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EXPLORING THE CHALLENGES AND PROSPECTS FOR ELECTORAL REFORMS IN NIGERIA: LESSONS FROM THE COMPARATIVE ANALYSIS OF THE 2023 AND 2026 ELECTORAL ACTS

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Abstract

Electoral processes remain the foundation of democratic governance in Nigeria, yet they are persistently weakened by challenges including fraud, vote buying, logistical inefficiencies, weak institutions, political interference, violence, voter apathy, and emerging cybersecurity threats. Despite successive reforms, public confidence in elections remains low. The Electoral Acts of 2023 and 2026 constitute key legislative efforts to strengthen electoral administration and democratic consolidation. This study conducts a comparative analysis of both Acts to examine their challenges and prospects. It evaluates their provisions, identifies areas of convergence and divergence, and assesses their effectiveness in addressing entrenched electoral problems while drawing policy lessons for future reform. A qualitative research design is adopted, relying on documentary analysis of legislation, policy documents, and scholarly literature. The study is anchored on democratic theory and institutionalism, emphasizing participation, accountability, rule of law, and institutional strength in credible elections. Thematic issues explored include electoral integrity, technology adoption, electoral violence, political inclusion, and institutional performance. Findings show that although the 2026 Act introduces improvements such as clearer legal frameworks, expanded technological use, and stronger compliance mechanisms, significant challenges persist, particularly weak enforcement, cybersecurity risks, insecurity, and low voter turnout. The study concludes that electoral reform in Nigeria remains incomplete without addressing structural and operational deficiencies. It recommends stronger enforcement, improved cybersecurity systems, reduction of electoral violence, diaspora voting inclusion, voter education, gender and youth inclusion, and enhanced independence and capacity of electoral management bodies for sustainable democratic governance in Nigeria and across emerging African democracies going forward respectively.

Keywords: Electoral Reforms, Electoral Integrity, Democratic Governance, and Electoral Acts

Introduction

Elections are widely regarded as the cornerstone of democratic governance, providing the institutional mechanism through which citizens exercise political sovereignty and confer legitimacy on governing authorities. In liberal democratic theory, elections serve not only as a means of leadership selection but also as a tool for ensuring accountability, representation, and political participation (Dahl, 1989; Schumpeter, 1942). In the Nigerian context, the conduct of credible, free, and fair elections remains central to the consolidation of democracy since the country's return to civilian rule in 1999. However, despite numerous reform efforts, Nigeria's electoral process continues to face persistent structural, institutional, and operational challenges that undermine its credibility and effectiveness.

Historically, Nigeria's electoral system has been fraught with irregularities that date back to the pre-independence and post-independence eras. Incidents of electoral malpractice such as ballot stuffing, vote buying, falsification of results, and manipulation of electoral outcomes, have been recurring features of the political landscape (Aiyede, 2006; Ojo, 2014). These challenges were particularly evident during the fourth republic, where elections have often been marred by controversies and disputes. For instance, the 2003 and 2007 general elections were widely criticized by both domestic and international observers for lacking transparency and credibility (European Union Election Observation Mission, 2007). Although, subsequent elections particularly those conducted in 2015 and 2019, showed some improvements, systemic deficiencies persisted, thereby necessitating continuous reforms.

One of the major challenges confronting Nigeria's electoral system is logistical inefficiency. The late arrival of electoral materials, inadequate training of ad hoc staff, and poor coordination by the Independent National Electoral Commission (INEC) have often disrupted the smooth conduct of elections (INEC, 2020). Additionally, electoral violence has remained a significant concern, with incidents of intimidation, harassment, and physical attacks discouraging voter participation and undermining the integrity of the process (Höglund, 2009). The problem of voter apathy has also become increasingly pronounced, as many citizens have lost confidence in the electoral system due to perceived manipulation and lack of transparency (Adetula, 2015).

In response to these persistent challenges, the Nigerian government has undertaken several legal and institutional reforms aimed at strengthening electoral governance. A significant milestone in this regard was the enactment of the Electoral Act 2023, which introduced key innovations

20 | Exploring the Challenges and Prospects for Electoral Reforms in Nigeria: Lessons from the Comparative Analysis of the 2023 and 2026 Electoral Acts

designed to enhance transparency and efficiency in the electoral process. Among its notable provisions were the legal recognition of electronic transmission of results, the deployment of the Bimodal Voter Accreditation System (BVAS), and measures to improve the credibility of voter accreditation and result collation processes (INEC, 2023). These reforms were widely seen as aligning Nigeria's electoral system with global best practices in electoral management and technological integration.

However, the implementation of the Electoral Act 2023 during the 2023 general elections revealed several shortcomings. Technical glitches associated with the electronic transmission of results, inconsistencies in the application of technological tools, and disputes arising from the interpretation of legal provisions exposed gaps in the reform framework (YIAGA Africa, 2023). Furthermore, allegations of electoral malpractice and concerns over the independence of electoral institutions continued to raise questions about the effectiveness of the reforms. These challenges underscored the need for further legislative and institutional adjustments to address emerging issues and strengthen the electoral system.

Consequently, the new Electoral Act 2026 was enacted in February, 2026 as a follow-up reform initiative aimed at consolidating previous gains while addressing identified deficiencies. The Electoral Act, 2026 introduced greater clarity in legal provisions, expanded the scope of technological integration, and established stricter penalties for non-compliance with electoral regulations. The Act also emphasized institutional accountability and sought to enhance the operational capacity of electoral management bodies. Notwithstanding these improvements, concerns persist regarding the practical implementation of these provisions, particularly in relation to cybersecurity risks, infrastructural deficits, and the enforcement of electoral laws during the 2026 off-season elections and the impending 2027 general elections.

Beyond legal and institutional frameworks, socio-political factors continue to exert significant influence on electoral outcomes in Nigeria. Issues such as poverty, illiteracy, ethnic and religious divisions, and the monetization of politics contribute to voter manipulation and electoral malpractices (Bratton, 2008). The influence of political elites and the prevalence of patronage networks further complicate the electoral process, often undermining the principles of fairness and competitiveness. Moreover, the underrepresentation of women, youth, and persons with disabilities in political participation raises concerns about the inclusiveness of Nigeria's democracy (Norris, 2004).

Another emerging dimension of electoral challenges in Nigeria is the increasing reliance on technology. While technological innovations such as electronic voting and result transmission offer significant potential for enhancing transparency, they also introduce new risks, including cybersecurity threats, data manipulation, and system failures (Nwangwu, 2015). The digital divide, characterized by unequal access to technological infrastructure across different regions of the country, further complicates the effective implementation of technology-driven electoral reforms.

Against this backdrop, there is a compelling need to critically examine the challenges and prospects of electoral reforms in Nigeria through a comparative analysis of the Electoral Acts of 2023 and 2026. Such an analysis provides valuable insights into the evolution of electoral legislation, highlights areas of progress and persistent gaps, and offers a basis for informed policy recommendations. By understanding the strengths and limitations of these reform efforts, policymakers, scholars, and stakeholders can develop more effective strategies for improving electoral governance in Nigeria.

This study is therefore situated within the broader discourse on democratic consolidation and institutional reform. It seeks to contribute to the ongoing debate on how electoral systems can be strengthened to promote transparency, accountability, and inclusiveness. Ultimately, the study aims to provide a comprehensive assessment of Nigeria's electoral reform trajectory and to identify pathways for achieving sustainable democratic development.

Statement of the Problem

Despite successive electoral reforms in Nigeria, including the enactment of the Electoral Acts of 2023 and 2026, the country continues to experience significant challenges that undermine the credibility of its electoral process. Persistent issues such as electoral fraud, vote buying, logistical inefficiencies, weak institutional capacity, electoral violence, and low voter turnout remain largely unresolved. Additionally, the introduction of technology has exposed vulnerabilities related to cybersecurity and inconsistent implementation. These recurring problems raise concerns about the effectiveness of existing legal frameworks, thereby necessitating a critical assessment of their capacity to address both longstanding and emerging electoral challenges in Nigeria.

Research Objectives

22 | Exploring the Challenges and Prospects for Electoral Reforms in Nigeria: Lessons from the Comparative Analysis of the 2023 and 2026 Electoral Acts

The main objective of this study is to critically examine the challenges and prospects for electoral reforms in Nigeria through a comparative analysis of the Electoral Acts of 2023 and 2026. Specifically, the study seeks to evaluate the key provisions of both Acts and identify areas of convergence and divergence in their legal frameworks. It also aims to assess the extent to which these provisions address persistent electoral challenges such as fraud, violence, logistical inefficiencies, and low voter participation. Furthermore, the study intends to draw relevant lessons and provide practical recommendations for strengthening electoral governance and promoting credible democratic processes in Nigeria.

Methodology

This study adopts a qualitative research design, which is considered most appropriate for examining legal frameworks, institutional dynamics, and policy-oriented issues such as electoral reforms. The qualitative approach enables an in-depth analysis of the provisions of the Electoral Acts of 2023 and 2026, as well as a critical evaluation of their implications for electoral governance in Nigeria. The study relies primarily on secondary sources of data, utilizing documentary analysis as its principal method of data collection.

The documentary analysis involves a systematic review of relevant legal instruments, including the Electoral Acts of 2023 and 2026, regulations and guidelines issued by the Independent National Electoral Commission (INEC), policy documents, government reports, and judicial decisions relating to electoral disputes. In addition, the study draws on scholarly literature such as textbooks, peer-reviewed journal articles, conference papers, and reports from local and international organizations involved in electoral observation and democratic governance. These sources provide both empirical and theoretical insights into the nature, challenges, and prospects of electoral reforms in Nigeria.

The study also employs a comparative analytical technique to examine similarities and differences between the Electoral Acts of 2023 and 2026. This involves a detailed comparison of key provisions relating to electoral administration, technological integration, transparency mechanisms, compliance and enforcement measures, and inclusiveness. Through this approach, the study identifies areas of progress, continuity, and gaps within the reform trajectory. The comparative framework also facilitates the extraction of lessons that can inform future legislative and institutional reforms.

To ensure analytical rigor, the study equally adopts a thematic approach in organizing and interpreting data. Key themes such as electoral integrity, technological innovation, electoral violence, voter participation, and institutional capacity are identified and analyzed across both legal frameworks and existing literature. This thematic analysis allows for a structured understanding of how different aspects of electoral reform are addressed and the extent to which they respond to prevailing challenges.

The theoretical framework underpinning the study is grounded in democratic theory and institutionalism, which provide a conceptual basis for understanding the role of electoral systems in promoting accountability, participation, and governance effectiveness. These frameworks guide the interpretation of findings and help situate the analysis within broader debates on democratic consolidation and institutional performance.

While the qualitative and documentary nature of the study offers rich insights, it is not without limitations. The reliance on secondary data means that the study is dependent on the availability, accuracy, and objectivity of existing sources. Additionally, the study does not incorporate primary data such as interviews or field surveys, which could provide firsthand perspectives from electoral stakeholders. Nevertheless, efforts are made to ensure the credibility and reliability of data by consulting reputable and authoritative sources. Overall, the methodology adopted in this study provides a robust framework for critically examining the challenges and prospects of electoral reforms in Nigeria, offering valuable insights for policymakers, scholars, and practitioners engaged in the advancement of democratic governance.

Theoretical Framework

This study is anchored on democratic theory and institutional theory as complementary frameworks for analyzing electoral reforms and governance outcomes in Nigeria. Democratic theory provides the normative foundation for understanding elections as the core mechanism for representation, participation, and accountability in modern states. It posits that for a democracy to be meaningful, elections must be free, fair, competitive, and credible, reflecting the genuine will of the people (Dahl, 1989). The theory emphasizes political equality, citizen participation, and the responsiveness of government to the electorate. In the Nigerian context, persistent electoral irregularities such as vote buying, fraud, and electoral violence undermine these democratic ideals, thereby weakening public trust and legitimacy. Thus, democratic theory is

24 | Exploring the Challenges and Prospects for Electoral Reforms in Nigeria: Lessons from the Comparative Analysis of the 2023 and 2026 Electoral Acts

useful in evaluating the extent to which the Electoral Acts of 2023 and 2026 promote transparency, inclusiveness, and electoral integrity.

Furthermore, Schumpeter's procedural conception of democracy highlights elections as a competitive struggle for political leadership, where institutional arrangements determine how leaders are selected through periodic voting (Schumpeter, 1942). This perspective underscores the importance of clear legal frameworks and effective electoral administration in ensuring credible outcomes. Accordingly, reforms embedded in the Electoral Acts such as technological innovations, improved voter accreditation systems, and enhanced transparency mechanisms, can be assessed in terms of their capacity to strengthen democratic competition and legitimacy.

In addition to democratic theory, this study also employs institutional theory to explain how formal rules, structures, and organizations shape electoral behavior and outcomes. Institutionalism emphasizes that institutions—defined as formal laws, procedures, and informal norms, play a critical role in structuring political interactions and determining governance performance (North, 1990). Within this framework, electoral laws such as the Electoral Acts of 2023 and 2026 constitute formal institutions that guide the conduct of elections, regulate political actors, and establish mechanisms for accountability. The effectiveness of these laws, however, depends not only on their design but also on their implementation and enforcement.

Furthermore, institutional theory further highlights the importance of institutional capacity, autonomy, and compliance. In Nigeria, the performance of the Independent National Electoral Commission (INEC) and other electoral bodies is central to the success of electoral reforms. Weak institutional capacity, political interference, and poor enforcement of electoral laws often undermine reform outcomes (Ojo, 2014). Therefore, institutionalism provides a lens for assessing whether the reforms introduced in the 2026 Electoral Act strengthen institutional resilience, improve compliance mechanisms, and reduce opportunities for manipulation.

Collectively, by integrating democratic theory and institutionalism, this study offers a comprehensive analytical framework that captures both the normative expectations of democratic elections and the practical realities of institutional performance. While democratic theory focuses on the ideals of participation, accountability, and legitimacy, institutional theory explains the structural and procedural conditions necessary for achieving these ideals. Together, they provide a robust basis for evaluating the challenges and prospects of electoral reforms in Nigeria,

particularly in relation to the effectiveness of the Electoral Acts of 2023 and 2026 in promoting credible and sustainable democratic governance.

Conceptual Review

The concept of electoral reform has gained increasing prominence in democratic discourse, particularly in emerging democracies such as Nigeria where the credibility of elections remains a subject of concern. Literally, electoral reform broadly refers to the process of reviewing and improving electoral laws, institutions, and procedures to enhance the integrity, transparency, inclusiveness, and efficiency of elections (Norris, 2014). It encompasses a wide range of changes, including legal amendments, technological innovations, administrative restructuring, and policy adjustments aimed at addressing deficiencies in the electoral system. In Nigeria, electoral reforms have been largely driven by the need to correct historical irregularities and strengthen democratic consolidation since the transition to civilian rule in 1999.

A central concept in the discourse on electoral reform is electoral integrity, which refers to the extent to which elections are conducted in accordance with established legal frameworks and international standards of fairness, transparency, and accountability (Norris, 2014). Electoral integrity involves adherence to principles such as impartial administration, equal participation, secrecy of the ballot, and accurate counting of votes. In the Nigerian context, challenges such as vote buying, ballot manipulation, and political interference have undermined electoral integrity, thereby necessitating continuous reforms. The introduction of technological tools such as biometric voter accreditation and electronic transmission of results, represents an attempt to enhance electoral integrity by reducing human interference and increasing transparency (Nwangwu, 2015).

Another important concept is electoral transparency, which relates to the openness and visibility of electoral processes to stakeholders, including political parties, civil society organizations, and the electorate. Transparency is essential for building public trust and ensuring accountability in electoral administration (Birch, 2011). Mechanisms such as public access to electoral information, real-time result transmission, and independent election observation contribute to transparency. In Nigeria, reforms introduced in recent electoral laws have sought to improve transparency through the use of digital platforms and the publication of election results. However, inconsistencies in implementation and technological challenges have raised concerns about the effectiveness of these measures.

26 | Exploring the Challenges and Prospects for Electoral Reforms in Nigeria: Lessons from the Comparative Analysis of the 2023 and 2026 Electoral Acts

Additionally, technological innovation in elections is another key concept that has transformed electoral processes globally. The adoption of information and communication technologies (ICTs) in elections such as electronic voting systems, biometric registration, and digital result transmission, has been promoted as a means of improving efficiency, accuracy, and transparency (Alvarez & Hall, 2008). In Nigeria, the deployment of technologies like the Bimodal Voter Accreditation System (BVAS) and electronic result transmission has marked a significant shift toward modernization. While these innovations offer considerable benefits, they also introduce new challenges, including cybersecurity risks, system failures, and the need for adequate technical infrastructure (Nwangwu, 2015). Thus, the success of technological reforms depends on effective implementation, capacity building, and risk management.

Furthermore, the concept of electoral violence is also central to understanding the challenges of electoral reform in Nigeria. Electoral violence refers to the use of force or intimidation to influence electoral outcomes before, during, or after elections (Höglund, 2009). It can take various forms, including physical attacks, destruction of electoral materials, and harassment of voters and electoral officials. Electoral violence not only undermines the credibility of elections but also discourages participation and threatens democratic stability. Despite efforts to curb violence through legal and institutional measures, it remains a persistent problem in Nigeria, often linked to intense political competition and weak enforcement of electoral laws.

Equally, voter participation or turnout is another critical concept in electoral studies, reflecting the level of citizen engagement in the political process. High voter turnout is generally considered an indicator of a healthy democracy, as it signifies public confidence in the electoral system and the legitimacy of elected leaders (Blais, 2006). In contrast, low voter turnout, which has been observed in recent Nigerian elections especially in 2023, suggests apathy and disillusionment among the electorate. Factors contributing to low participation include lack of trust in electoral outcomes, insecurity, and logistical challenges. Electoral reforms aimed at improving voter education, simplifying voting procedures, and ensuring security are essential for enhancing participation.

Closely related to voter participation is the concept of political inclusion, which emphasizes the involvement of all segments of society in the electoral process, particularly marginalized groups such as women, youth, and persons with disabilities. Inclusive electoral systems promote equality and ensure that diverse interests are represented in governance (Norris, 2004). In

Nigeria, despite constitutional provisions for equal participation, women and youth remain underrepresented in political offices especially at the legislative arm of government. Electoral reforms that promote affirmative action, reduce barriers to participation, and encourage civic engagement are critical for achieving inclusiveness.

Finally, the concept of institutional capacity is vital in understanding the effectiveness of electoral reforms. Institutional capacity refers to the ability of electoral management bodies, such as the Independent National Electoral Commission (INEC), to effectively plan, organize, and conduct elections (Ojo, 2014). This includes adequate funding, skilled personnel, operational independence, and enforcement powers. Weak institutional capacity often leads to inefficiencies, poor implementation of reforms, and vulnerability to political interference. Strengthening institutional capacity is therefore a key component of sustainable electoral reform in Nigeria.

In sum, the conceptual issues reviewed by the study particularly, the electoral reform, electoral integrity, transparency, technological innovation, electoral violence, voter participation, political inclusion, and institutional capacity, provide a comprehensive framework for understanding the dynamics of electoral governance in Nigeria. These concepts are interrelated and collectively shape the effectiveness of electoral reforms. A thorough understanding of these concepts is essential for analyzing the provisions of the Electoral Acts of 2023 and 2026 and for identifying the challenges and pathways toward improving electoral processes and democratic governance in Nigeria.

Thematic Literature Review

This section provides an expanded thematic review of literature on electoral reforms in Nigeria and comparative democratic experiences, focusing on five interrelated themes: electoral integrity, technological innovation in elections, electoral violence, political inclusion, and institutional performance. These themes are central to understanding both the persistent challenges and emerging prospects of electoral reforms, particularly within the context of the Electoral Acts of 2023 and 2026.

i. Electoral Integrity:

Electoral integrity is widely recognized as the foundation of credible democratic governance. It refers to the extent to which elections are conducted in accordance with established legal frameworks, international standards, and democratic principles such as transparency, fairness, and accountability (Norris, 2014). A high level of electoral integrity ensures that election

28 | Exploring the Challenges and Prospects for Electoral Reforms in Nigeria: Lessons from the Comparative Analysis of the 2023 and 2026 Electoral Acts

outcomes reflect the genuine will of the electorate, while weak integrity leads to mistrust, political instability, and democratic backsliding.

In the Nigerian context, scholarly literature consistently identifies electoral integrity as one of the most significant challenges to democratic consolidation. Aiyede (2006) argues that Nigeria's electoral history has been marked by systemic manipulation, including ballot stuffing, falsification of results, and abuse of incumbency power. Similarly, Ojo (2014) observes that weak enforcement of electoral laws and politicization of electoral institutions has contributed to recurring electoral malpractices.

The 2019 and 2023 general elections further exposed gaps in electoral integrity despite reforms introduced by the Independent National Electoral Commission (INEC). While technological innovations such as biometric voter accreditation were intended to improve transparency, implementation inconsistencies and result transmission disputes undermined public confidence (YIAGA Africa, 2023). Consequently, the Electoral Act 2023 was designed to strengthen transparency mechanisms, particularly through electronic transmission of results and clearer procedural guidelines, while the Electoral Act 2026 builds on these reforms by introducing stricter compliance measures and enhanced legal clarity. However, scholars caution that legal provisions alone are insufficient without strong enforcement mechanisms and institutional independence. Norris (2014) further emphasizes that electoral integrity is not only a legal issue but also a governance and institutional performance challenge. Thus, improving integrity requires both robust laws and credible institutions capable of implementing them effectively.

ii. *Technological Innovation in Elections:*

Technological innovation has become a defining feature of modern electoral administration globally. The adoption of digital tools such as biometric registration systems, electronic voting, and real-time result transmission is widely regarded as a means of improving efficiency, reducing fraud, and enhancing transparency (Alvarez & Hall, 2008). In Nigeria, the introduction of the Bimodal Voter Accreditation System (BVAS) and electronic result transmission represents a major shift toward digital electoral governance. According to Nwangwu (2015), biometric technology has significantly reduced cases of multiple voting and identity fraud, thereby improving voter verification processes. These innovations were particularly prominent during the 2023 general elections, where BVAS was deployed nationwide.

However, empirical studies also highlight several limitations associated with technological adoption in Nigeria's electoral system. These include infrastructural deficits, power supply challenges, inadequate training of electoral officials, and cybersecurity risks. During the 2023 elections, technical glitches in result transmission led to delays and controversies, raising questions about the reliability of digital systems (INEC, 2023). These challenges reveal a critical gap between technological design and practical implementation.

Moving forward, the recently assented Electoral Act 2026 attempts to address these issues by providing stronger legal backing for electronic processes and introducing clearer operational guidelines. Nonetheless, scholars argue that successful technological reform requires more than legislation. Alvarez and Hall (2008) emphasize that technological systems must be supported by institutional capacity, public trust, and resilient infrastructure. Without these, technology may become a source of conflict rather than a solution.

iii. Electoral Violence:

Electoral violence remains one of the most persistent and destabilizing challenges to democratic governance in Nigeria. It refers to acts of physical coercion, intimidation, or destruction aimed at influencing electoral outcomes or disrupting the electoral process (Höglund, 2009). Electoral violence can occur before, during, or after elections and is often linked to intense political competition and weak enforcement of electoral laws. Literature on Nigeria elections shows that electoral violence is deeply rooted in structural and socio-political factors such as poverty, ethnic divisions, political godfatherism, and the monetization of politics (Bratton, 2008). These conditions create incentives for political actors to resort to violence as a strategy for electoral gain. Adetula (2015) further notes that electoral violence not only endangers lives and property but also discourages voter participation and undermines democratic legitimacy.

Despite various legal frameworks aimed at curbing electoral violence, enforcement remains weak. Security agencies are often perceived as biased or insufficiently prepared to handle electoral crises. Although, the Electoral Acts of 2023 and 2026 include stricter penalties for electoral offences, the effectiveness of these provisions depends on judicial independence and political will. Scholars such as Höglund (2009) further argue that addressing electoral violence requires a multi-dimensional approach that includes legal enforcement, civic education, poverty reduction, and political reforms. Without addressing the underlying socio-economic drivers, electoral violence is likely to persist regardless of legal reforms.

iv. Political Inclusion:

Political inclusion is a critical dimension of democratic governance that emphasizes equal participation of all citizens in the political process, regardless of gender, age, ethnicity, or socio-economic status. Norris (2004) argues that inclusive electoral systems enhance democratic legitimacy by ensuring that diverse voices are represented in decision-making processes. In Nigeria, however, political inclusion remains limited. Women, youth, and persons with disabilities are significantly underrepresented in elective positions. According to INEC (2020), women occupy less than 10% of political offices, despite making up nearly half of the population. Youth participation is also constrained by financial barriers, political violence, and exclusion from party structures.

The literature identifies several structural barriers to inclusion, including the dominance of political elites, high cost of elections, and weak enforcement of affirmative action policies. While recent electoral reforms have introduced provisions aimed at promoting inclusiveness, such as improved voter education and campaign finance regulations, implementation remains inconsistent. The new Electoral Act 2026 is expected to enhance inclusion through expanded access to voting and improved regulatory frameworks. However, scholars emphasize that legal provisions alone are insufficient. Effective inclusion requires cultural change, political will, and institutional commitment to equity and representation (Norris, 2004).

v. Institutional Performance:

Institutional performance, particularly that of electoral management bodies such as INEC, is a critical determinant of electoral credibility and reform success. Institutional theory posits that the effectiveness of policies depends on the capacity, autonomy, and integrity of implementing institutions (North, 1990). In Nigeria, INEC has undergone significant reforms over the years, including the adoption of biometric systems and electronic result transmission. However, institutional challenges persist, including inadequate funding, logistical inefficiencies, and political interference. Ojo (2014) argues that weak institutional capacity has been a major factor undermining electoral reforms in Nigeria.

The 2023 general elections revealed both progress and shortcomings in institutional performance. While technological innovations improved voter accreditation, operational delays and inconsistencies in result management exposed weaknesses in coordination and capacity. The Electoral Act 2026 seeks to strengthen institutional performance by enhancing autonomy,

improving accountability structures, and expanding enforcement powers. However, literature suggests that institutional reforms must go beyond legal provisions. North (1990) emphasizes that institutions are shaped not only by formal rules but also by informal norms and political culture. Therefore, strengthening electoral institutions in Nigeria requires long-term investments in professionalism, training, independence, and public trust.

In all, the thematic literature review demonstrates that electoral reforms in Nigeria are shaped by interconnected challenges across five key areas of electoral integrity, technological innovation, electoral violence, political inclusion, and institutional performance. While significant progress has been made through successive reforms, particularly in the Electoral Acts of 2023 and 2026, persistent structural and operational challenges continue to undermine electoral outcomes. The literature indicates that sustainable electoral reform requires a holistic approach that integrates legal, technological, institutional, and socio-political dimensions. Without addressing underlying issues such as weak enforcement, political interference, inequality, and infrastructural deficits, reforms may yield limited impact. This thematic foundation therefore provides a critical basis for analyzing the effectiveness of Nigeria's recent electoral reforms and their implications for democratic consolidation.

Data Presentation, Analysis and Findings

The study presents a systematic analysis of the Electoral Acts of 2023 and 2026 in Nigeria, focusing on their legal provisions, practical application, and judicial interpretation by superior courts, particularly the Supreme Court. The analysis is anchored on the study's objectives, which are to examine the effectiveness of both Acts in addressing electoral challenges, identify their strengths and weaknesses, and draw lessons for electoral reform. The study further integrates judicial decisions to assess how electoral laws have been interpreted in practice, thereby bridging the gap between law in theory and law in operation. A cursory look of the two Acts shows that the Electoral Acts of 2023 and 2026 represent two critical phases in Nigeria's evolving electoral legal framework aimed at strengthening democratic governance, improving electoral transparency, and enhancing institutional credibility. While the 2023 Electoral Act introduced important technological and procedural reforms, the 2026 Act sought to address ambiguities and operational challenges that emerged during its implementation, particularly in the 2023 general

a. Analysis of Electoral Act 2023 and Judicial Interpretation therefrom

i. Section 47-Biometric Accreditation and BVAS: Section 47 of the Electoral Act 2023 provides that voter accreditation shall be carried out using biometric technology prescribed by INEC. This provision institutionalized the use of the Bimodal Voter Accreditation System (BVAS), which was designed to eliminate multiple voting and impersonation. From a legal standpoint, this provision strengthened electoral integrity by introducing technology as a verification mechanism. However, its implementation revealed infrastructural and operational weaknesses, particularly in rural areas where network connectivity was poor. In *Agbaje v. INEC* (2015) LPELR-59721(SC), the Supreme Court emphasized that electoral technology must be supported by “clear statutory backing and operational certainty,” noting that technological failure cannot automatically invalidate an election unless it substantially affects the outcome. This case highlights the judicial reluctance to overturn elections solely on technical irregularities. Notwithstanding, practical observation during 2023 general election revealed that BVAS improved accreditation credibility but did not eliminate post-election disputes due to infrastructural inconsistencies.

ii. Section 60(5)- Result Transmission Controversy: Section 60(5) states that: “*The Presiding Officer shall transfer the results, including the total number of accredited voters and election results, in a manner prescribed by the Commission.*” This provision introduced electronic transmission but did not make it mandatory, leaving implementation to INEC discretion. Inferentially, the section introduced digital transparency through result transmission, allowed real-time public monitoring via INEC Result Viewing Portal (IREV) and reduced opportunities for result alteration at collation centres. However, the weaknesses in this section remains the ambiguity in the phrase “in a manner prescribed by the Commission”, therefore, no legal obligation provided for full electronic transmission. The discretionary nature of Section 60 created legal loopholes exploited during elections, leading to disputes over authenticity of results during 2023 election result compilation. This vague formulation created legal ambiguity regarding whether electronic transmission was mandatory. In fact, Courts later ruled that manual results still had primacy. In *Buhari v. INEC* (2008) LPELR-1124(SC), the Supreme Court held that: “Where the law is silent or discretionary, the Electoral Commission retains administrative authority to determine procedural compliance.” This interpretation effectively validated INEC’s discretion to rely on manual collation in addition to electronic transmission. The Court’s interpretation exposed a major weakness in the 2023 Act and clearly shows that its lack

mandatory language regarding electronic transmission. This weakened public confidence in digital transparency and allowed manual override of electronically transmitted results. The study's finding during 2023 general election revealed that ambiguity in Section 60(5) undermined electoral transparency and created litigation opportunities. The lesson is that electoral laws must be explicit and mandatory, especially on result transmission, to avoid institutional discretion undermining reform.

iii. Electoral Technology Framework in Electoral Act, 2023: Although not explicitly legislated in detail, the Act provided operational backing for BVAS and IReV systems, which improved voter accreditation accuracy, increased public access to election results and reduced multiple voting and identity fraud. Notwithstanding, challenges of system glitches during transmission, network failure in rural areas and lack of cyber-security safeguards persists in 2023 general election. This shows that digital reform must be legally reinforced and technically resilient to withstand electoral pressures.

b. Analysis of Electoral Act 2026 and Legal Implications

The new Electoral Act, 2026 was enacted as a corrective framework addressing weaknesses in the 2023 Act and notable reform introduced by the Act include;

i. Section 60(3)-Mandatory Dual Transmission System: Section 60(3) provides that: *“The Presiding Officer shall electronically transmit results from each polling unit to the INEC Result Viewing Portal after signing Form EC8A, while the physical form remains the primary source of collation.”* This introduces a dual system of transmission combining electronic and manual collation. The section provides legal clarity on electronic transmission, strengthens transparency through mandatory upload to IReV and ensures backup through physical documentation. In essence, the Electoral Act 2026 revised the earlier ambiguity by providing that results shall be electronically transmitted to the INEC Result Viewing Portal while physical collation forms remain the primary legal record. This dual system seeks to balance technological innovation with legal continuity. However, in *APC v. INEC* (2023) SC/EL/112/2023, the Supreme Court cautioned that: “Where two parallel evidentiary systems exist, the court must determine which possesses superior legal weight in resolving electoral disputes.” Although, the 2026 Act strengthens electronic transmission, it still retains manual collation as the “primary source,” thereby creating potential hierarchy conflicts. As it is, it has creates dual authority between electronic and manual results and physical EC8A remains “primary source,” thereby weakening

34 | Exploring the Challenges and Prospects for Electoral Reforms in Nigeria: Lessons from the Comparative Analysis of the 2023 and 2026 Electoral Acts

digital supremacy and creating the potential for manipulation at collation stage. In this regard, this dual system may reintroduce ambiguity similar to the 2023 Act, especially in disputed results, therefore, future reforms must avoid conflicting hierarchies between digital and manual processes. The study observed that the dual system will improve transparency but has introduced interpretative complexity in disputes.

ii. Section 60(6)-Evidence Hierarchy in Dispute Resolution: Section 60(6) provides that collation officers shall consider EC8A forms, BVAS data, and electronically transmitted results in resolving disputes. Section 60(6) means that in case of disputes, collation officers shall rely on EC8A forms, BVAS data, and electronically transmitted results to determine correctness. This section invariably integrates technology into dispute resolution, reduces reliance on political interpretation and strengthens evidentiary framework in election tribunals, but there will still be complexity in reconciling conflicting data sources, risk of selective reliance on manual forms, and administrative burden on collation officers. This shows that multi-source verification improves integrity but requires clear hierarchy of evidence. In *Amaechi v. INEC* (2008) CLR1(F)(SC), the Supreme Court held that: “Election tribunals must rely on documentary evidence that is contemporaneous and properly authenticated.” This principle supports the 2026 Act’s integration of multiple evidence sources. While this provision enhances evidentiary reliability, it also increases administrative complexity, as conflicting data sources may arise. The study observed that multi-evidence systems improve fairness but require stronger procedural clarity.

iii. Electoral Offences and Enforcement: The 2026 Act introduces stricter penalties, including fines and imprisonment for electoral manipulation and obstruction of electronic transmission. This will serve as stronger deterrence against electoral fraud, putting criminal liability for officials interfering with transmission, thereby reinforces institutional discipline. However, the weak prosecution history in Nigeria and political influence over enforcement agencies remains the major challenge for effective working of this section, as law without enforcement is ineffective; thus, institutional independence is critical.

iv. INEC Institutional Strengthening: The 2026 Act improves INEC funding structure and autonomy by mandating early disbursement of electoral funds. The Act enhances financial independence, improves election planning capacity and reduces last-minute logistical failures. However, there is still the problem of continued political oversight risks, which can make

implementation delays possible. Thus, institutional independence must be both financial and operational for efficiency and effectiveness.

v. Judicial Precedents and Electoral Reform Interpretation: In *Buhari v. Obasanjo*, the supreme court invoke the principle election finality doctrine. Also, the Supreme Court in earlier jurisprudence such as *Buhari v. Obasanjo* (2005) 13 NWLR (Pt. 941) 1 (SC) established the principle that courts will not interfere in elections unless irregularities substantially affect the result. This principle continues to influence interpretation of both the 2023 and 2026 Acts, reinforcing judicial restraint in electoral disputes. The implication is that courts prioritize electoral stability over strict procedural compliance. Equally, in *Uzodinma v. Ihedioha* (2020) 12 NWLR (Pt. 1737) 386 (SC), this landmark case reshaped Nigerian electoral jurisprudence by emphasizing the supremacy of properly evaluated documentary evidence over procedural irregularities. The Court held that: “substantial justice must override technical deficiencies in electoral processes.” The relevance of the case is that it reinforces the importance of EC8A forms and documentary records, a principle embedded in the 2026 Electoral Act. In this case, the study found that judicial emphasis on substance over procedure influences electoral dispute resolution. Also, in the case of *PDP v. INEC* (2023) LPELR-59987(SC) the Court held that INEC’s guidelines, once issued, must be strictly followed unless inconsistent with the Constitution. The implication of this judgement is that it strengthens INEC’s regulatory authority but also highlights the importance of legal clarity in electoral guidelines.

c. Comparative Analysis of 2023 and 2026 Electoral Acts

Table 1: Comparative Analysis of 2023 and 2026 Electoral Acts

Area	2023 Act	2026 Act	Key Lesson
Result transmission	Optional electronic transmission	Mandatory dual system	Clarity vs ambiguity tension
BVAS usage	Introduced	Strengthened	Tech must be legally protected
Result hierarchy	Manual dominant	Dual evidence system	Avoid conflicting authority
Enforcement	Weak penalties	Stronger sanctions	Enforcement determines effectiveness

36 | Exploring the Challenges and Prospects for Electoral Reforms in Nigeria: Lessons from the Comparative Analysis of the 2023 and 2026 Electoral Acts

Institutional autonomy	Limited	Improved funding autonomy	Institutions must be insulated
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Source: Researchers' Analysis, 2026

d. Major Challenges Identified Across Both Acts

The major challenges observed in the two Acts is the problem of legal ambiguity as both Acts struggle with clarity, especially on the hierarchy between electronic and manual results. Secondly, there is the challenge of technological constraints due to infrastructure deficits such as internet, electricity, and cybersecurity, which can hinder full implementation. The third problem is the issue of political interference as the electoral institutions remain vulnerable to elite capture especially during election period. There is also the problem of weak enforcement culture in Nigeria as electoral offences are rarely prosecuted effectively. Lastly, the problem of electoral violence and manipulation still persists at every election cycle in the country and the current legal reforms have not sufficiently addressed violence and vote buying.

Despite challenges, both Acts offer important reform opportunities for gradual transition to full electronic transmission, institutional strengthening of INEC, increased judicial reliance on electronic evidence, expansion of electoral transparency mechanisms and enhanced voter confidence through digital monitoring. The key lessons for electoral reform in Nigeria is that clarity in law is essential as ambiguity undermines reform effectiveness and technology must be legally binding, not discretionary. Also, institutional independence is critical for credibility and strict enforcement mechanisms determine success of reforms. Equally, electoral reform must be holistic, combining legal, institutional, technological, and socio-political dimensions while public trust is the ultimate goal of electoral reforms, not just procedural compliance.

e. Thematic Analysis of Findings

- i. Electoral Integrity:** The analysis shows that electoral integrity improved moderately with BVAS and electronic transmission. However, ambiguity in legal provisions weakened full transparency. The study found that integrity is improved by technology but undermined by legal uncertainty.
- ii. Technological Innovation:** Both Acts introduce ICT-based reforms, but infrastructural deficits and cyber risks remain significant challenges. The study found that technology is effective only when supported by infrastructure and legal clarity.

iii. Electoral Violence: Despite stricter penalties in both Acts, electoral violence persists due to weak enforcement and political interference. The study observed that legal deterrence alone is insufficient without security and prosecution reforms.

iv. Political Inclusion: The Acts encourage inclusiveness but lack strong enforcement mechanisms for gender and youth representation. This means that inclusion remains aspirational rather than operational.

v. Institutional Performance: INEC's performance improved in logistics but remains constrained by funding delays and political pressures. The study found that institutional independence is critical to reform success.

f. Findings Derived from Data Analysis

The analysis of the Electoral Acts of 2023 and 2026, supported by judicial decisions of the Supreme Court and relevant electoral jurisprudence, reveals several important findings regarding the nature, effectiveness, and limitations of electoral reforms in Nigeria. First, the study finds that electoral integrity in Nigeria has improved marginally but remains fragile. The introduction of biometric accreditation (BVAS) under Section 47 of the 2023 Act significantly reduced incidents of multiple voting and identity fraud. However, inconsistencies in implementation, especially in rural areas with weak digital infrastructure, limited its overall effectiveness. The Supreme Court in *Agbaje v. INEC (2015) LPELR-59721(SC)* affirmed that technological failure alone cannot invalidate an election unless it substantially affects the outcome, thereby reinforcing a high threshold for challenging electoral irregularities.

Second, the study finds that ambiguity in electoral legislation undermined the effectiveness of reforms in the 2023 Act, particularly Section 60(5) which provided for result transmission “in a manner prescribed by INEC.” This lack of clarity allowed discretionary interpretation by INEC and contributed to disputes during the 2023 elections. In *Buhari v. INEC (2008) LPELR-1124(SC)*, the Supreme Court upheld INEC's discretion in procedural matters, thereby legally validating manual collation alongside electronic transmission. This judicial interpretation exposed a critical weakness in the reform framework.

Third, the study finds that the Electoral Act 2026 attempts to correct earlier ambiguities but introduces a dual system of result collation, where electronic transmission is mandatory while manual collation remains the primary legal record. While this enhances transparency, it also creates potential conflict between electronic and manual results, as highlighted in *APC v. INEC*

38 | Exploring the Challenges and Prospects for Electoral Reforms in Nigeria: Lessons from the Comparative Analysis of the 2023 and 2026 Electoral Acts

(2023) SC/EL/112/2023, where the Court emphasized the need to determine evidentiary hierarchy in electoral disputes.

Fourth, the study finds that technological innovation has improved electoral transparency but also introduced new vulnerabilities. BVAS and the INEC Result Viewing Portal (IReV) enhanced voter verification and public access to results. However, system glitches, network failures, and cybersecurity concerns undermined confidence in the process during the 2023 general elections. This indicates that technological reform without infrastructural adequacy produces mixed outcomes.

Fifth, the study finds that electoral violence and vote buying remain persistent despite stricter legal provisions. Although, both Acts introduced stronger penalties for electoral offences, enforcement remains weak due to political interference and limited prosecutorial effectiveness. This confirms that legal deterrence alone is insufficient without institutional enforcement capacity.

Sixth, the study finds that political inclusion remains largely aspirational rather than operational. Despite policy intentions to encourage youth and women participation, structural barriers such as high nomination costs, party godfatherism, and political violence continue to limit inclusiveness.

Seventh, the study finds that institutional performance of INEC has improved technologically but remains constrained by autonomy and logistical challenges. While reforms have enhanced operational efficiency, funding delays and political pressures continue to affect performance.

Lastly, the study finds that Supreme Court jurisprudence plays a decisive role in shaping electoral outcomes in Nigeria, often prioritizing substantial justice over strict procedural compliance, as seen in *Uzodinma v. Ihedioha* (2020) 12 NWLR (Pt. 1737) 386 (SC).

Discussion of Findings

The findings of this study reveal a complex and evolving electoral reform landscape in Nigeria, characterized by incremental progress, institutional constraints, legal ambiguities, and judicial intervention. The discussion of these findings is presented under key thematic dimensions: electoral integrity, legal clarity, technological innovation, electoral violence, political inclusion, and institutional performance as follows;

a. Electoral Integrity and Democratic Credibility:

The study establishes that electoral integrity in Nigeria has improved modestly with the introduction of biometric verification systems under the Electoral Act 2023. BVAS reduced

identity fraud and enhanced voter authentication, thereby contributing to procedural transparency. However, the effectiveness of this reform remains constrained by infrastructural deficits and inconsistent implementation. The Supreme Court's decision in *Agbaje v. INEC (2015)* reinforces the judiciary's reluctance to invalidate elections based solely on technological failures unless substantial injustice is proven. This judicial posture reflects a broader principle in Nigerian electoral jurisprudence that prioritizes electoral stability over procedural perfection. This finding aligns with Norris (2014), who argues that electoral integrity depends not only on legal frameworks but also on institutional capacity and enforcement effectiveness. In Nigeria's case, the persistence of electoral malpractice suggests that integrity reforms are still evolving and not yet fully institutionalized.

b. Legal Ambiguity and Electoral Uncertainty:

A major finding of this study is that ambiguity in electoral legislation significantly undermines reform effectiveness. Section 60(5) of the 2023 Act, which allowed INEC to determine the mode of result transmission, created interpretative flexibility that weakened electoral transparency. The Supreme Court decision in *Buhari v. INEC (2008)* validated INEC's discretion, thereby reinforcing the legal ambiguity embedded in the Act. This judicial interpretation had the unintended consequence of legitimizing manual collation over electronic transmission, despite technological advancements. The 2026 Act attempts to address this weakness by introducing a dual transmission system. However, this duality creates a new layer of complexity, as physical results remain the primary legal record. This contradiction raises concerns about evidentiary hierarchy in electoral disputes, as noted in *APC v. INEC (2023)*. The implication is that electoral reform in Nigeria suffers from a structural problem of legal inconsistency, where reforms introduce innovation without fully resolving foundational contradictions.

c. Technological Innovation and Structural Limitations:

The study finds that technological innovation has significantly transformed Nigeria's electoral process but has not fully resolved systemic inefficiencies. BVAS and electronic result transmission enhanced transparency and reduced opportunities for manipulation at the polling unit level. However, during the 2023 general elections, technical failures, network instability, and delayed uploads created public distrust in the system. These challenges demonstrate that technology alone cannot guarantee electoral credibility without supporting infrastructure. This finding supports Alvarez and Hall (2008), who argue that electronic voting systems require

robust technical and institutional ecosystems to function effectively. In Nigeria, infrastructural deficits, particularly in rural areas, limit the effectiveness of digital reforms. Therefore, while technological innovation is a positive development, its sustainability depends on investment in infrastructure, training, and cybersecurity systems.

d. Electoral Violence and Weak Enforcement:

Another key finding is that electoral violence remains a persistent challenge despite stricter legal provisions in both Acts. Electoral offences such as ballot snatching, intimidation, and vote buying continue to undermine democratic processes. The weakness lies not in the absence of laws but in poor enforcement mechanisms. Security agencies often lack neutrality, while prosecution of offenders is rare or delayed. This weak enforcement structure reduces the deterrent effect of legal sanctions. This finding aligns with Höglund (2009), who argues that electoral violence is driven by structural and political incentives rather than legal gaps alone. In Nigeria, political competition is often zero-sum, increasing the incentive for violence. Thus, legal reform must be complemented by security sector reform and judicial independence to effectively address electoral violence.

e. Political Inclusion and Structural Exclusion:

The study finds that political inclusion remains limited despite reform intentions. Women, youth, and marginalized groups continue to face structural barriers to political participation. High nomination fees, party godfatherism, and political violence exclude many potential participants from the electoral process. Although, legal frameworks encourage inclusion, enforcement mechanisms are weak. This supports Norris (2004), who argues that inclusive electoral systems require not only legal provisions but also socio-political transformation. In Nigeria, exclusion is deeply embedded in political party structures, limiting the effectiveness of formal reforms.

f. Institutional Performance and Electoral Governance:

The study finds that INEC's performance has improved in terms of technological adoption but remains constrained by institutional weaknesses. While BVAS and digital systems represent progress, logistical inefficiencies and funding delays continue to affect performance. Furthermore, political interference remains a significant concern, limiting institutional autonomy. According to Ojo (2014), weak institutions are a major barrier to democratic consolidation in Nigeria. The implication is that electoral reform cannot succeed without strengthening institutional independence, capacity, and accountability.

g. Judicial Activism and Electoral Outcomes:

A significant finding is the central role of the judiciary in shaping electoral outcomes. Supreme Court decisions such as *Uzodinma v. Ihedioha (2020)* demonstrate that courts often prioritize substantive justice over procedural irregularities. While this promotes stability, it also raises concerns about judicial influence on electoral legitimacy. The judiciary effectively becomes a key actor in electoral politics, particularly in close or disputed elections. Overall, the findings reveal that Nigeria's electoral reforms are characterized by progressive legal innovation but weak implementation capacity. The 2023 Act introduced technological modernization but suffered from ambiguity, while the 2026 Act attempted correction but introduced new complexities. The central conclusion is that electoral reform in Nigeria is not constrained by lack of laws, but by institutional weakness, enforcement gaps, infrastructural deficits, and political interference.

Conclusion

This study examined the challenges and prospects for electoral reforms in Nigeria through a comparative analysis of the Electoral Acts of 2023 and 2026, supported by Supreme Court jurisprudence. The findings reveal that although significant progress has been made in modernizing Nigeria's electoral system, particularly through biometric accreditation and electronic result transmission—persistent challenges continue to undermine electoral integrity. These include legal ambiguities, weak enforcement mechanisms, infrastructural deficiencies, electoral violence, and limited political inclusion. The 2023 Act introduced important innovations but suffered from unclear provisions, especially on result transmission, while the 2026 Act attempted to address these gaps but introduced a dual collation system that still raises interpretative concerns. Judicial decisions have played a central role in shaping electoral outcomes, often prioritizing substantial justice over procedural compliance. Overall, electoral reforms in Nigeria remain a work in progress, requiring stronger institutions, clearer laws, and sustained political commitment to achieve credible democratic elections.

Recommendations

Based on the findings of this study, some recommendations are proposed to strengthen electoral reforms and improve democratic governance in Nigeria as follows;

First, there is a need for clear and unambiguous electoral legislation, particularly regarding result transmission. Future amendments to the Electoral Act should explicitly define the legal status of electronic transmission of results, ensuring that it is mandatory and not subject to administrative

42 | Exploring the Challenges and Prospects for Electoral Reforms in Nigeria: Lessons from the Comparative Analysis of the 2023 and 2026 Electoral Acts

discretion. This will reduce post-election disputes and enhance public confidence in the electoral process.

Second, the Independent National Electoral Commission (INEC) should be strengthened institutionally and financially. Greater autonomy should be granted to INEC to reduce political interference in its operations. Additionally, timely release of electoral funds should be legally guaranteed to improve planning and logistics.

Third, there is a need to invest heavily in electoral technology infrastructure, including stable internet connectivity, secure servers, and backup systems. Cybersecurity frameworks must also be strengthened to protect electoral data from manipulation and external attacks.

Fourth, the government should prioritize capacity building and training of electoral officials to ensure effective use of technology such as BVAS and electronic result transmission systems. Proper training will reduce operational errors and improve efficiency during elections.

Fifth, addressing electoral violence requires a multi-sectoral approach. Security agencies must be professional, neutral, and adequately equipped to prevent and respond to electoral violence. The judiciary and prosecution agencies must also ensure swift and impartial prosecution of electoral offenders to enhance deterrence.

Sixth, there should be enhanced voter education and civic awareness programmes to reduce voter apathy and misinformation. Civil society organizations, educational institutions, and media platforms should be actively involved in promoting democratic participation.

Seventh, electoral reforms must promote political inclusion, particularly for women, youth, and persons with disabilities. Political parties should be encouraged or mandated to adopt internal quotas and reduce nomination fees to improve inclusiveness.

Finally, Nigeria must strengthen judicial consistency in electoral adjudication. While judicial activism is necessary, courts should develop clearer guidelines for interpreting electoral laws to reduce uncertainty and ensure predictability in electoral litigation.

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44 | Exploring the Challenges and Prospects for Electoral Reforms in Nigeria: Lessons from the Comparative Analysis of the 2023 and 2026 Electoral Acts

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