
| RESEARCH ARTICLE

Fixing Nigeria's Electoral System: A Critical Analysis of the Electoral Act 2022 and the Electoral Act 2026

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| ABSTRACT

The strength of an electoral system is the bedrock of constitutional democracy as it is the foundation of the legitimacy of political power, the accountability of elected officials and the trust of citizens in democratic institutions. The Electoral Act 2022, which contained technological innovations, enhanced party party regulation and expanded the administrative powers of the Independent National Electoral Commission (INEC), was however found wanting during the conduct of the 2023 General Elections due to legal ambivalences, institutional weaknesses and inconsistent judicial rulings, which led to the enactment of the Electoral Act 2026 repealing the 2022 Act and adding compliance provisions for party party administration, digital members' registration and internal party party disputes. This paper critically analyzes doctrinal provisions of the Electoral Act 2022 and 2026, constitutional principles, judicial decisions as well as institutional implementations in order to examine the transition from Electoral Act 2022 to Electoral Act 2026. It concludes that electoral reform through legislation should be clear, independent of institutional interference, effective and interpreted by courts of law in a consistent and constitutional manner that would enhance democratic governance and electoral integrity, if to achieve this, electoral reforms must be sustainable.

| KEYWORDS

Electoral reform, Electoral Act 2022, Electoral Act 2026, INEC, Judicial Review, Democratic Governance

| ARTICLE INFORMATION

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1. Introduction

In all constitutional democracies, elections are the central means of securing governmental authority and electoral legitimacy is the most important cornerstone of a constitutional democracy. Because of this, public confidence in the legitimacy of public institutions, in political leadership and in constitutional governance is highly dependent on the credibility, transparency and fairness of the electoral process. If the electoral process is perceived to be manipulated or legally ambiguous, public trust in democratic institutions deteriorates, political participation decreases, and constitutional governance becomes increasingly fragile. Therefore, democratic states have an ongoing tradition of adjusting their electoral laws to account for changing political realities and new technologies and for judicial experience.

The history of electoral reforms and democratic consolidation in Nigeria since 1999 is a case in point. The frequency of these disputes indicates that electoral law, if it is not enough, cannot ensure electoral credibility if there is a lack of consistency in the implementation of the institutions, electoral law interpretation and political accountability. The Electoral Act 2022 was a major step towards the democratic progress of Nigeria. The law was seen as the most far-reaching electoral law since the Electoral Act 2010, aimed at modernising electoral administration through technological innovation with a view to strengthening the regulation of political parties, and making INEC's electoral operations more autonomous and transparent when it comes to

electoral administration procedures. The Bimodal Voter Accreditation System (BVAS) and INEC Result Viewing Portal (IREV) support provisions in the Electoral Act 2022 are among the most acclaimed innovations that the law introduced. Civil society organizations, election observers and international democracy watchers welcomed the innovations as crucial measures to make the electoral process in Nigeria move in the direction of international norms on the conduct of transparent elections¹. Although these laws have been put into place, the General Elections of 2023 have shown that there were many gaps in implementation. Judicial rulings and some inconsistencies in the Electoral Act regarding the role of INEC in regulating electoral technology and the uncertainty over the legal nature of electronic transmission of election results resulted in a significant public debate on the relationship between technological innovation and electoral transparency, which weakened it considerably.

The Electoral Act 2022 implementation also identified institutional vulnerabilities, which extended beyond electoral technology². This unprecedented amount of pre-election litigation caused judicial proceedings to be delayed, produced inconsistent decisions and created uncertainty about candidate eligibility in many political parties, as their candidate selection processes were challenged by disgruntled aspirants. The provisions of the legislation, however, did not limit electoral conflicts but rather brought party conflicts into the courtroom. The Electoral Act 2026 was born from this discontent with the legislature and institutional practice. While these amendments aim to guarantee administrative certainty and minimize the need for political party disputes to be litigated in court, they also present some interesting constitutional challenges on the issues of judicial independence, access to justice and separation of powers guaranteed in the Constitution of the Federal Republic of Nigeria 1999 (as amended)³.

One of the most controversial aspects of the Electoral Act 2026 is the attempt to restrict judicial involvement in issues of internal political party administration. The Nigerian constitution, in general, shows that Parliament cannot, by ordinary legislation, abrogate the judicial power expressly granted by the Constitution. Therefore, any effort to shield political parties from substantive judicial review inevitably subjects the effort to constitutional challenge. A repeated issue relates to electoral accountability. Electoral offences, such as ballot manipulation, electoral violence, vote buying and intimidation, continue to be common in Nigeria despite the recurrent changes to election laws that have proportionately increased criminal penalties⁴⁵ and the lack of an independent and fully functional Election Offences Commission to enforce electoral laws in practice. This institutional failure is indicative of the fact that electoral integrity relies not just on the right drafting of legislation, but also on effective institutional enforcement. The ongoing changes in the Electoral Laws of Nigeria also raise general concern on the stability of the Electoral Laws. Electoral reform should normally lead to greater certainty in the law by a gradual improvement.

The frequency of major legislative changes, however, implies that there is still a great deal of uncertainty among electoral institutions, political parties, courts and electorate as to what the law is. This study critically analyzes the changing electoral legal landscape of Nigeria using the Electoral Act 2022 and Electoral Act 2026 as comparison. It does this by using doctrinal legal approach to analyse applicable legal provisions, constitutional rules, judicial decisions and institutional practices with impacts on electoral governance. The piece is not about whether election law is "good" or "bad", but about how to create a framework that can be implemented and sustain democratic consolidation in the years ahead, beyond any number of changes to election statute. The article is not about whether election law is "good" or "bad", but about how to ensure a framework that is implemented and can serve the goals of democratic consolidation in the years ahead without the need for continual statutory change.

2. Nigeria's Electoral Reform Trajectory: From the Electoral Act 2022 to the Electoral Act 2026

The attempt to reform the electoral process has been a constant feature of the journey of Nigeria's democratic development because every election has brought to light some lacunae that needs to be legislated. The Electoral Act 2022 was the result of legislative efforts from Parliament in enhancing electoral administration, as it marked the most comprehensive electoral system restructuring since the return of democratic governance in 1999, which followed judicial pronouncements, recommendations of electoral reform committees as well as observations from domestic and international election observers. The main purpose of the Electoral Act 2022 was to introduce technology to update election administration practices, and to make it more transparent and accountable⁶. In comparison to the previous electoral laws which had mainly relied on manual accreditation, the launch of biometric verification was one of the great improvements in electoral administration. In addition, the legislation aimed to develop the internal democracy of political parties by mandating political parties to keep party membership registers and conduct open primary elections as well as to follow the time limits prescribed by the law in nominating candidates. At the same time, the Act strengthened INEC's administrative autonomy by streamlining the funding mechanism and broadened its

¹ Electoral Act 2022 (Nigeria)

² ibid

³ Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁴ Electoral Act 2022 (Nigeria)

⁵ Policy and Legal Advocacy Centre (PLAC), *Assessing the Electoral Act 2022: Implementation and Gaps after the 2023 Elections* (2025)

⁶ Electoral Act 2022 (Nigeria)

supervisory powers over electoral activities. Despite these innovations, the upcoming General Elections of 2023 revealed some critical legislative shortcomings. The failure of the voter accreditation system (BVAS) to perform as expected in some cases created its share of controversy, largely due to the possibility of electronic transmission of the result of the polling unit being either a compulsory legal requirement or an administrative option to be provided at INEC's discretion. The failure of BVAS in some cases was the source of much controversy because the Electoral Act did not clearly state whether electronic transmission of the result of the polling unit was a mandatory legal requirement or simply an optional administrative provision at INEC's discretion. This ambiguity in the law was then the focus for judicial interpretation after the elections. As an effort to rectify some of these shortcomings, Parliament tried to fill in the gaps in the Electoral Act 2020 with the Electoral Act, 2026.

One of its most noteworthy innovations is the mandate of maintaining digital membership databases for all registered political parties, and issuing membership IDs to registered members and reporting the party membership to INEC prior to holding party primaries⁷⁸. The goal is to avoid manipulation of delegates, increase transparency in the selection of candidates and increase institutional accountability. The Electoral Act 2026 has far more severe penalties for administrative breaches of the Act than can be found in the Electoral Act 2022. Political parties that fail to meet requirements can be excluded from candidate nomination processes, which may help to improve administrative discipline, but also open the door to concerns about proportionality since relatively significant administrative errors may ultimately undermine meaningful electoral choice for voters. More importantly, there has been a change in the legislation in the Electoral Act 2026, which shifts the emphasis from judicial intervention in the internal affairs of political parties. This is one of the most significant constitutional issues of the current electoral reforms in Nigeria and is the foundation of the ensuing discussion on judicial interpretation.

3. Judicial Interpretation of the Electoral Acts: Defining the Limits of Electoral Reform

Judicial interpretation and enforcement are important in the effective implementation of electoral legislation, and in the context of a constitutional democracy, the judiciary plays a critical role. Legislatures develop electoral policies, electoral management organizations put in place statutory provisions, and courts interpret the meaning of the statutes. As the Electoral Act 2022 experience shows, the transformative potential of electoral reform can be greatly expanded or limited by how the reform is interpreted by the courts. The timing of the Electoral Act 2022 created an unprecedented amount of election-related litigation, including on electronic transmission of the results, political party primaries, candidate nomination, election petitions, and electoral offences, raising various issues of ambiguity in the law which Parliament had either missed or deliberately ignored. In the resolution of these conflicts, Nigerian courts have taken a textual approach to statutory interpretation, focusing on the explicit words of the legislation over its more general policy goals of electoral reform, but in so doing, the courts have also given rise to a set of practical challenges for some of the innovations the Act brought. In doing so, the Nigerian courts have taken a textual approach to statutory interpretation, which prioritises the words of the statute over its broader policy goals of electoral reform; and in doing so, they have also created a set of practical challenges for some of the innovations introduced by the Act.

A major topic in the judiciary during the 2023 General Elections was electronic transmission of election results. The necessity of electronic uploading of the polling unit results was, therefore, widely accepted by public expectations preceding elections because the adoption of the Bimodal Voter Accreditation System and the INEC Result Viewing Portal were presented as complementary technological changes to improve the transparency of the electoral process. However, litigation after the election resulted in a quite different interpretation by the courts. The Supreme Court's view in *Independent National Electoral Commission v Atiku Abubakar* (2023) was that the Electoral Act had given INEC an enabling power to decide on the use of technology but there was no clear statement of the use of electronic technology as a statutory obligation⁹.

Therefore, the absence of polling unit results on IReV portal would not, on its own, mean the end of the collation process where polling unit results were duly and correctly filled, signed and collated as required by the law¹⁰. The judicial approach in this decision can be reconceived as a recital on the importance of not basing statutory rights and obligations on speculation of what Parliament might have intended rather than what its words actually say. The approach of the courts in this decision could be seen from the point of view of orthodox statutory interpretation, which states that courts cannot impose duties that Parliament has not expressly laid down. Because the Electoral Act did not clearly state electronic transmission was required, the Court determined that it was constitutionally bound from interpreting the bill to require electronic transmission¹¹. In spite of doctrinal coherence, the decision received much scholarly criticism. The comments that the Court's interpretation was too restrictive and did not consider the overall purpose of electoral reforms were raised against a backdrop of general concern about the manipulation of manual election processes. A purposive interpretation could thus have found that electronic transmission was an

⁷ Electoral Act 2026 (Nigeria)

⁸ Mobolaji Kuti, *et al.*, *An Overview of Key Innovations in the Electoral Act 2026* (Babalakin & Co., 12 May 2026)

⁹ *Independent National Electoral Commission v Atiku Abubakar* (2023) (Supreme Court of Nigeria)

¹⁰ Electoral Act 2022 (Nigeria)

¹¹ *Independent National Electoral Commission v Atiku Abubakar* (2023) (Supreme Court of Nigeria)

essential tool for ensuring transparency and maintaining electoral integrity, even if Parliament had not used the words which are mandatory. The decision has significant real-world consequences. Legal certainty regarding the use of electoral technology is crucial for public confidence in it. Electoral innovation does not serve the democratic ends if it is left up to the discretion of courts to determine the legal effect of technological changes, and electoral management bodies are installing sophisticated tech systems publicly as an administrative choice.

The judicial interpretation of INEC's administrative guidelines is another example of this interpretative difficulty. INEC provided detailed guidelines throughout the implementation of Electoral Act 2022 for accreditation processes, and result management, as well as how the polling units will be administered and the use of technological tools. INEC issued detailed guidelines throughout the implementation of Electoral Act 2022 on accreditation processes, result management, administration of polling units and deployment of technology, which aimed at operationalising the broad guidelines set by Parliament and ensuring clarity for election officials. Administrative guidelines, however, cannot be more binding than the legislation they are supposed to implement, and several changes in procedures that INEC advance in its guidelines were interpreted as administrative tools and not as binding legal obligations that could stand alone and set aside the results of elections.

This role in court is certainly in line with the constitutional principles of delegated legislation. Electoral administration relies on the powers delegated by Parliament and is therefore not supposed to be autonomous in enacting laws. But in recent years, electoral administration depends more and more on new and changing technologies that cannot be foreseen in great detail by legislation. A future electoral reform, therefore, may need to give Parliament a more clear-cut statutory recognition of the regulatory function of INEC, while simultaneously maintaining proper constitutional limitations of the administrative power of INEC. Judicial interpretation is another critical issue in the election law, particularly in relation to political party primaries and candidate nomination contests. That principle dates back to the Nigerian case law and clearly indicates that the courts are loath to make the judiciary a supervisor of political parties' internal affairs, as they are voluntary political associations and not government institutions.

With the Electoral Act of 2022, however, this changed significantly, because for the first time in the country's electoral history, all political parties were legally required to adhere to specific statutory processes in terms of nomination of candidates, registers of membership and primary elections held in accordance with the electoral statute. These provisions inevitably also created room for judicial intervention, as failure to comply with the statutory obligations is not a purely political issue, but rather a question of law. The ensuing litigation was unprecedented. The large number of complaints filed with the Federal High Court before the trial of the poll challenging the results of party primary elections, which affected the conduct of the elections, resulted in inconsistent decisions from various judicial divisions, lack of legal certainty and delays in electoral preparation. In spite of this rise in litigation the principle of party autonomy was still stressed in the courts. In the case of *Ndukwe v Ayu (2023)*, the court reiterated the principle of limited and exceptional interference of the judiciary in political party politics but also acknowledged that such judicial intrusion could affect the democratic process by shifting the decision-making of political party into judicial forums. The elimination of judicial review of internal party matters raises troubling constitutional questions since judicial review is a cornerstone of legitimate party politics and of protection of individual rights. The restriction on judicial review of party internal matters raises serious constitutional concerns as judicial review is a fundamental tool for ensuring legality and protecting individual rights in party politics.

Another example of the influence of the judiciary on electoral governance is the jurisprudence of election petitions. Nigerian courts have always been stringent in establishing the rules of evidence in determining post-election disputes. In addition, any irregularity alleged must be established on a polling unit basis, and not by a general statistical analysis and/or broad allegations. The evidential requirements are obviously fair since they make it more difficult for litigants to engage in speculative litigation and ensure electoral outcome integrity, but the access to relevant electoral materials is largely controlled by INEC, which could be a significant limitation for the petitioner to obtain the evidential materials required to meet judicial requirements within the constitutionally prescribed time limits for election petitions. The effect is that election petitions often fail due to a lack of evidence and not because of electoral irregularities. The role of evidential standards in ensuring public confidence in the process of electoral adjudication is a risk that has been recognised increasingly by comparative constitutional practice, which indicates that the evidential standards should be balanced so as to ensure processional certainty and practical accessibility, especially when documentary evidence is under the exclusive control of the public authorities.

Judicial interpretation has also had an impact on the policing of electoral offences. Despite the Electoral Act 2022 raising the penalties for various election offences, criminal enforcement has been limited, and many procedural irregularities do not automatically invalidate election results, nor necessarily give rise to criminal prosecution. This distinction achieves legal clarity while at the same time reducing the deterrent effect because election abuses are unlikely to result in substantive legal penalties. Generally, judicial interpretations have been seen to be one of the decisive variables in the current electoral reform's agenda in Nigeria. Experience gained from the Electoral Act 2022 and the emerging Electoral Act 2026 confirms that the success of electoral law relies not only on a meticulous legislative process, but also on judicial interpretation that is coherent and supportive of the core constitutional principles and democratic values.

4. Institutional Challenges Affecting Electoral Governance

Legislation on the electoral process has little meaning without being applied by well-functioning, independent and well-equipped institutions. The implementation of the Electoral Act 2022 therefore highlighted that Electoral Institutions and their capacities in Electoral Administration, Electoral Dispute Resolution, Law Enforcement and Democratic Accountability were one of the major challenges to Nigeria's electoral reforms. INEC is the primary body in the electoral structure in Nigeria. INEC, which is constitutionally recognized as an independent electoral management body, is charged with voter registration, regulation of political parties, conduct of elections, declaration of election results and overall supervision of the electoral process with voter registration, technology deployment in voter accreditation and election administration, and administrative autonomy enhanced by other responsibilities under the Electoral Act, 2022, by broader powers and funding mechanisms.

The deployment of the Bimodal Voter Accreditation System at the 2023 General Elections nationwide was one of the most significant institutional accomplishments of INEC. Most of the reports from independent observers confirmed that biometric accreditation has helped to considerably lower the number of incidents of multiple accreditation and identity fraud, and increased the credibility of voter verification; it also showed the effectiveness of technological innovations in improving the electoral integrity, provided legal, logistic, and operational measures are in place.

However, the challenges of electronic uploading of polling unit results exposed institutional weaknesses. A lack of institutional preparedness led to delays in the INEC Result Viewing Portal, which triggered public concern over the failure to respond to the expectations generated by the Electoral Act 2022 in a technological manner. The developments show that technological innovation is not a replacement for institutional capacity. Reliable digital infrastructure, regular training of personnel, effective contingency planning and clear communication with the public are needed in electoral technology. When technological systems break down without proper explanation from institutions and corrective measures, citizens may perceive that the government is playing games, not that the system is simply hard to operate. It is therefore essential to continue investing in institutional capacity for successful electoral modernisation. Another institutional shortcoming is the lingering failure to have an effective and autonomous Election Offences Commission.

The successive electoral reform initiatives have also recommended the creation of a specialised agency charged with investigating and prosecuting electoral offences, but this has not been achieved and in practice the responsibilities of the INEC's Legal Department have been retained for the prosecution of electoral crimes despite their main constitutional function of election administration and not criminal investigations¹². This institutional format poses an inherent conflict of responsibilities. The electoral management bodies are primarily dedicated to organising an election without bias and do not need the expertise of a criminal investigator or independence and forensic capacity. These different roles in one centre, of course, reduce the impact of each role. To conclude, therefore, the culture of impunity that exists around vote buying, ballot snatching and electoral intimidation and violence is as much an institutional failure as it is a legislative failure.

The judiciary is also facing important institutional strain due to the electoral dispute resolution mechanism in Nigeria. Exceptional claims were made on election tribunals, appellate courts and the Supreme Court following the Electoral Act 2022, as a significant number of pre and post election litigation arose demanding their agencies to handle exceptionally complex constitutional and evidential issues within the stipulated times. The Electoral Act 2022 created exceptional demands on the adjudicatory processes of courts, especially the electoral tribunals, appellate courts and the Supreme Court as a significant number of pre and post election litigation emerged¹³. Such pressures lead to lack of uniformity in laws and lack of confidence in the judiciary. Electoral credibility is also ensured by security institutions. While electoral laws have improved, there are still areas in Nigeria where voter intimidation, electoral violence and disruption of electoral processes pose a threat to electoral participation¹⁴.

¹² Policy and Legal Advocacy Centre (PLAC), *Assessing the Electoral Act 2022: Implementation and Gaps after the 2023 Elections* (2025).

¹³ Electoral Act 2022 (Nigeria).

¹⁴ Edward P Agbai, et al., *Redesigning Elections for Democratic Integrity: Case Study of Nigeria's Elections from 1999–2023* (Electoral Integrity Project, 2023).

Coordinated planning between the Nigeria Police Force, other security agencies and INEC before, during and after elections is required for effective electoral security. However, the effectiveness of legal safeguards in electoral legislation is also compromised due to institutional coordination that is not consistent. These institutional constraints illustrate that electoral reform is not just a question of legislative reform. A strong institutional framework is necessary for the effective implementation of statutory changes without dependence, transparency and consistency in order to ensure sustainable democratic governance. The most advanced electoral laws and regulations can be effective in reaching democratic goals only if they are accompanied by institutional development.

5. Critical Evaluation of the Electoral Act 2026

The Electoral Act 2026 is the latest effort by Parliament to beef up Nigeria's electoral law framework, as it seeks to address some of the identified gaps in the implementation of the Electoral Act 2022. The legislation has tighter administrative requirements to manage political parties, digital registration of party members, compliances during political campaigning and monitoring, and while it demonstrates a legislative response, it raises significant constitutional and democratic issues of proportionality, judicial oversight and institutional accountability. One of the most important innovations of the Act is the necessity of creating detailed digital records of all members of political parties before elections for party primaries, which will help to prevent manipulation of delegate lists, boost transparency in the selection of candidates and enhance the internal administration of political parties. Correct membership registers can minimize conflicts about eligibility to vote in party elections and improve INEC's oversight of the process. This reform, in principle, leads to greater administrative certainty and institutional accountability. The bill also brings in much harsher penalties for political parties that do not comply with the registration requirements under the law. Increased enforcement might lead to more compliance, but the proportionality of the sanctions is debatable in the Electoral Act 2026 since it allows for harsher penalties that could make it more difficult for political parties to successfully present candidates¹⁵. Electoral regulation should ensure that political parties are held accountable without unduly constraining democratic participation or reducing voters' electoral options due to the problems that arise during the electoral process.

The fact that section 83, which effectively curtails judicial powers in pre-election matters, is the most controversial provision in the Electoral Act 2022 is not surprising as judicial powers are constitutionally conferred and not as a result of the act. It is in this regard that the act's capacity to limit judicial powers in the pre-election legal landscape raises significant constitutional concerns, which Section 83 does, as judicial powers are constitutionally conferred and not by law. Judicial review is an integral part of the constitution's protection against arbitrary public and quasi-public power. Political parties do functions that directly affect the good governance of the democratic system, one of which is to nominate candidates for public offices. Any law that limits the role of the judiciary has to be read in line with constitutional supremacy and the rule of law so as not to compromise constitutional accountability and legal safeguards for party members who may have their rights infringed under the law¹⁶.

The Electoral Act 2026 also fails to address a number of structural issues that have plagued the Nigerian electoral system in the past. The election petition framework for handling election petitions is still very onerous; criminal enforcement of election offences is weak and systemic concerns about election fund-raising, political violence and electoral accountability remain inadequately addressed. A more constitutional vision of sustainable electoral law requires a proper balance between administrative efficiency and political participation and constitutional accountability. Too much regulation can stifle democratic competition, while too little regulation can lead to electoral abuse¹⁷. Likewise, doing away with litigation should not be a matter of compromising on constitutional access to justice. The future of the Electoral Act 2026 is therefore unlikely to ride on the strength of its regulatory regime, rather on how it is interpreted in the constitution and how it's put into practice.

6. Recommendations for Sustainable Electoral Reform

Comparative study of Electoral Act 2022 and Electoral Act 2026 confirms that electoral reform that is meant to last requires coordinated interventions in the legislation, institutions and the constitution, not just a periodic change in legislation.

First, Parliament should strengthen election law to eliminate uncertainty on the legal status and procedures of electronic transmission of election results by making it clear in the law. Statutory language would eliminate misunderstandings, and further boost public trust in electoral technology. Secondly, the National Assembly should explicitly declare its authority to accord the legal effect of valid regulations issued by INEC in its operations, subject of course, to the conditions that such regulations do not violate the Constitution and the enabling laws. More clarity on delegated regulatory powers would allow electoral administration to better deal with technological advances while maintaining parliamentary supremacy. Thirdly, an independent Election Offences Commission should be established, that has the investigative and prosecutorial power. The separation of criminal

¹⁵ Independent National Electoral Commission, 2027: *INEC Aligns Party Regulations with Electoral Act 2026 to Safeguard Poll Integrity* (Press Release, 1 April 2026)

¹⁶ Mobolaji Kutí, et al., *An Overview of Key Innovations in the Electoral Act 2026* (Babalakin & Co., 12 May 2026).

¹⁷ Godsgift Onyedinefu, 'INEC's Failure to Transmit on IReV Does Not Affect Collation – Supreme Court' *BusinessDay* (26 October 2023).

enforcement from election administration would enhance accountability, boost deterrence and allow INEC to focus on its constitutional mandate of acting as an independent electoral management body¹⁸¹⁹.

In addition, there is a need to strengthen judicial management of electoral dispute by specialised judicial training, better coordination of procedure and earlier resolution of pre-election disputes. Reliable case law helps to create legal security and decreases needless litigation. Also, INEC's institutional independence should be further strengthened by transparent appointment processes, regular funding and the continued investment in technological infrastructure, cyber security and the capacity development of professionals. The importance of institutional credibility for electoral legitimacy cannot be overlooked²⁰²¹. More so, it is necessary to increase civic engagement, foster a continuous civic education process, increase the representation of women, young persons and persons with disabilities, and strengthen cooperation among government institutions, civil society organisations, universities and development partners. However, electoral reform will only be successful if citizens have confidence in electoral institutions and democratic outcomes.

7. Conclusion

The electoral reform process in Nigeria demonstrates a continuing drive to enhance constitutional democracy in a progressive manner through the development of the laws. However, the Electoral Act 2022 has been marked with several innovations that modernized electoral administration through the use of technology, improved on the regulation of political parties and enhanced INEC's powers, but gaps in the implementation during the 2023 General Election highlighted the legal uncertainties, institutional shortcomings, and divergent interpretations in the judicial sphere that reduced the effectiveness of some of these reforms. These innovations will help to alleviate these deficiencies, but some of the changes contained in the Electoral Act 2026, including the limitations placed on the role of the judiciary in political party affairs, are constitutionally significant issues of judicial independence, access to justice, and the supremacy of the Constitution²²²³.

The main lesson to draw from this analysis is that the course of sustainable electoral reform is not a process which can be pursued exclusively via successive legislative amendments. To ensure credible elections, there needs to be a clear and consistent legal framework, independent institutions, and robust enforcement tools as well as a judiciary with the competence to apply electoral law in a manner that is consistent with constitutional principles. While electoral technology is essential to the administration of elections in the modern era, it cannot replace institutional integrity, political accountability and public trust²⁴²⁵²⁶. Thus, further electoral reforms should focus on greater precision in legislation, consistency in the constitution and strengthening institutions, rather than ongoing changes and modifications to statutes. The creation of an independent Election Offences Commission, which is fully explained in the legislation, a clear legal definition of electoral technology, and the strengthening of INEC's operational independence and meaningful judicial review would all contribute to the robustness of the democratic institutions of Nigeria and its legitimacy.

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¹⁹ Edward P Agbai, et al., *Redesigning Elections for Democratic Integrity: Case Study of Nigeria's Elections from 1999–2023* (Electoral Integrity Project, 2023).

²⁰ Electoral Act 2022 (Nigeria).

²¹ Policy and Legal Advocacy Centre (PLAC), *Assessing the Electoral Act 2022: Implementation and Gaps after the 2023 Elections* (2025).

²² Constitution of the Federal Republic of Nigeria 1999 (as amended).

²³ Electoral Act 2026 (Nigeria)

²⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended).

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