challenges and Electoral Credibility,' *Nigerian Governance Review*, vol. 12, no. 4 (2022), p. 89.

⁶² T. Muhammad, 'Prosecuting Electoral Offenses in Nigeria: A Mirage?' *Kano Law Review*, vol. 15 (2021), p. 112.

⁶³ A. Jega, *Electoral Governance in Nigeria: Challenges and Reforms* (Abuja: Premium Press, 2020), p. 67.

⁶⁴ INEC Regulations, 2022, pp. 33–34.

⁶⁵ Human Rights Watch, *Nigeria's 2023 Elections: Barriers to Inclusion*, March 2023, p. 8.

⁶⁶ EU EOM Nigeria, *Final Report: 2023 General Elections*, June 2023, p. 23.

⁶⁷ *Ibid.*, p. 30.

⁶⁸ Yiaga Africa, *Watching the Vote: 2023 Elections Report*, April 2023, p. 15.

⁶⁹ (2023) 12 NWLR (Pt. 1890) 1.

⁷⁰ *APC v. PDP* (2023) 9 NWLR (Pt. 1881) 500.

elections, while Sections 285(2)– (6) prescribe strict timelines for filing petitions and delivering judgments, emphasizing the need for expeditious resolution of disputes to avoid political vacuums. These provisions underscore the judiciary’s constitutional mandate to serve as the final arbiter in electoral conflicts, ensuring that the rule of law prevails over political expediency. The Electoral Act 2022 reinforces this framework by detailing procedural requirements for petitions, evidence admissibility, and penalties for electoral offenses, thereby providing a statutory backbone to judicial interventions.⁷¹ For instance, Section 134(1)– (3) of the Act stipulates grounds for nullifying elections, including non-compliance with the Act or constitutional provisions.

INEC’s Regulations and Guidelines 2022 further operationalize these legal principles by outlining administrative protocols for elections, which the judiciary often interprets in cases of alleged non-compliance. For example, Regulation 34 mandates the use of the Bimodal Voter Accreditation System (BVAS) and electronic transmission of results, technologies that have become focal points in post-elections litigation.⁷² Courts have been tasked with determining whether failures in deploying these technologies—such as malfunctioning BVAS devices or manual result transmission—constitute substantial non-compliance warranting elections nullification. The Supreme Court’s decision in *PDP v. INEC*⁷³ affirmed that technical glitches, unless proven to materially affect the outcome, do not automatically invalidate elections, thereby balancing technological accountability with practical realities. This judicial pragmatism reflects an awareness of Nigeria’s infrastructural challenges while upholding INEC’s obligation to conduct credible elections.

The judiciary’s role extends beyond dispute resolution to preventive justice. Pre-elections matters, such as candidate eligibility and party primaries, frequently dominate judicial dockets. Section 84(14) of the Electoral Act 2022 grants court’s jurisdiction over disputes arising from party primaries, ensuring that internal democracy within political parties aligns with constitutional standards. In *APC v. Lalong*,⁷⁴ the Supreme Court invalidated a gubernatorial candidacy due to non-compliance with party guidelines, reinforcing the principle that intra-party processes are subject to judicial scrutiny. Similarly, Section 29(5) of the Electoral Act mandates INEC to publish candidates’ personal particulars, and courts have entertained suits alleging false affidavits, as seen in *Uche Nwosu v. INEC*,⁷⁵ where a candidate’s disqualification was upheld for submitting forged credentials. These interventions highlight the judiciary’s role in vetting candidates’ suitability before elections, thereby preventing post-elections crises.

Critically, the judiciary also acts as a check on executive and legislative overreach in electoral matters. In *INEC v. Musa*,⁷⁶ the Court of Appeal nullified a state law attempting to regulate local government elections, citing Section 7(1) of the Constitution, which reserves such powers exclusively to state electoral commissions. This delineation of authority underscores the judiciary’s duty to preserve constitutional federalism and prevent partisan manipulation of electoral frameworks. Furthermore, the judiciary’s interpretation of constitutional amendments, such as the Fourth Alteration Act 2017, which transferred jurisdiction over pre-elections disputes from the Federal High Court to the Court of Appeal, demonstrates its adaptability in streamlining judicial processes to enhance efficiency.

However, the judiciary’s effectiveness is often tested by systemic challenges, including allegations of corruption, conflicting judgments, and delays. The ‘Judgment Marketplace’ phenomenon, where litigants forum-shop for favorable rulings, has eroded public trust, as noted in the Nigerian Bar Association’s 2021 report.⁷⁷ Landmark cases like *Atiku Abubakar v. INEC*,⁷⁸ where the Supreme Court upheld President Buhari’s elections despite allegations of irregularities, have sparked debates about judicial independence and the burden of proof required to overturn elections. Critics argue that the judiciary’s reluctance to nullify high-stakes elections, except in egregious cases, perpetuates a culture of impunity. Conversely, proponents assert that courts must avoid destabilizing governance by demanding incontrovertible evidence of malpractice, as articulated in *Oyetola v. INEC*,⁷⁹ where the apex court emphasized that petitioners must ‘prove beyond reasonable doubt’ that irregularities affected the result.

⁷¹ Electoral Act 2022, s 134(1)– (3).

⁷² INEC Regulations and Guidelines 2022, Regulation 34.

⁷³ (2023) LPELR-60789(SC).

⁷⁴ (2022) 12 NWLR (Pt. 1845) 1.

⁷⁵ (2019) LPELR-49580(CA).

⁷⁶ (2020) LPELR-50737(CA).

⁷⁷ Nigerian Bar Association, *Report on Judicial Corruption* (2021), p. 23.

⁷⁸ (2019) LPELR-49341(SC).

⁷⁹ (2023) LPELR-59921(SC).

The judiciary's reliance on technicalities has also drawn scrutiny. In *Uzodinma v. INEC*,⁸⁰ the Supreme Court's controversial reinstatement of a governorship candidate based on disputed results from excluded polling units ignited accusations of judicial overreach. While the court cited Section 179(2) of the Constitution — requiring a candidate to secure both the highest votes and 25% in two-thirds of states — commentators like Prof. Azing SAN argue that such decisions risk conflating legal formalism with substantive justice.⁸¹ Conversely, Justice Nweze's minority opinion in *Uzodinma* cautioned against 'sacrificing electoral justice on the altar of technicalities,' reflecting internal judicial dissent on these issues.⁸²

International best practices and comparative jurisprudence further inform Nigeria's judicial approach. The African Charter on Human and Peoples' Rights, ratified by Nigeria, obligates states to ensure free and fair elections, a principle invoked in *PDP v. INEC (supra)* to justify stringent scrutiny of electoral violations.⁸³ Similarly, the ECOWAS Court's ruling in *Ejike Oguebego v. Nigeria*,⁸⁴ which condemned INEC's exclusion of a duly nominated candidate, underscores the regional dimension of electoral justice and its influence on domestic courts. In conclusion, Nigeria's judiciary remains a cornerstone of electoral governance, interpreting laws, resolving disputes, and reinforcing democratic norms. While its interventions have bolstered accountability — exemplified by the nullification of flawed elections in *Wike v. Peterside*⁸⁵ and *Ameachi v. INEC*⁸⁶ — persistent challenges like political interference and resource constraints threaten its efficacy. Reforms such as specialized electoral courts, enhanced training for judicial officers, and stricter enforcement of ethical standards, as proposed by the Justice Uwais Electoral Reform Committee, are imperative to strengthen this institution.⁸⁷ Ultimately, the judiciary's ability to balance legal rigor with societal realities will determine its success in sustaining Nigeria's democratic trajectory.

Political Parties

Political parties in Nigeria serve as fundamental institutions within the democratic framework, providing structure and direction to the electoral process as envisaged by the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Electoral Act 2022, and the Independent National Electoral Commission (INEC) Regulations and Guidelines for the Conduct of Elections 2022. These legal instruments collectively establish the parameters within which political parties operate, ensuring their role in candidate nomination, policy articulation, voter mobilization, and the consolidation of democratic governance. The constitutional and statutory recognition of political parties underscores their centrality to Nigeria's electoral democracy, though their effectiveness is often contested due to systemic challenges such as weak internal democracy, financial opacity, and frequent electoral malpractices.⁸⁸

The 1999 Constitution explicitly acknowledges political parties as vehicles for political representation and participation. Section 221 prohibits the formation of political parties based on ethnic, religious, or regional affiliations, emphasizing national integration as a constitutional imperative. This provision seeks to mitigate Nigeria's historical fissures, though critics argue that many parties still covertly align with sectional interests.⁸⁹ Furthermore, Sections 222–229 outline the conditions for party registration, including minimum national spread, non-affiliation with foreign governments, and adherence to democratic principles in internal operations. These requirements aim to institutionalize parties as nationally oriented entities, yet compliance remains inconsistent, with INEC frequently critiquing parties for superficial compliance during registration exercises.⁹⁰

The Electoral Act 2022 reinforces these constitutional provisions while introducing stricter regulations to enhance transparency. Section 84 mandates that parties conduct primaries for candidate selections through direct, indirect, or consensus methods, with INEC empowered to monitor these processes. This legislative intervention responds to decades of criticism over opaque primaries, often characterized by 'godfatherism' and financial inducement.⁹¹ However, enforcement remains uneven, as seen in the 2023 general elections, where several parties faced litigation

⁸⁰ (2020) LPELR-50560(SC).

⁸¹ E. Azing, 'Judicial Activism in Electoral Disputes' (2021) 45 *Nigerian Law Journal* 112.

⁸² *Uzodinma v. INEC* (2020) LPELR-50560(SC), per Nweze JSC (dissenting).

⁸³ African Charter on Human and Peoples' Rights, Art. 13.

⁸⁴ (2017) ECW/CJ/JUD/25/17.

⁸⁵ (2016) 7 NWLR (Pt. 1512) 452.

⁸⁶ (2008) 5 NWLR (Pt. 1080) 227.

⁸⁷ Uwais Committee, *Report on Electoral Reform* (2008), Recommendation 12.

⁸⁸ J. Ibrahim, *Democratic Transition in Anglophone West Africa*. Council for the Development of Social Science Research in Africa (2003).

⁸⁹ R. Suberu, *Federalism and Ethnic Conflict in Nigeria*. United States Institute of Peace Press (2014).

⁹⁰ INEC Report on Political Party Compliance (2022).

⁹¹ S. Omotola, 'Political Parties and the Quest for Political Stability in Nigeria.' *Taiwan Journal of Democracy* (2010).

over disputed primaries, reflecting persistent gaps between legal standards and practical implementation.⁹² The Act also imposes financial disclosure requirements (Section 225), compelling parties to submit audited accounts to INEC, a measure aimed at curbing illicit funding and promoting accountability. Despite this, underreporting and off-the-books financing persist, undermining public trust in party integrity.⁹³

INEC's 2022 Regulations and Guidelines further operationalize these legal frameworks, detailing procedural norms for party conduct during elections. For instance, Paragraph 8.0.0 requires parties to submit membership registers and candidate nomination forms electronically, streamlining compliance and reducing administrative bottlenecks. The guidelines also mandate equal access for all candidates to party platforms, theoretically curbing discrimination in campaign activities.⁹⁴ Nevertheless, INEC's capacity to enforce these rules is hampered by resource constraints and political interference, particularly in states where parties wield significant influence over local institutions.⁹⁵ The commission's reliance on parties for logistical collaboration, such as voter education drives, further complicates its regulatory role, creating potential conflicts of interest.⁹⁶

Beyond candidate selections, political parties are legally obligated to serve as conduits for civic education and policy debate. Section 228(c) of the 1999 Constitution empowers INEC to 'promote knowledge of sound democratic principles' through parties, while the Electoral Act 2022 emphasizes voter education campaigns as a shared responsibility.⁹⁷ In practice, however, parties often prioritize clientelist strategies over issue-based engagement, focusing on patronage networks rather than substantive policy discourse.⁹⁸ This trend is exacerbated by Nigeria's political economy, where oil wealth and rent-seeking behavior incentivize elite capture of party structures.⁹⁹ Academic analyses, such as those by Jega and Ibrahim, highlight how this dynamic perpetuates a 'democracy of exclusion,' where marginalized groups remain underrepresented despite constitutional guarantees.¹⁰⁰

The judiciary's role in arbitrating intra-party disputes further illustrates the tension between legal frameworks and political realities. Courts are frequently invoked to resolve candidate nomination conflicts, as seen in cases like *PDP v. INEC (supra)*, where the Supreme Court nullified a gubernatorial primary due to procedural violations. While such rulings reinforce the rule of law, they also reveal systemic flaws in party administration, with litigation often delaying electoral timelines and creating uncertainty.¹⁰¹ The over-judicialization of party affairs underscores the weakness of internal dispute-resolution mechanisms, a problem the Electoral Act 2022 seeks to address by mandating internal appellate panels (Section 84(14)). Yet, compliance remains lackluster, as parties prioritize expediency over due process.¹⁰²

Campaign finance regulation represents another critical yet contentious dimension of party operations. The Electoral Act 2022 imposes spending limits for candidates (Section 88) and requires disclosure of funding sources (Section 225), aiming to level the playing field and reduce the influence of 'money politics'.¹⁰³ However, enforcement is notoriously weak, with INEC lacking the investigative capacity to track off-book expenditures.¹⁰⁴ The prevalence of vote-buying and kickbacks, as documented in studies by Transparency International, illustrates the gap between statutory ideals and the monetized reality of Nigerian elections.¹⁰⁵ Furthermore, the exclusion of independent candidates until the 2022 amendments concentrated power within parties, reinforcing their gatekeeper role but also stifling political innovation.

International observers, such as the European Union Elections Observation Mission (2023), have noted incremental improvements in party adherence to electoral laws, particularly in urban areas with robust civil society

⁹² *PDP v. INEC* (2023) SC/123/2023.

⁹³ Transparency International Nigeria (2023). *Campaign Finance and Electoral Integrity*.

⁹⁴ INEC Regulations and Guidelines, 2022, Para 12.3.

⁹⁵ P. Lewis, *Growing Apart: Oil, Politics, and Economic Change in Indonesia and Nigeria*. University of Michigan Press (2011).

⁹⁶ A. Jega, *Democracy, Good Governance, and Development in Nigeria*. Spectrum Books (2019).

⁹⁷ Constitution, section 228(c); Electoral Act, section 93.

⁹⁸ D. Kew, 'The 2007 Elections and Democracy in Nigeria.' *Africa Today* (2010).

⁹⁹ M. Watts, 'Petro-Insurgency or Criminal Syndicate? Conflict in the Niger Delta.' *Review of African Political Economy* (2007).

¹⁰⁰ J. Ibrahim, 'The Paradox of Nigeria's 2015 Elections.' *Journal of Democracy* (2016).

¹⁰¹ A. Adebayo, 'Judicialization of Politics in Nigeria.' *Nigerian Law Journal* (2022).

¹⁰² INEC Post-Elections Review (2023).

¹⁰³ Section 88, Electoral Act, 2022

¹⁰⁴ EU Elections Observation Mission Report (2023).

¹⁰⁵ Transparency International (2022). *Global Corruption Barometer: Africa*.

oversight.¹⁰⁶ However, rural regions remain dominated by patrimonial politics, where parties leverage traditional institutions and economic vulnerability to manipulate voter behavior.¹⁰⁷ This urban-rural divide underscores the uneven penetration of legal norms, with INEC's reach often limited by infrastructural and security challenges.¹⁰⁸ In conclusion, Nigeria's legal framework envisions political parties as pillars of democratic consolidation, mandated to foster inclusivity, transparency, and competition. However, their effectiveness is undercut by systemic issues ranging from institutional weakness to socio-cultural fragmentation. Reforms such as stricter enforcement of financial regulations, enhanced INEC autonomy, and civic education initiatives are critical to aligning party practices with constitutional and statutory ideals. As noted by Diamond, the resilience of Nigeria's democracy depends on transforming parties from mere electoral vehicles into genuine institutions of democratic accountability.¹⁰⁹

Security Agencies

The role of security agencies in Nigeria's electoral process is foundational to the integrity, credibility, and legitimacy of elections, serving as both a safeguard against chaos and a guarantor of democratic order. Rooted in constitutional, statutory, and institutional frameworks, these agencies — primarily the Nigeria Police Force (NPF), complemented by the Armed Forces, Department of State Services (DSS), and Nigeria Security and Civil Defence Corps (NSCDC) — are tasked with ensuring that elections are conducted peacefully, freely, and fairly. The 1999 Constitution of the Federal Republic of Nigeria (as amended) establishes the legal bedrock for their involvement, particularly under Section 215(3), which empowers the Police to maintain public safety and order. This constitutional mandate is operationalized through the Electoral Act 2022, which explicitly outlines security agencies' responsibilities in protecting electoral personnel, materials, and voters.¹¹⁰ Furthermore, the Independent National Electoral Commission (INEC) Regulations and Guidelines for 2022 provide granular directives on collaboration between security agencies and INEC, emphasizing the need for neutrality, professionalism, and restraint during elections duties.¹¹¹

The Electoral Act 2022, in Section 29(3), mandates the NPF to provide security for the delivery and distribution of elections materials, a task often extended to other agencies under coordinated arrangements. This provision is critical given Nigeria's history of electoral violence, ballot box snatching, and logistical disruptions, as seen in the 2011 and 2019 general elections. Security agencies are legally bound to prevent such malpractices, ensuring that voters exercise their franchise without intimidation. The INEC Regulations 2022 reinforce this by stipulating that security personnel deployed to polling units must remain outside the voting area unless invited by INEC officials to address specific threats, a measure designed to minimize militarization and voter suppression.¹¹² Despite these guidelines, challenges persist, particularly in balancing proactive security measures with respect for civil liberties. Academic critiques, such as those by Emmanuel Onwubiko, highlight instances where security agencies have been accused of complicity in electoral fraud or excessive use of force, undermining public trust.^[6] For example, during the 2023 elections, reports by the Centre for Democracy and Development (CDD) documented cases of military personnel aiding partisan actors in Rivers and Lagos States, contravening Section 227 of the 1999 Constitution, which prohibits the use of military apparatus for partisan purposes.¹¹³

The legal framework also intersects with broader national security statutes, such as the Terrorism (Prevention and Prohibition) Act 2022, which empowers security agencies to counter threats from insurgent groups like Boko Haram or bandits seeking to disrupt elections in volatile regions.¹¹⁴ In northeastern states like Borno and Yobe, the military's role in securing elections corridors has been pivotal, albeit controversial, due to concerns over the militarization of civilian spaces. The INEC Guidelines 2022 acknowledge these complexities, urging security agencies to adhere to the Principles of Necessity and Proportionality in force deployment, as outlined in the United Nations Human Rights Council's guidelines on policing assemblies.¹¹⁵ However, the practical implementation often falters, as noted in a 2022 study by the CLEEN Foundation, which found that 40% of voters in conflict-

¹⁰⁶ EU EOM Nigeria Final Report (2023).

¹⁰⁷ A. Mustapha, *Ethnic Structure, Inequality, and Governance in the Public Sector*. UN Research Institute for Social Development (2006).

¹⁰⁸ INEC Annual Report (2022).

¹⁰⁹ L. Diamond, 'Facing Up to the Democratic Recession.' *Journal of Democracy* (2015).

¹¹⁰ Electoral Act 2022, S. 29(3).

¹¹¹ INEC Regulations and Guidelines for the Conduct of Elections, 2022, p. 45.

¹¹² E. Onwubiko, 'Security Agencies and Electoral Integrity in Nigeria,' *Journal of African Elections* 20, no. 2 (2021): 78–95.

¹¹³ Centre for Democracy and Development (CDD), *2023 General Elections Report* (Abuja: CDD, 2023), 22.

¹¹⁴ Terrorism (Prevention and Prohibition) Act 2022, S. 40.

¹¹⁵ INEC Guidelines 2022, p. 56; UN Human Rights Council, 'Report on the Proper Management of Assemblies,' A/HRC/31/66 (2016).

prone areas felt intimidated by the presence of armed security personnel near polling units.¹¹⁶ This tension underscores the delicate equilibrium required between ensuring security and preserving the electoral process's civilian character.

The judiciary's role in interpreting these legal frameworks further shapes security agencies' conduct. In *PDP v. INEC*,¹¹⁷ the Supreme Court emphasized that security agencies must operate within the bounds of the law, prohibiting any form of collusion with political actors to manipulate outcomes. This ruling aligns with Section 120 of the Electoral Act 2022, which criminalizes the obstruction of electoral officers or destruction of materials, prescribing severe penalties for offenders. Despite such provisions, enforcement remains inconsistent. A 2021 report by the Abuja School of Social and Political Thought noted that less than 2% of electoral violence cases between 1999 and 2019 resulted in prosecutions, reflecting systemic weaknesses in accountability mechanisms.¹¹⁸ This impunity perpetuates a cycle of violence, as evidenced in the 2023 off-cycle elections in Kogi State, where thugs allegedly aided by security personnel attacked opposition strongholds, contravening INEC's Code of Conduct for Security Agencies on Elections Duty.¹¹⁹

International best practices, such as the African Union's Guidelines for Elections in Africa, emphasize that security agencies must act impartially to foster public confidence.¹²⁰ Nigeria's adherence to these principles is uneven. While the Inter-Agency Consultative Committee on Elections Security (ICCES), established by INEC in 2011, has improved coordination among stakeholders, partisan interference persists. For instance, the withdrawal of police protection for opposition candidates in Osun State's 2022 gubernatorial elections, as reported by Premium Times, violated Section 104(1) of the Electoral Act, which guarantees equal security for all contestants.¹²¹ Such incidents highlight the need for stronger institutional safeguards against the politicization of security agencies, a concern raised by Jibrin Ibrahim in his analysis of Nigeria's 'security capture' by political elites.¹²²

The electoral process's post-elections phase also demands robust security involvement. Under Section 64 of the Electoral Act 2022, security agencies are required to protect collation centers and escort results to ensure their integrity. Failures in this duty, such as the hijacking of results sheets in Imo State during the 2023 elections, demonstrate gaps in operational readiness.¹²³ Conversely, successful examples, like the collaboration between the NSCDC and INEC in securing electronic voter registers in Ekiti State's 2022 governorship elections, illustrate the potential for effective synergy when protocols are followed.¹²⁴ Academic discourse, including works by Attahiru Jega, former INEC Chairman, stresses that security agencies' effectiveness hinges on continuous training, adequate funding, and ideological reorientation to prioritize national duty over partisan interests.¹²⁵

In conclusion, while Nigeria's legal and institutional frameworks provide a robust foundation for security agencies' role in elections, their implementation is often undermined by systemic challenges — partisanship, inadequate accountability, and resource constraints. Reforms must prioritize stricter enforcement of existing laws, enhanced training on human rights standards, and the depoliticization of security institutions. As the 2023 general elections demonstrated, the credibility of Nigeria's democracy depends significantly on the ability of security agencies to uphold their mandate as impartial guardians of the electoral process, a goal that remains aspirational without sustained institutional and societal commitment.

Civil Society Organizations

Civil Society Organizations (CSOs) have emerged as indispensable pillars in Nigeria's democratic architecture, particularly in shaping the integrity, transparency, and credibility of electoral processes. Their role is not merely supplemental but foundational, operating within a complex interplay of constitutional provisions, statutory frameworks, and institutional guidelines that collectively define Nigeria's electoral ecosystem. The 1999 Constitution of the Federal Republic of Nigeria (as amended), the Electoral Act 2022, the Independent National Electoral Commission (INEC) Regulations and Guidelines for the Conduct of Elections 2022, and ancillary

¹¹⁶ CLEEN Foundation, *Elections Security Threat Assessment* (Lagos: CLEEN, 2022), 15.

¹¹⁷ (2019) 12 NWLR (Pt. 1678) 24.

¹¹⁸ Abuja School of Social and Political Thought, *Electoral Violence and Accountability in Nigeria* (Abuja: ASSPT, 2021), 7.

¹¹⁹ INEC Code of Conduct for Security Agencies, 2022, Art. 4.

¹²⁰ African Union, *Guidelines for African Union Electoral Observation and Monitoring Missions* (Addis Ababa: AU, 2017), 19.

¹²¹ *Premium Times*, 'Osun Elections: Police Accused of Partisan Withdrawal,' 18 July 2022.

¹²² J. Ibrahim, 'Security Capture and Democratic Erosion in Nigeria,' *Democracy in Africa Report* (2020): 44–60.

¹²³ CDD, *2023 Elections Report*, 31.

¹²⁴ INEC, *Ekiti State Governorship Elections Report* (Abuja: INEC, 2022), 12.

¹²⁵ A. Jega, *Securing Nigeria's Democracy: Perspectives on Electoral Reform* (Ibadan: Safari Books, 2021), 112.

statutes collectively create spaces — both explicit and implicit — for CSOs to engage as watchdogs, educators, and advocates. This commentary explores how these frameworks enable CSO participation while highlighting the tensions, opportunities, and challenges inherent in their operations.

At the constitutional level, the foundational principles of democracy and popular participation enshrined in Section 14(1)(c) of the 1999 Constitution, which declares that ‘the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution,’ implicitly legitimize the role of CSOs as intermediaries fostering civic engagement. Furthermore, Section 40 guarantees the right to freedom of association, a bedrock for CSO formation and operation. These provisions, while not explicitly mentioning CSOs, create an enabling environment for their activities, including voter education, elections monitoring, and advocacy for electoral reforms. The Supreme Court’s interpretation of these rights in *Institute for Human Rights and Humanitarian Law v. Nigeria* (2006) affirmed that such freedoms are essential to democratic governance, thereby indirectly reinforcing CSOs’ legitimacy.¹²⁶

The Electoral Act 2022 provides a more explicit statutory foundation for CSO involvement. Section 94(1) empowers INEC to accredit domestic and international observers, a category encompassing CSOs, to monitor elections and submit reports. This provision institutionalizes CSOs as formal stakeholders in the electoral process, granting them access to polling units, collation centers, and elections-related data. Additionally, Section 52(2), which mandates electronic transmission of results, implicitly relies on CSOs to independently verify the integrity of result management systems, as seen in the deployment of parallel voter tabulation (PVT) methodologies by groups like Yiaga Africa.¹²⁷ The Act’s emphasis on transparency, as reflected in Section 47(2) introducing the Bimodal Voter Accreditation System (BVAS), further aligns with CSO mandates to combat electoral fraud and enhance public trust.

INEC’s Regulations and Guidelines 2022 operationalize these statutory provisions, detailing the accreditation process for observers under Part F, which requires CSOs to meet criteria such as non-partisanship, proven track records, and adherence to submission deadlines for reports.¹²⁸ These guidelines ensure that CSOs operate within a structured framework, balancing their watchdog role with accountability to regulatory standards. For instance, INEC’s collaboration with CSOs in voter education campaigns, as outlined in Section 2(4) of the Guidelines, underscores their role in bridging the gap between electoral management bodies and the electorate. Programs like the National Voter Education Committee (NVEC), which integrates CSO representatives, exemplify this synergy.¹²⁹

Beyond elections observation, CSOs contribute to pre-electoral processes, including voter registration and the revision of voter registers, as mandated by Section 9(1) of the Electoral Act. Organizations like the Transition Monitoring Group (TMG) have historically monitored INEC’s adherence to these provisions, reporting discrepancies and advocating for inclusivity.¹³⁰ Post-elections, CSOs like the Centre for Democracy and Development (CDD) leverage Section 134 of the Electoral Act, which outlines grounds for challenging elections outcomes, to provide legal and technical support to petitioners. This multidimensional engagement underscores their role as both collaborators and critics of INEC.

However, the legal landscape is not without ambiguities and constraints. The Companies and Allied Matters Act (CAMA) 2020, which regulates NGOs, imposes stringent registration requirements and oversight mechanisms, potentially stifling smaller CSOs through bureaucratic hurdles. Section 839(1) of CAMA empowers the Corporate Affairs Commission (CAC) to suspend trustees of associations for alleged misconduct. Critics argue this provision could be weaponized to suppress dissent. Similarly, the Freedom of Information (FOI) Act 2011, while empowering CSOs to request electoral data, faces implementation challenges, with INEC occasionally citing security concerns to withhold information.¹³¹ The interplay between CSOs and security agencies further complicates their operations. Despite Section 91(1) of the Electoral Act criminalizing voter intimidation, CSO observers frequently report harassment by political actors and security personnel, particularly in regions with entrenched political violence. The 2019 EU Elections Observation Mission report documented cases of CSO staff being denied access to polling units in Rivers and Kano States, contravening INEC’s guidelines.¹³² Such incidents

¹²⁶ *Institute for Human Rights and Humanitarian Law v. Federal Republic of Nigeria* (2006) AHRLR 235 (NgSC 2006).

¹²⁷ Yiaga Africa, *Watching the Vote: Report on the 2023 General Elections* (2023), 12. [6] Electoral Act, 2022, s 47(2).

¹²⁸ INEC, *Regulations and Guidelines for the Conduct of Elections*, 2022, Part F, paras 4–7.

¹²⁹ INEC, *National Voter Education Manual* (2022), 22.

¹³⁰ Transition Monitoring Group, *An Audit of the 2019 Voter Register* (2019), 8.

¹³¹ Freedom of Information Act, 2011, s 1; EU EOM, *Nigeria 2023 Final Report*, 45.

¹³² EU Elections Observation Mission, *Nigeria 2019 General Elections Final Report*, 21.

highlight the gap between legal frameworks and on-the-ground realities, necessitating stronger enforcement mechanisms. Academic analyses corroborate these challenges. Jibrin Ibrahim (2017) notes that while CSOs have been instrumental in exposing electoral malpractices, their impact is often circumscribed by ‘political capture’ of state institutions and limited enforcement of electoral laws.¹³³ Similarly, Attahiru Jega, former INEC chairman, acknowledges CSOs’ critical role in advocating for the Electoral Act 2022 but laments the persistent underfunding of voter education initiatives, which undermines their capacity.¹³⁴ Internationally, Nigeria’s obligations under treaties like the African Charter on Democracy, Elections, and Governance (ACDEG), which emphasizes civil society’s role in promoting democratic norms, further legitimize CSO activities.¹³⁵ However, the domestication of these frameworks remains inconsistent, leaving CSOs to navigate a patchwork of supportive and restrictive laws.

In conclusion, CSOs in Nigeria operate within a dynamic legal and institutional matrix that simultaneously empowers and constrains their electoral roles. While constitutional and statutory provisions provide a robust foundation for their engagement, implementation gaps, regulatory ambiguities, and political resistance often dilute their efficacy. Strengthening this framework requires not only stricter adherence to existing laws but also legislative reforms to address emerging challenges like digital disinformation and vote-buying. As Nigeria continues its democratic journey, CSOs remain vital to ensuring that elections reflect the sovereign will of the people, in letter and spirit.

The Media

The media in Nigeria occupies a pivotal role as an institution that shapes, informs, and safeguards the electoral process, operating within a framework defined by constitutional mandates, statutory provisions, and regulatory guidelines. Its functions range from voter education and political discourse facilitation to oversight of electoral integrity, all of which are critical to the consolidation of Nigeria’s democracy. The 1999 Constitution of the Federal Republic of Nigeria (as amended), the Electoral Act 2022, and the Independent National Electoral Commission (INEC) Regulations and Guidelines 2022 collectively establish the legal and operational parameters within which the media operates during elections. These instruments not only recognize the media’s role but also impose obligations to ensure fairness, accuracy, and accountability in electoral reporting, reflecting the interdependence between democratic governance and a free, responsible press.

The constitutional foundation for the media’s role in elections is rooted in Section 22 of the 1999 Constitution, which tasks the press, radio, television, and other agencies of the mass media with the responsibility to ‘uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the Government to the people’. This provision elevates the media to the status of a watchdog, obligating it to scrutinize governmental and electoral processes, thereby fostering transparency. Complementing this, Section 39(1) guarantees freedom of expression, including the right to ‘hold opinions and to receive and impart ideas and information without interference’, creating a legal shield for journalists to operate without undue censorship. However, this freedom is tempered by Section 45, which permits restrictions in the interest of defense, public safety, public order, public morality, or public health — a clause that has occasionally been misapplied to suppress critical reporting during elections, underscoring the tension between media freedom and state control.

The Electoral Act 2022 further institutionalizes the media’s role in elections, particularly through provisions addressing voter education, equitable access to airtime, and the prohibition of hate speech. Section 94(1) mandates INEC to undertake voter education ‘through the media and other public information institutions’, implicitly recognizing the media as a partner in civic engagement. Meanwhile, Section 97 criminalizes the publication of false information intended to disrupt electoral processes, imposing penalties for media outlets that propagate misinformation — a response to the proliferation of fake news, particularly on digital platforms. Additionally, Section 95 regulates political advertising, requiring equal airtime and media access for all parties and candidates, though enforcement remains inconsistent, with dominant parties often leveraging financial muscle to monopolize coverage. These provisions collectively aim to balance media liberty with electoral integrity, though gaps in implementation persist.

INEC’s Regulations and Guidelines 2022 elaborate on the media’s operational role, particularly in accreditation, results dissemination, and conflict mitigation. For instance, Part F of the Guidelines mandates media organizations to apply for accreditation to cover elections, ensuring that only verified entities report on sensitive processes.¹³⁶

¹³³ J. Ibrahim, ‘Civil Society and Electoral Accountability in Nigeria’ (2017) 12 *Journal of African Elections* 45.

¹³⁴ A. Jega, *Democracy and Electoral Reform in Nigeria* (Premium Times Books, 2020), 112.

¹³⁵ African Union, *African Charter on Democracy, Elections, and Governance* (2007), art 12.

¹³⁶ INEC Regulations and Guidelines 2022, Part F, para 4.3.

This measure seeks to curb the infiltration of unregulated actors who might disseminate unverified results, a recurrent issue in previous cycles where premature declarations fueled violence. Furthermore, INEC collaborates with media stakeholders through the Electoral Institute (TEI) to train journalists on conflict-sensitive reporting, emphasizing the avoidance of language that could incite violence.¹³⁷ Such initiatives reflect an acknowledgment of the media's power to either stabilize or destabilize the electoral environment, depending on its adherence to ethical standards.

Academic scholarship and policy analyses have extensively critiqued the media's dual role as both enabler and disruptor of electoral credibility. Omotoso and Ojo argue that Nigeria's media landscape, particularly privately-owned outlets, often exhibits partisan bias, undermining its watchdog function.¹³⁸ This politicization is exacerbated by ownership structures, where media houses are frequently tied to political elites, as observed in the 2015 and 2019 elections when outlets like DAAR Communications and TVC were accused of skewed reporting.¹³⁹ Conversely, media initiatives like the Nigeria Elections Dialogue Series and collaborations with civil society organizations (CSOs) such as the Premium Times Centre for Investigative Journalism (PTCIJ) have enhanced fact-checking and voter education, illustrating the sector's potential for positive impact.¹⁴⁰ The dichotomy between commercial interests and public service mandates remains a central challenge, however, necessitating stricter regulatory oversight.

The Nigerian Broadcasting Commission (NBC) also plays a critical role through its *Code*, which enforces content standards during elections. The 6th Edition of the NBC Code mandates broadcasters to 'ensure equitable allocation of airtime' and avoid 'inflammatory, divisive, or incendiary language',¹⁴¹ provisions aligned with the Electoral Act's anti-hate speech clauses. Nevertheless, enforcement is often reactive rather than proactive; for example, during the 2023 elections, the NBC fined Channels TV for airing unverified claims by a political candidate, a move criticized as selective and politically motivated.¹⁴² This incident highlights the precarious position of regulatory bodies in balancing impartiality with political pressures, raising questions about the independence of institutions meant to police media conduct.

The digital media revolution has further complicated the electoral framework, introducing both opportunities and risks. Social media platforms like Twitter, Facebook, and WhatsApp have become arenas for voter mobilization and real-time reporting, exemplified by the *#NigeriaDecides* movement, which amplified youth engagement in 2023.¹⁴³ However, these platforms also facilitate disinformation campaigns, as documented by the Centre for Democracy and Development (CDD), which identified over 10,000 fake news posts during the 2023 elections cycle.¹⁴⁴ While the Electoral Act 2022 criminalizes false publications, jurisdictional and technical challenges hinder the prosecution of offshore-based actors, revealing gaps in the legal framework's adaptability to digital threats. INEC's introduction of the INEC Results Viewing Portal (IReV) aimed to enhance transparency by allowing media and the public to access real-time results,¹⁴⁵ yet persistent technical glitches and allegations of manipulation underscore the need for media-technological synergy.

International best practices, as outlined in the AU Declaration on the Principles Governing Democratic Elections and the *UNESCO Media Development Indicators*, emphasize the media's duty to provide inclusive, accurate, and pluralistic coverage.¹⁴⁶ Nigeria's framework partially aligns with these standards but falls short in safeguarding marginalized voices. Women candidates, for instance, receive disproportionately low media coverage, perpetuating gender imbalances in representation.¹⁴⁷ The National Gender Policy, which advocates for equitable media access for women, lacks enforceability, reflecting systemic inequities that the electoral framework has yet to redress.¹⁴⁸

¹³⁷ INEC Manual for Electoral Officials 2022, p. 112

¹³⁸ Omotoso & Ojo, Media and Elections in Nigeria: A Discourse on Professionalism and Partisanship, *African Journalism Studies*, 2018, p. 45

¹³⁹ EU Elections Observation Mission Nigeria 2019 *Final Report*, p. 23

¹⁴⁰ Premium Times Centre for Investigative Journalism, 2023 Elections Report: Fact-Checking and Accountability, 2023, p. 7

¹⁴¹ Nigerian Broadcasting Code 6th Edition, 2022, Section 5.5.3

¹⁴² The Guardian Nigeria, 'NBC Fines Channels TV Over Datti Baba-Ahmed Interview,' March 2023

¹⁴³ Centre for Democracy and Development, Social Media and the 2023 Nigerian Elections, 2023, p. 15

¹⁴⁴ Centre for Democracy and Development, Social Media and the 2023 Nigerian Elections, 2023, p. 8

¹⁴⁵ INEC, IReV Operational Guidelines 2022, para 2.1

¹⁴⁶ African Union, Declaration on the Principles Governing Democratic Elections in Africa, 2002, Article 11; UNESCO, Media Development Indicators: A Framework for Assessing Media Development, 2008

¹⁴⁷ National Women's Trust Fund, Gender Audit of 2023 Elections Media Coverage, 2023, p. 4

¹⁴⁸ National Gender Policy, 2021, Section 4.2

In conclusion, the media's role in Nigeria's electoral process is enshrined in a multi-layered legal and regulatory architecture designed to promote informed participation, transparency, and accountability. While constitutional and statutory provisions provide a robust foundation, challenges such as partisan bias, regulatory capture, digital disinformation, and exclusionary practices undermine the media's efficacy as a democratic institution. Strengthening this framework requires not only stricter enforcement of existing laws but also reforms to address evolving technological and social dynamics. As Nigeria continues to refine its electoral democracy, the media's capacity to operate as an impartial, vigilant, and inclusive institution will remain central to the legitimacy and credibility of its elections.

4. Conclusion and Recommendations

The laws and institutions regulating the electoral process in Nigeria constitute the foundation of the nation's democratic system, providing the legal structure and administrative mechanisms necessary for credible elections. When effectively implemented and supported, they promote transparency, accountability, and public trust in governance, making their continual strengthening essential to the consolidation of democracy and the realization of the people's will through free and fair elections. In order to get things right, the following measures are necessary:

Strengthening the Independence and Capacity of INEC: Greater financial and administrative autonomy should be granted to the Independent National Electoral Commission to reduce external influence and enhance its operational efficiency. Continuous training, improved technology, and timely release of funds would enable INEC to conduct more transparent, credible, and well-coordinated elections.

Reforming and Enforcing Electoral Laws: Electoral laws should be periodically reviewed to address emerging challenges such as vote buying, electoral violence, and the misuse of technology. Strict enforcement of sanctions against offenders, regardless of political status, would serve as a strong deterrent and reinforce respect for the rule of law.

Enhancing Judicial Efficiency and Civic Education: Elections tribunals and courts should be better resourced to ensure speedy and impartial resolution of electoral disputes. At the same time, sustained civic and voter education programs should be intensified to enlighten citizens on their electoral rights and responsibilities, thereby promoting active participation and reducing electoral malpractice.