

INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) AND THE CONUNDRUM OF BVAS IN 2023 GENERAL ELECTIONS IN NIGERIA

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Abstract

In contemporary democracies, electoral integrity is the mechanism for accountability and good governance. The build up to the 2023 general elections was characterized by promises of fairness and transparency that gave the citizens and global community high hopes that there would be a credible electoral process in the country. This was accentuated by signing of the 2022 Electoral Act into law. Independent National Electoral Commission (INEC) introduced the use of Bimodal Voter Accreditation System (BVAS) for 2023 general elections as a game changer to curb electoral malpractices experienced in previous elections. However, there were obvious indications that INEC negated its own rules and guidelines in the conduct of the 2023 elections with glaring electoral dishonesty and injustice. The worrisome scenario seems to have daunted the much-touted efficacy of the Bimodal Voters Accreditation System (BVAS) and thus undermined electoral process in the country. Therefore, this paper examined Independent National Electoral Commission (INEC) and the Conundrum of BVAS in 2023 General Elections in Nigeria. The study employed secondary sources and qualitative discourse analysis anchored on technological determinism theory, as its framework of analysis. The paper posits that electronic transmission was introduced to enhance the transparency and integrity of the electoral processes but its negation by INEC amounts to violation of its own rules and guidelines. The failure to post the results of the 2023 presidential election from the polling units on the INEC Result Viewing Portal (IREV) as promised by the electoral umpire as soon as the polls closed, questions the integrity of INEC and depicts a possible collusion in electoral fraud by the umpire. The study found that INEC refusal to use the BVAS to

transmit results in controlling electoral malpractices will increase the incidences of voter apathy, trust deficit and democratic downturn in future elections. The paper recommends that innovation should be fully embraced and e-voting be incorporated into Nigeria's electoral system as a panacea for electoral frauds.

Keywords: BVAS, Election, Electoral Process, INEC, Technology.

Introduction

Elections that are free, fair, and credible serve as the foundation of electoral democracy and are a crucial step in holding public officials accountable. The importance of fair elections cannot be overstated, and Nigeria's political democratization appears to have failed to stop electoral frauds committed by various political parties, politicians, and coalitions of electoral management agencies. The First and Second Republics were cut short, and the Third Republic was aborted with the annulment of the Presidential Elections of June 12, 1993. These events serve as stark reminders of the futility of earlier attempts to democratize Nigerian elections. Elections, according to Nnoli (2003) argument, are fundamental to the growth and development of representative democracy.

Election integrity serves as the foundation for accountability and sound governance in modern democracies. Promises of fairness and openness during the run-up to the general elections in 2023 gave the nation's residents and the international community high hopes for a reliable voting system. The passage of the 2022 Electoral Act served to emphasize this (Morphy, 2022). By implementing the use of contemporary technology, particularly the Bimodal Voter Registration System (BVAS) and the Election Result Viewing Portal (IREV), the Independent National Electoral Commission (INEC) is on the correct track. The use of technology is critical to ensuring that the crucial presidential election in February 2023 is transparent, and hence credible.

The IREV is an internet portal where polling unit level results are uploaded directly from the polling unit, transferred, and published for the public, whereas the BVAS is a technical equipment used to identify and authenticate voters' fingerprints and facial recognition before voting. The public can register personal accounts at the front end of the internet portal, giving them access to all uploaded results stored as PDF files. This openness of polling unit-level results boosts process transparency and public confidence. When it comes to enhancing election integrity and inspiring public confidence in the electoral process, the employment of BVAS, IREV, and other innovative electoral technology and innovations introduced by INEC should be promoted.

Undoubtedly, the use of BVAS and other electoral technology could prevent election manipulation and boost public confidence in election results; however, some failures in the usage of BVAS have been noted.

One of the grounds upon which two opposition candidates are contesting the results of the election, which Bola Tinubu of the ruling party, APC, won, is INEC's failure to upload the results of the election in real-time as it consistently promised Nigerians. With the exception of the Senate and House of Representatives elections, the IREV was purposefully not used to upload the results of the presidential election from the voting centers as promised (Agbakwuru, 2023). If it had been used diligently and credibly, the IREV might have made a difference. Nigerians were disappointed by this. The INEC successfully used the BVAS and IReV to upload the results of the National Assembly elections, but when it came to the presidential election results, the same INEC rendered the BVAS and IReV inoperable. As a result, the presidential election results had to be manually tallied, which allowed the compromised INEC staffers to rig the election in favor of the APC (Ekwowusi, 2023). Nigeria was subjected to election injustice on February 25, 2023, and INEC plunged the entire nation into profound sadness. Therefore, this paper examined INEC and the conundrum of BVAS in the 2023 general elections in Nigeria and provide practicable solutions that promote healthy electoral processes in future elections.

INEC, BVAS and Election: A Conceptual Discourse

The Independent National Electoral Commission (INEC), whose responsibilities include overseeing elections for the country's numerous political positions, was established under the Federal Republic of Nigeria's 1999 Constitution. It was put in place to oversee the voting process and ensure that Nigerian elections were legitimate. The institution in charge of overseeing elections at all levels, including those for the presidency, the governor's office, the legislature, and local government is known as the Independent National Electoral Commission (INEC). The following responsibilities of INEC are listed in the Electoral Act of 2010 (as amended), Section 2 of that Act, and Section 15 of the Third Schedule of the 1999 Constitution (as amended) collectively:

1. Plan, carry out, and oversee every election for the positions of President and Vice-President, Governor and Deputy Governor of a State, and members of the Senate, House of Representatives, and House of Assembly in every state of the Federation;
2. Register political parties in line with the National Assembly Act and

- the constitution's provisions;
3. Keep an eye on how political parties are set up and run, including their finances, conventions, congresses, and primary elections.
 4. Set up an annual audit and inspection of the money and accounts of political parties, and publish a report on that audit and examination for the benefit of the general public;
 5. Organize and carry out voter registration of eligible voters, as well as create, manage, and update the voter registration list for every election under this constitution;
 6. Keep an eye on political campaigns and establish guidelines that political parties must follow;
 7. Provide civic and voter education;
 8. Spread awareness of fair democratic election procedures; and
 9. Hold any referendum that is necessary to be held in accordance with a provision of the 1999 Constitution or any other law or Act of the National Assembly.

In Nigerian history, the Independent National Electoral Commission (INEC) has served as the EMB the longest. From 1999 until 2023, it successfully held seven general elections as part of Nigeria's democratic government. In order to replace the smart card reader and increase the credibility of the Nigerian electoral process and prevent electoral fraud, INEC launched the BVAS in 2021 (Adeyemi, 2023). Nigeria's INEC works hard to hold credible, free, and fair elections. It functions independently in order to uphold its impartiality and increase public trust in the electoral process. Political parties, candidates, and election officials who are found to have broken electoral laws and regulations may face sanctions from INEC.

The Bimodal Voter Accreditation System (BVAS) is a computer program that reads Permanent Voter Cards (PVCs) and verifies voters' eligibility to vote at a particular polling place using their fingerprints. With its dual capability for fingerprint and facial verification, the Bimodal Voters Accreditation System has taken the place of the smart card reader, which was utilized in the general elections of 2015 and 2019 respectively. Before voting, it has been stated that BVAS authenticates voters' biometrics (fingerprints and facial recognition) by reading their PVCs and performing a biometric scan (Adeyemi, 2023). It may scan the barcode or QR code on the PVC or the voter's register to read the PVC.

To confirm the validity of the PVC and accredit votes, the presiding officer may additionally enter the last six digits of a voter's Voter Identification

Number (VIN) or last name. Beyond accreditation, the BVAS is utilized throughout an election to instantly upload polling unit results to the INEC Result Viewing Portal (IREV). Yiaga Africa claims that following the election, the BVAS will record the results at a voting place and quickly send them to the public-accessible portal. The BVAS can operate without an internet connection. It can operate at its best as long as the battery is charged and the device is properly set up. Only the results transmission requires internet connectivity. The utilization of cutting-edge technology to hold valid elections within the State is one of the key additions of the Electoral Act of 2022. The 2022 Electoral Act's passage into law strengthened this. In order to stop electoral fraud from occurring again, the Independent National Electoral Commission (INEC) announced the implementation of the Bimodal Voter Accreditation System (BVAS) for the general elections in 2023. General elections in 2023 are too crucial to let them fail like the ones in 2019. Therefore, the primary goal of INEC's implementation of BVAS was to completely close all loopholes in the 2019 elections (Inwalomhe, 2023).

However, elections are considered as a process of choosing capable individuals from the political community to administer the business of the state (Gauga, 2003). Scholars have defined the concept of elections in a variety of ways. Elections play a significant role in why democracy is the favored form of government in the globe (Okafor, Odigbo, and Okeke, 2022). Nwankwo (2008) contends that the modern democratic system presupposes that the electorate would select major political decision makers through a competitive process including numerous candidates. Elections play a crucial role in making democracy the most popular form of government in the world. In addition, among the roles played by elections, three are fundamental to contemporary democracies: the justification of political authority, accountability, and representation. Election bestows authority on the elected official and requires them to reevaluate their stewardships on a regular basis. Elections, according to Fagunwa (2015), are vital for the processes of democratization and democratic consolidation in every developing democracy since they serve as the metrics for gauging citizens' active participation.

Theoretical Framework and Application

This study used the technological determinism theory as its analytical framework. The determined role that newer communication technologies are playing in the field of human communication is explained by the technological determinism theory. In 1960, Canadian literary professor Marshall McLuhan

advanced the idea of technological determinism. The expression "the medium is the message" was first popularized by Marshall McLuhan, who also said that the tool or medium used to convey the message shapes the user. According to Marshall McLuhan's theory (Nwachukwu et al., 2006), this theory explains the effect of ICT on how information is consumed, retrieved, and transmitted in modern society. The idea contends that shifts in communication channels have a significant impact on how history has unfolded.

The theory makes the supposition that the creation and development of new technologies may be connected to the social, historical, economic, and cultural developments taking place in contemporary human civilization. According to Odoemelam and Adibe (2011), the medium, which the theory stresses, has gone on to demonstrate how communication technologies are transforming the globe into an interactive forum. The Bimodal Voters Accreditation System (BVAS) is a medium, and as such, it has an impact on the message, supporting the usage of the technological determinism argument in this work. Following the malfunction or purposeful non-use of the Smart Card Readers at polling locations, INEC has now used BVAS to prevent electoral fraud and election manipulation. The BVAS is a versatile integrated device that serves many purposes for various activities in the value chain of elections. It is an all-in-one technology. While the IReV is an online portal where polling unit level results are uploaded directly from the polling unit, transmitted, and published for the public to see whenever they log into the portal, the BVAS is a technological device used to identify and accredit voters' fingerprints and facial recognition before voting (Oyemike, 2023).

This openness of polling unit-level results boosts process transparency and public confidence. The total number of registered voters, accredited voters, and polling unit information are all displayed. This technique reduces human mistake and collation time delays. Additionally, it enhances the result-collation process's reliability, transparency, and correctness. The Commission is correct to claim that the twin technology is a defense against the ten most pervasive flaws in Nigeria's election result management process, including falsifying votes at polling stations, falsifying the number of registered voters, compiling false results, mutilating results and computational errors, swapping results sheets, forging results sheets, snatching and destroying results sheets, and obtaining declaration and return. In reality, according to INEC, it has used the BVAS and IReV to increase election results' openness and foster greater public confidence in the outcomes of prior elections in Nigeria, such as the governorship elections for the states of Osun and Anambra.

Technology and Election Administration in Nigeria

Since Nigeria gained independence, election management there has been characterized as a perversion of the will of the people (Akinsanya, 2015). The story of how elections were handled in Nigeria demonstrates how far from democratic the process was because the people's will was suppressed. Nigerian elections have a history of fraud, irregularities, and bloodshed. Numerous academics contend that the INEC was prompted to use technology in the conduct of elections in Nigeria as a result of the criticism of previous elections in Nigeria and the need to prevent electoral fraud (Tobi, 2020).

Electoral fraud, in López-Pintor's opinion (2010, p. 9), has far more grave implications for politics because it enables a party or candidate to occupy public offices against the wishes of the general population. This undercuts the democratic process and frequently results in political instability, insecurity, and electoral violence. Due to the detrimental repercussions of electoral malpractice, the world is increasingly paying close attention to ways to reduce this undemocratic behavior and enhance the political process. To help strengthen and expand electoral democracy in Nigeria, a smart card reader based on electronic technology was added to the country's election process in 2015 (Alebiosu, 2016).

The use of technology in Nigeria's voting process has modernized it and enhanced election administration there. Results showed that the adoption of the Automatic Fingerprint Identification System (AFIS), Permanent Voters Card (PVC), Smart Card Reader (SCR), and Electronic Voters Register (EVR) had reduced the frequency of multiple registrations and multiple voting to the bare minimum (Ekanem & Okafor, 2018). Additionally, Independent National Electoral Commission (INEC) introduced the Bimodal Voter Accreditation System (BVAS) for the 2023 general elections as a game-changer to stop electoral fraud experienced in previous elections in the run-up to the general election in 2023. In Nigeria, technology has significantly improved election administration, resulting in a number of good benefits. Davis and Chelsea (2010) maintained that:

Technologies have the potential to make elections more efficient, more transparent and more responsive to the needs of the electorate. For example, technologies can assist election administrators to store and search huge amounts of data, easily identify multiple registrations in voters register, prevent voters from voting in more than one polling station, prevent multiple voting, speeds up the tabulation of results and expedite boundary delimitation exercises (in Ekanem & Okafor, 2018, p.193).

The adoption of biometric technologies, according to Nwangwu (2015), "did not entirely make the elections free and fair, but they nonetheless accounted for their credibility" (p.16). Suleiman, Gambo, and Izah (2021) noted that various nations use technology in their voting procedures for a variety of reasons. To stop voters from enrolling with more than one municipal registry, for instance, a system of computerized voter registration was developed in Brazil (Avgerou, 2013). Some nations use biometric voter registration to increase voter registration accuracy and reduce fraud (Haley & Zubrinich, 2015). Another valid justification for technology adoption is the quick broadcast of election results. Importantly, electoral technology has contributed to making the voting process more accessible.

The use of BVAS has fundamentally altered Nigeria's electoral procedures. The BVAS is a versatile device that enables the uploading of election result sheets to the INEC Result Viewing Portal (IREV) as well as voter registration, facial or fingerprint verification at the voting place. It combines the features of a Z-Pad and a Smart Card Reader. The use of technology in the voting process, however, cannot be emphasized enough. The following are some significant effects of technology on Nigeria's election administration:

- Biometric voter registration: Nigeria has successfully implemented biometric voter registration to ensure a more accurate and reliable voter list. This technology captures the fingerprints and facial images of voters, reducing the chances of multiple registrations and impersonation.
- The electronic voting devices: The introduction of electronic voting devices has been considered as a way to streamline the voting process, reduce electoral fraud, and provide quick and accurate results. However, the implementations of Smart Card Readers and the recently introduced BVAS in the electoral process of Nigeria have been limited so far.
- Voter Accreditation, Verification and Authentication: Technology has been utilized to accredit voters, verify their originality and authenticate their identity at polling stations. Devices such as Smart Card Readers and BVAS are used to authenticate voter identity by checking the biometric data stored during registration.
- Results Transmission: Technology has been adopted to transmit results from the polling units to the collation centres more efficiently. This is meant to help minimize delays and enhance the transparency of the process. Unfortunately, INEC refusal to use BVAS to transmit 2023

presidential elections is an indication that the system is not the problem rather the unwillingness of men to do the needful remain the challenge.

- **Voter Education and Awareness:** Technology has been very instrumental in disseminating information to voters, including voter education campaigns, voter registration processes, polling unit locations and electoral guidelines. Social media platforms, websites, and mobile applications have been utilized for this purpose.
- **Election Monitoring and Observation:** Technology has facilitated the monitoring and observation of the elections in Nigeria. Independent elections observer and civil society organizations have used various technological tools such as mobile apps and web platforms to report irregularities, track incidents and promote transparency.
- **Election Security:** Technology has been utilized for enhancing election security in Nigeria. Biometric Identification Systems and electronic databases have been employed to verify the identities of election personnel and prevent infiltration by unauthorized individuals.

INEC and Conundrum of BVAS in 2023 Presidential Election in Nigeria

Democracy is like a flower. It must be guided, watered and watched. If you water it, it will flourish. If you fail to guide water and watch it, the democracy will die. According to Okolie (2023) defined democracy to mean a system of governing mankind to deceive the people. INEC chairman made us to believe that BVAS is a solution to solve the problem of electoral fraud and the people went to sleep. Democracy is a government of selected few property owners. Before the election, the INEC Chairman and National Commissioner for Voter Education expressed enough confidence in the technology to excite everyone about the possibility that Nigeria would get it right for the first time. Alas, it is unclear what the two gentlemen think at this moment. Did we fail the technology, or did INEC fail the technology?

It is against the foregoing that one can argue that it is not the technology that has led us into the problem of electoral inequality or rigging. It is not the technology but the operators of the system that are the problem of the Nigerian state. Therefore, Nigeria has successfully built strongmen who are over-empowered instead of building strong institutions. It is obvious that Nigeria seems to be operating as a developing country with several features connecting to a failed state including weak institutions, strong men, corruption, electoral malpractices and inequality, impunity and insecurity. The actual outcomes of the Nigerian general elections in 2023 reflect the degree of the

class conflict between the governing class and the population.

In the years running up to the general elections in 2023, INEC made a number of commitments to fairness and transparency that increased hopes for the nation's electoral system among the populace and the international community. The 2022 Electoral Act was ratified by the former President Muhammadu Buhari to fulfill this commitment. Additionally, this clarified the rationale for INEC's adoption of the Bimodal Voter Accreditation System (BVAS) as a game-changer to stop electoral malpractices seen in earlier elections for the 2023 general elections. In Nigeria, the entire election campaign is governed under the 2022 Electoral Act. The Act gives INEC the authority to publish rules and directives governing election procedures and the function of BVAS. The provisions of Section 47 of the Electoral Act, which requires the use of BVAS to certify voters at the polling place, are implemented by Clause 19 of the regulations (Eghobamien, Obi, and Darego, 2023).

The Act further stated that the presiding officer must transmit the results and the total number of registered voters in accordance with INEC's instructions. According to Eghobamien, Obi, and Darego (2023), the regulations give this provision life by mandating that the results at the polling places be electronically communicated to the collation center. With the implementation of BVAS, results that are automatically uploaded at the polling place are now considered to be the final results, making any subsequent attempts to grab, rewrite, or otherwise tamper with cast votes obsolete. As a result, it was inferred that any disparity between papers that were electronically transmitted and those that were physically delivered to the collation center would be resolved in the former's favor.

However, INEC disregarded its own laws and directives in the administration of the 2023 elections, engaging in egregious electoral injustice and dishonesty that has remained a persistent stain on Nigeria's subsequent elections. The electoral umpire promised to post the results of the 2023 presidential election from the voting places as soon as the polls ended, but INEC's impartiality is in doubt and suggests that the umpire may have colluded in electoral fraud. The unsettling situation appears to have damaged the country's voting process by casting doubt on the Bimodal Voters Accreditation System's (BVAS) much-touted performance. The INEC's refusal to guarantee the transmission of the 2023 presidential elections has stoked new doubts about the integrity of the electoral process and highlighted the class struggle between the governed and the ruled. The 2022 Electoral Act cannot be implemented because of this never-ending battle for Nigeria's soul.

The BVAS was meant to transmit election results electronically in order to increase electoral process transparency. The integrity of the electoral administration body is called into doubt because the results of the presidential election were not transmitted although the Senate and House of Representatives results were submitted using the same technology. This is not the kind of election result Nigerians expected from the system. The outcome of the election has eroded the public confidence on INEC. When people perceive that the process is being compromised there is nothing you can do that can enhance the confidence of the people by INEC. The outcome of the presidential election appeared not to be accepted by majority of Nigerians including other parties' contestants in the 2023 presidential election have rejected the result declared by INEC. Egwu (2023) began by pointing out that because of the natural relationship between the electoral process and democracy itself, Nigerians have continued to express interest in how elections are conducted. Quite bluntly, he argued that the presidential election result in particular has been called into question, which has adversely affected INEC's reputation. The electoral body's inability to adhere to its electoral guideline of electronically transferring results in real-time justifies the public's dissatisfaction during and after the elections. He insisted that INEC will eventually need to be honest with Nigerians about exactly what went wrong to prevent that from happening again.

Despite promises from the former President Muhammadu Buhari-led Federal Government and the Chairman of the Independent National Electoral Commission that technological advancements such as the Bimodal Voter Accreditation System (BVAS) and INEC Result Viewing (IREV) portal would make the electoral process transparent and credible, Nigerians' experiences with the elections revealed that their conduct fell short of expectations (Zabadi, 2023). Ibrahim (2023) claimed that the usage of technology is the major problem with the 2023 elections. Many of the technology advancements, particularly those during the Jega era, have received praise, but they have not altered the perception of how elections are conducted or how voters turn out. The I-REV's inability to deliver was tragic since the elections failed to pass its own integrity test. Voter indifference is frequently compared to voter fraud, and it's possible that this issue has gotten worse as a result of the I-REV's inability to win in the 2023 elections (Ibrahim, 2023).

In addition, Yiaga Africa raised worry over the time it took for the INEC Election Results Viewing Portal (IREV) to upload polling unit results for the presidential election. According to Yiaga Africa, INEC's regulations and

guidelines were flagrantly disregarded in its failure to post the results on time to the IReV (Okocha, 2023). Notably, the IReV technology used by INEC for the presidential election did not function as intended. The election commission and the electoral process have not gained public confidence through incremental adjustments. Collaborating this view, the European Election Observation Mission (EU EOM), reported that:

In the lead up to the 2023 general elections Nigerian citizens demonstrated a clear commitment to the democratic process. That said, the election exposed enduring systemic weaknesses and therefore signal a need for further legal and operational reforms to enhance transparency, inclusiveness, and accountability (EU EOM, 2023).

The highly regarded organization stated in its final assessment on the Nigerian elections that INEC's reputation had been severely harmed, particularly as a result of its failure to electronically upload the presidential election results (Olaniyi, 2023). The EU EOM report on the 2023 presidential elections alleges fraud in the 2023 election. In other words, the election was riddled with fraud and fell short of the bar for legitimacy. The table below shows the presidential elections result as declared by INEC:

2023 Presidential Election Results as Declared by INEC

STATE	APC	PDP	LP	NNPP
ABIA	8,914	22,676	327,095	1,239
ADAMAWA	182,881	417,611	105,648	8,006
AKWA IBOM	160,620	214,012	132,683	7,796
ANAMBRA	5,111	9,036	584,621	1,967
BAUCHI	316,694	426,607	27,373	72,103
BAYELSA	42,572	68,818	49,975	540
BENUE	310,468	130,081	30,8372	4,740
BORNO	252,282	190,921	7205	4626
CROSS RIVER	130,520	95,425	179,917	1,644
DELTA	90,183	161,600	341,866	3,122
EBONYI	42,402	13,503	259,738	2,661
EDO	144,471	89,585	331,163	2,743
EKITI	201,494	89,554	11,397	264
ENUGU	4,772	15,749	428,640	1,808
GOMBE	146,977	319,123	26,160	10,520

IMO	664,06	30,234	360,495	1,552
JIGAWA	421,390	386,587	1,889	98,234
KADUNA	399,293	554,360	294,494	92,969
KANO	517,341	131,716	28,513	997,279
KATSINA	482,283	489,045	6,376	69,386
KEBBI	248,088	285,175	10,682	5,038
KOGI	240,751	145,104	56,217	4238
KWARA	263,572	136,909	31,166	3,142
LAGOS	572,606	75,750	582,454	8,442
NASARAWA	172,922	147,093	191,361	12,715
NIGER	375,183	284,898	80,452	21,836
OGUN	341,554	123,831	85,829	2,200
ONDO	369,924	115,463	44,405	930
OSUN	343,945	354,366	23,283	713
OYO	449,884	182,977	99,110	4,095
PLATEAU	307,195	243,808	466,272	8,869
RIVERS	231,591	88,468	175,071	1,322
SOKOTO	285,444	288,679	6,568	1,300
TARABA	135,165	189,017	146,315	12,818
YOBE	151,459	198,567	2,406	18,270
ZAMFARA	298,396	193,978	1,660	4,044
AGGREGATE	8,794,726	6,984,520	6,101,533	1,496,671

Source: <https://www.vanguardngr.com/2023-presidential-election-results-by-states/>

The truth is that what was recorded in the polling units seems to be different from what declared. We have today electoral impunity, corruption and lack of integrity. Therefore, Nigerians are so upset with the garrison of operation in the country. What outcome did INEC announce if there was no transmission of election results from the polling places to Irev? Logically, it means that there was no election. In addition, INEC refusal to use the BVAS to transmit results in controlling electoral malpractices will increase the incidences of voter apathy, trust deficit and democratic downturn in future elections.

Let's be clear: BVAS did not fail, according to Dode in Agbakwuru (2023), but what failed was the refusal or willful failure to use it as intended to send presidential results in real-time from voting places. The use of the BVAS for the 2023 election will go down in history as a time when it was possible for Nigerian voters to realize the power of the ballot to determine who should be

their leaders when there are good electoral laws that supported INEC innovations, processes, and procedures, despite the tragedy of the deliberate sabotage of uploading of presidential election results from polling units. Ibrahim (2023) contends that INEC's top officials are entirely responsible for the election's declining credibility. Ibrahim (2023) continued by stating that this outcome was intended to be recorded through a scan and delivered via BVAS immediately to the INEC viewing portal, where all residents and voters could view it in real time. Everyone will be able to see the results as they are announced, and residents, candidates, and parties may verify that the results on the portal correspond to the results tallied at the polling place. In order to verify that the results on the site match those in the polling places, all voters would have been involved. In accordance with the definition of the integrity test developed by INEC itself, the IReV component of the test failed, lowering the credibility of the election. As a result, this failure is truly disastrous since it set the stage for citizens to lose faith in INEC and its procedures (Ibrahim, 2023).

Conclusion

Apathy, a lack of trust, election violence, vote buying, and other problems have been brought on by the ongoing abnormalities in Nigeria's electoral processes. According to the report, electronic transmission was adopted to increase the transparency and integrity of the election processes, but INEC's rejection of it amounts to a violation of the organization's own policies and procedures. Therefore, the electoral umpire's failure to post the results of the 2023 presidential election from the polling units on the INEC Result Viewing Portal (IReV) as soon as the polls closed calls into question INEC's integrity and paints a possible picture of collusion in electoral fraud by the umpire and desperate politicians. Also, the refusal by INEC to use the BVAS to transmit results in controlling electoral malpractices will increase the incidences of voter apathy, trust deficit and democratic downturn in future elections. The non-transmission of the 2023 presidential election results accounts for election petitions at the tribunal. The outcome this election has returned Nigeria to the old ways of going to tribunal to seek readdresses. The litigation at the tribunal can be attributed to INEC refusal to adhere to guidelines and rules of the electoral system.

Recommendations

It is true that we have incorporated a lot of modern technology to enhance our voting process, but INEC currently disregards these advances. The truth is that

it is a huge disappointment that INEC did not treat Nigerians fairly by electing the leaders of our choosing. No matter how wonderful the laws and INEC innovations may be, according to scholars like Ekwowusi and Agbakwuru (2023), they would need devoted, credible, and honest people of integrity to make them function. As we can all see, the issue with the presidential election has been reduced to the INEC Chairman and his team's failure to put the good legislation included in the 2022 Electoral Act and the INEC guidelines into practice.

Arising from this, the paper recommends the followings:

- ✓ E-voting should be implemented into Nigeria's political process as a cure-all for election fraud, and innovation should be completely embraced.
- ✓ Modification of the Electoral Act of 2022 to permit electronic voting in Nigeria. There are at least 200 million people living in Nigeria. Electronic voting is now permitted in countries with similar populations like China, India, the United States, and Bangladesh. Electronic voting would improve openness, accuracy, and reliability while also strengthening the electoral administration organizations' role as the election's umpire.
- ✓ Reforming INEC institutionally to support the development of a robust platform that can safeguard Nigeria's democracy efforts. Institutions need devoted, dependable, and trustworthy individuals with integrity to function.

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