



## **PRELIMINARY STATEMENT OF THE JOINT NDI/IRI INTERNATIONAL OBSERVER MISSION TO NIGERIA'S 2023 PRESIDENTIAL AND LEGISLATIVE ELECTIONS**

*February 27, 2023*

Abuja, Nigeria

### **I. Overview**

This preliminary statement is offered by the international observation mission of the International Republican Institute (IRI) and the National Democratic Institute (NDI) to Nigeria's February 25, 2023 presidential and National Assembly elections. The 40-person delegation, with members from 20 countries, was led by Her Excellency Dr. Joyce Banda, former President of the Republic of Malawi. She was joined by Ambassador Mark Green, President and CEO of the Woodrow Wilson International Center for Scholars and former administrator of the United States Agency for International Development; NDI Board Member Ambassador Johnnie Carson, former Assistant Secretary of State for African Affairs at the U.S. Department of State; IRI Board Member Constance Berry Newman, former Assistant Secretary of State for African Affairs at the U.S. Department of State; NDI Board Member Stacey Abrams, American political leader, lawyer, and voting rights activist; and IRI Board Member Dana White, former Assistant to the U.S. Secretary of Defense for Public Affairs. NDI President, Ambassador Derek Mitchell, and IRI President, Dr. Daniel Twining, also participated in the mission. The mission visited Nigeria from February 20 to 27, 2023, and deployed observer teams to 20 states covering all six geopolitical zones and the Federal Capital Territory (FCT).

Through this mission, NDI and IRI seek to reflect the international community's interest in and support for democratic electoral processes in Nigeria. This statement is meant to provide an accurate and impartial report on the election process to date; and offer practical recommendations to improve future elections. It builds on the findings of joint IRI/NDI pre-election assessments conducted in July and December 2022 and reports submitted by six Abuja-based thematic technical experts.

The mission conducted its activities in accordance with Nigerian law and the Declaration of Principles for International Election Observation and collaborated closely with other international and regional observer missions that endorse the Declaration, while coordinating with impartial and independent citizen observer organizations. The mission is grateful for the hospitality and cooperation it received from all Nigerians with whom it met, especially voters, government officials, members of the Independent National Electoral Commission (INEC) and polling officials, party members, citizen election observers, and civic activists.

#### *Executive Summary*

The Electoral Act 2022 introduced much-needed reforms aimed at increasing transparency in results collation and timely organization of pre-electoral processes; however, the elections still fell well short of Nigerian citizens' legitimate and reasonable expectations. Failures of logistics, challenges with voter registration and voter card distribution, inadequate communication by INEC, lack of transparency in the

publication of election data, and unchecked political violence before and during the elections overshadowed incremental administrative gains achieved in the pre-election period, and impeded a substantial number of citizens from participating in voting. Ongoing currency and fuel shortages also imposed excessive burdens on voters and election officials while marginalized groups, especially women, continued to face barriers to seeking and obtaining political office.

On election day, logistical failings caused late openings across the country, creating tensions, and the secrecy of the ballot was compromised in some polling units given overcrowding. Although the application of new electoral technology aimed to increase integrity and efficiency on election day, challenges in the electronic transfer of results and their upload to a public portal in a timely manner continues to undermine citizen confidence at a crucial moment of the process. These logistical challenges, together with the scale of electoral insecurity, were foreseeable and avoidable. Failure to address these issues prior to election day was a missed opportunity. Moreover, voters' trust in the process has been considerably shaken by INEC's lack of transparency about the cause and extent of election day challenges. The combined effect of these problems disenfranchised Nigerian voters in many parts of the country, although the scope and scale is currently unknown.

Despite these real and troubling issues, Nigerians once again demonstrated their commitment to the democratic process. Voters displayed extraordinary resilience and resolve to have their voices heard through the ballot, often waiting for several hours due to logistical shortcomings. In particular, youth engagement was noteworthy, with significant increases in youth registrants on the voter roll, and National Youth Service Corps members once again serving as poll workers across the country. The election management body, INEC, administered a nationwide election according to the electoral calendar and in the majority of polling units despite widespread insecurity and severe currency and fuel shortages.

As the nation awaits the results of the electoral process, and with only two weeks until the March gubernatorial elections, we urge all political actors and their supporters to remain calm and exercise restraint. INEC, the government, political actors, and civil society should continue to work together and redouble efforts to deliver on citizen expectations for transparent and inclusive elections in order to ensure that electoral outcomes are a credible expression of the will of voters. The mission calls on the international community to continue to stand with the people of Nigeria in their efforts to deepen and strengthen their democratic institutions and practices.

***The IRI/NDI mission stresses that this statement is preliminary in nature. As voting continued past February 25 in some polling units and results continue to be collated, the mission calls on: INEC to be more proactive and responsive to stakeholder inquiries and to release official results in a timely and transparent manner; Nigerian political parties and candidates to cooperate in good faith with INEC; political leaders to adhere fully to the February 2023 Peace Accord and respect the will of the Nigerian people as expressed through the ballot box; and the appropriate agencies to conduct a full investigation of allegations of election violations and the prosecution of perpetrators. The mission recognizes that, ultimately, it is the people of Nigeria who will determine the credibility of their elections. NDI and IRI will continue to watch the remaining phases of the electoral process, including the announcement of official results and swearing in of newly elected officials.***

## **II. The Nigerian Election Context**

The 2023 presidential election was an open contest with no incumbent in the race, and the emergence of third party candidates disrupted the traditional two-party contest and created opportunities for enhanced political debate that excited many young Nigerians. Candidates also competed for 109 Senatorial and 360 House of Representative seats. The elections were a national test for the Electoral Act 2022, one of the most substantive election reform packages in the country's recent history and an achievement of advocacy

from Nigerian civil society and reform-minded legislators. However, the 2023 elections took place under a deteriorating security situation, as the country was grappling with incidents of violent extremism in the North East, armed banditry in the North West, intercommunal conflict in North Central, and threats of secession from the states in the South East. Also, in the months leading up to election day, the country faced an economic crisis and fuel shortages that complicated electoral preparations.

### **Legal Framework**

The Electoral Act of February 2022 established a more robust framework to enhance electoral integrity. It contained several innovations, including significantly extending electoral timelines, securing advanced funding for INEC, the use of electronic technology in voting and transmission of results, increasing results transparency, and introducing additional mechanisms for their verification. The Act also limits the ability for political parties to substitute candidates after the nomination period has closed, and mandates INEC to take reasonable steps to reduce barriers for persons with disabilities (PWDs) and other vulnerable individuals to vote.

However, the Act contains notable gaps, and several proposed electoral amendments remained unfulfilled at the time of the elections. These include bills to create an Electoral Offenses Tribunal, permit independent candidacy, diaspora voting, and strengthen provisions on the formation of political parties. In addition, legislation aimed at expanding women's representation in elected office failed to pass the National Assembly in 2022. Nigeria also has no legislative provisions to allow for persons deployed on election duty to vote, affecting over one million officials on election duty. The timeframes for petitions and appeals adjudication in the legal framework are considered long by many Nigerians, compromising the right for timely adjudication. While the Act shifted the deadline for submitting lists of candidates to earlier in the electoral process, candidate selection continues to generate protracted legal disputes that potentially hindered campaign and electoral preparations.

The new reforms prescribe stiff penalties for electoral offenses, including vote buying, violence, and disruption of the voting process; however, responsibility for enforcing these provisions is not clear among the various stakeholders involved. In the absence of an Electoral Offenses Tribunal to address abuses by political parties and introduce incentives for citizens to comply with the law, accountability for violators has not significantly improved since the 2019 general elections. Many Nigerians with whom the delegation met expressed frustration about ongoing impunity related to electoral offenses, and a lack of responsibility regarding enforcement.

### **Election Administration**

Nigeria has 176,846 polling units, and its current infrastructure and economic challenges create daunting conditions for election administration. While most stakeholders expressed confidence in the work of INEC in the lead up to the election, some stakeholders expressed frustration with INEC's lack of consistent and open communication about electoral updates and procedures. Few INEC decisions were made publicly available on their website, and press briefings in the immediate lead-up to, and on election day, were limited.

Positively, due in part to advanced funding provided by the Electoral Act 2022, INEC began logistical preparations earlier than in past elections. According to INEC, a total of 1,265,227 people were engaged to work on the 2023 elections and additional staff were recruited to address challenges with the voter accreditation technology. To overcome infrastructure challenges in materials deployment, INEC signed a Memorandum of Understanding with the National Union of Road Transport Workers, the National Association of Road Transport Owners, and the Maritime Workers Union of Nigeria in December 2022. However INEC noted that the intensifying currency crisis and fuel shortages created substantial strain in last-minute preparations. To address historical challenges with overcrowding, INEC increased the number of polling units and redistributed voters; however, citizen observers noted an imbalance in the distribution

of voters across old and new polling units and some large discrepancies in polling unit size. Some observer groups noted that if INEC's decision to redistribute voters had come earlier, it would have been more effectively implemented.

*Election Technology.* INEC introduced new technologies to improve administration of the 2023 polls including the Bimodal Voter Accreditation System (BVAS) and INEC Results Viewing Portal (IREV). The BVAS biometrically verifies voters and electronically transmits a photo of polling unit-level results to the IREV online portal. Publishing polling unit-level results through IREV is one of the major improvements to election transparency since the 2019 polls. However, the success of these technologies depends on their administration, functionality on a national scale, and public confidence in the systems. While INEC piloted both systems during three off-cycle elections, it never conducted a full nationwide stress test in advance of the February elections. In addition, though the state pilots saw increased speed of results announcement, there were challenges such as IREV images that were blank, blurry, or for the wrong polling unit. The photos are not conducive to aggregate analysis since the process for downloading, transcribing and tabulating individual forms is time and resource intensive, making the system transparent but not necessarily verifiable.

*Voter Registration and PVC Collection.* Voter registration in Nigeria is a burdensome process, requiring citizens to register and then separately collect their Permanent Voters Card (PVC) in order to vote on election day. Despite this, INEC witnessed a surge in interest and extended registration from June 30 to July 31, 2022. Though voters who came of age in the seven months leading up to the election were disenfranchised, young people between the ages of 18 and 34 constituted over 76 percent of new registrants. INEC also took steps to clean the voter register, delisting over 2.7 million people from the register due to problems such as double and underage registration and incomplete fingerprints. However, the processes for displaying claims, objections, and delisting voters were opaque and too demanding on citizens, leading to concerns about bias during voter roll cleaning, which disproportionately removed voters from some regions at much higher.

The distribution of PVCs has been a particular challenge. Though INEC twice extended the deadline to collect PVCs until February 5, it announced that nearly seven percent of PVCs had not been collected by registered voters prior to election day, and disaggregated data on PVC collection by polling unit - which is used to determine turnout and margin of lead information - was made available very late in the process. Challenges to the collection process noted by civil society activists and other stakeholders included INEC staff asking for payment in exchange for PVCs, disorganized distribution, absent INEC staff, unavailable cards, and voters told to return later in February to pick up their cards.

### **Political Parties and the Campaigns**

Party factionalism was a major problem for the 2023 elections as parties continue to center on personalities, not ideologies. Defections associated with the 2023 elections were more consequential than in the past and increased the likelihood of a run-off for the first time in Nigeria's history. Most notably, presidential candidate Peter Obi defected from the People's Democratic Party (PDP) to run under the banner of the Labour Party.

*Party Primaries.* The 2022 Electoral Act enables political parties to conduct primaries through direct and indirect voting or by consensus 180 days before election day. However, transparency of the party primaries did not largely improve from 2019 as most parties opted for indirect nominations or voting-by-consensus, preventing INEC and citizen observers from monitoring the full primary voting process. The high price of nomination forms alone limited the number of candidates able to viably compete in the primaries, including those representing marginalized groups. Intra-party conflicts that arose from the primaries continued to play out in the courts and during the campaigns as INEC and various party factions challenged the final party lists.

*The Campaigns.* The campaign period increased from 90 days in 2019 to 150 days in 2023, which allowed voters to become better acquainted with the competing candidates and their policy priorities. At the same time, the longer time for campaigns may have contributed to tensions mounting to higher levels in the pre-election period, according to some interlocutors. Despite 18 political parties signing a Peace Accord on September 29, 2022 committing them to peace in the leadup to the polls, the campaigns were frequently marred by violence between party supporters and use of hate speech and inflammatory language by party leaders on the campaign trail and online. Within 36 hours of a second Peace Accord signed on February 22, gunmen killed Labour Party senatorial candidate for Enugu East Oyibo Chukwu along with five of his supporters; New Nigeria People's Party (NNPP) supporters were attacked in a violent riot in Kano resulting in several fatalities; and an All Progressives Grand Alliance (APGA) ward chairman was assassinated in Ebonyi state. Some violence was fueled by the candidates evoking Nigeria's religious, regional and ethnic fault lines in their rhetoric during the campaigns. Despite the mechanisms and legal framework in place, candidates and their supporters were rarely held accountable for committing electoral offenses, including inciting violence. This environment of impunity allowed election violence to surge in the lead up to voting. Peace Accords do not appear to be sensitized down to the grass-roots level and parties did not take actions that would lead party members to feel bound by a meaningful pledge to non-violence.

Candidates were restricted in numerous instances from campaigning freely. Many governors prevented certain political rivals from conducting rallies and using the state media, despite INEC releasing a campaign code of conduct for the presidential election in September 2022 and condemning undue interference by governors during the campaigns.

Campaigns in Nigeria are incredibly costly affairs, and vote buying was frequently reported in the lead up to election day. Parties rarely meet the reporting and disclosure requirements of existing campaign finance legislation, and campaign finance data is not publicly available in a consistent and accessible way. Without real enforcement of the legal framework, campaign finance in Nigeria ahead of the 2023 elections remained opaque, and political contestants' fundraising and spending largely unaccountable.

### **Information Environment**

*Media Landscape.* Though radio remains the most important method by which Nigerians consume news, the rapid penetration of social media, online portals, and digital messaging services is transforming the electoral information environment, including where and how candidates campaign. Despite the proliferation of new outlets where Nigerians can seek information, stakeholders raised concerns about limited media access to the leading candidates and their lack of participation in national debates in the leadup to the 2023 elections. Such barriers to direct, unfettered and policy-driven communication with the public can undermine voters' ability to make an informed choice on election day. In addition, Nigerian journalists are still at high risk of politically-motivated arrest, intimidation, targeted harassment, and violence, and sometimes self-censor to avoid sensitive topics or hostile areas of the country.

*Misinformation, Disinformation, and Hate Speech.* The spread of disinformation both online and in traditional media around the 2023 elections contributed to voter confusion, sowed doubt in the electoral process and exacerbated underlying cultural and ethnic tensions. Interlocutors noted that all the major presidential campaigns have benefited from the generation of manipulative and discrediting content online, and political actors have been implicated in hiring cadres of users and influencers to generate and amplify messages. Closed messaging platforms like WhatsApp and Telegram provide a permissive and largely opaque environment for rumors and divisive narratives to thrive, especially in local languages, and political operatives have been known to plant content on otherwise non-political groups and channels. Fact-checkers also noted that there was a tendency for false information originating from social networks to leak into offline media, and become entrenched in the political debate. Even more alarming is the

emergence of blatant misinformation about the voting process, such as the use of PVCs or how voting, counting and results transmission will function on election day. Closer to election day, many campaigns pushed absolutist narratives of victory, implying that any loss would be a result of electoral fraud. These information trends may threaten public confidence in the BVAS, the perceived independence of INEC and the acceptance of the electoral results.

To curb these risks, there are several Nigerian-based networks and initiatives providing creative approaches to fact-checking, debunking, and broad media literacy efforts. However, there remains little accountability for political actors engaging in or amplifying disinformation and divisive narratives. In advance of the 2023 elections, the National Information Technology Development Agency (NITDA) and the National Broadcasting Commission have sought to expand regulation of online content and platforms, including a recently released “Code of Practice.” While the government believes these measures will help safeguard Nigerians and promote accountability for online platforms, civil society and media actors expressed concern that the government could use these regulations to censor content or block platforms. Though some platforms like Meta have taken proactive approaches to respond to disinformation and hate speech around the elections, others have pulled back on mitigation efforts, or face significant challenges in moderating content in Nigeria’s non-English languages.

### **Electoral Security**

Election-related violence significantly marred the pre-election period. According to analysis of Armed Conflict Location & Event Data (ACLED) Project data, in 2022 there were almost twice as many acts of violence compared to the same period before the 2019 elections. The trend continued in January 2023 where records of election violence were higher than any previous month.

From April 2022 through election day, there were at least eighteen reported assassinations or assassination attempts against candidates and party leaders, including targets from all major parties. In at least 11 separate states and the FCT, a rash of attacks on INEC facilities, voter registration events, and personnel were reported in the pre-election period, with the highest concentration of attacks in Imo and Enugu (in the South East) and Osun (in the South West). Such attacks could have impacted voter participation in certain regions and raised serious concerns about the ability of INEC to hold elections in affected areas, especially given the destruction of voting material such as PVCs.

Election violence was exacerbated by intra-party disputes in the primaries, shifting political landscapes, the rise in armed actors, the emergence of new informal security elements in Nigeria, and persistent failure to hold perpetrators to account. Groups like Indigenous People of Biafra (IPOB) and its factions reportedly attacked INEC facilities, election officials, and political party candidates and officials across the South East. Informal security elements engaged directly in election violence, including attacks on candidates. The rise in non-state armed groups contributed to a greater "fog of war", making it easier for political actors to employ such groups to conduct attacks in such a way as to create a degree of plausible deniability as to who was responsible. Despite significant efforts by Nigerian civil society actors to counter violence through efforts such as the youth-led Vote Not Fight campaign and the National Peace Accords, candidates and political party leaders have failed to lead by example and impunity for electoral offenses remains a major hurdle.

### **Electoral Inclusion**

*Women.* Women in Nigeria remain woefully underrepresented at all levels of government and faced both structural and societal barriers to fully and meaningfully participate in the 2023 polls. Already ranked the lowest in Africa for the number of women in political office, the number of women elected has declined since 2015; in 2023 women represented less than 10 percent of presidential and National Assembly candidates, a drop from 12 percent in 2019. The national leadership of the only party that nominated a female presidential candidate for the 2023 elections - the Allied People’s Movement (APM) - withdrew its

support for her candidature just a week before the election, endorsing another male presidential candidate. In early 2022, the National Assembly rejected five constitutional reform bills aimed at promoting women's rights and political empowerment. One proposed reform would have created 111 additional reserved seats for women, while another would have instituted a 35 percent quota for women in leadership roles in political parties. The preponderance of money in political campaigns in Nigeria creates significant disadvantages for women candidates who typically lack the funds to effectively compete against their male counterparts. In addition, women aspirants were frequently the targets of violence, especially cyberbullying, sexual harassment and assault, and other forms of physical violence, which potentially derailed their campaigns or prevented them from running for office entirely.

*Youth:* Youth are enthusiastic and galvanized to play an active role in shaping the future of Nigeria, but still face barriers to participate in elections. Surges in youth voter registration rates ahead of the 2023 elections, on the heels of recent youth-led social movements like #EndSARS, reflect a frustration among young people with the political status quo. Political parties, recognizing that the outcome of the election hinged on these new voters, increased their outreach to young people, including on social media. Despite major advocacy successes, such as the #NotTooYoungtoRun campaign before the 2019 elections which amended the constitution to lower age requirements for national offices, the percentage of youth candidates in these elections decreased, from 34 percent in 2019 to 28 percent in 2023. Positively, university and polytechnic classes were paused in the immediate electoral period, allowing students to travel to their areas of registration to vote.

*Persons with Disabilities.* Ongoing advocacy efforts and the passage of the Electoral Act 2022 has enhanced voting provisions for PWDs, however consistent and comprehensive implementation of such measures remains a challenge. As part of the new Act, INEC collected PWD status as part of the voter registration exercise and purportedly used Form EC40H at polling units to track PWD turnout. Both efforts would allow the INEC to provide more accurate disaggregated information about PWD participation and better target the deployment of assistive devices and on-site polling unit assistance to PWD. However it is unclear to what extent the EC40H forms were utilized by polling officials on election day. Although INEC reportedly worked with PWD organizations to supplement the information on the voters roll, many interlocutors view the PWD voter registration data as limited and not inclusive of the full PWD voting population. Without comprehensive data on the specific needs and locations of PWDs, the distribution of assistive voting tools – such as Braille ballot guides, ramps, and magnifying glasses for those with albinism and low vision – was inadequate on election day to serve all voters with disabilities. In advance of the February elections, there were reportedly only 6,000 magnifying glasses to cover Nigeria's nearly 180,000 polling units. Though INEC has also taken steps to incorporate more poll workers with disabilities into its ranks – including through a five percent quota recruitment policy – PWDs are still underrepresented politically, with few parties making efforts to promote PWDs within their structures.

*Internally Displaced Persons (IDPs).* Protracted and widespread security crises have led to the internal displacement of some 3.2 million people for whom universal and equal suffrage remains elusive. Despite INEC's steps to survey IDP voters in some states and develop a framework for their participation, interlocutors reported that efforts to ensure the distribution of PVCs in IDP camps and to facilitate the transfer of IDP voter registration to their new area failed. In addition, IDPs were particularly susceptible to vote buying, intimidation, and pressure to sell PVCs. Although IDPs that were not in camps remain largely undocumented, INEC's establishment of IDP voting centers in some states may have helped facilitate their participation in the 2023 elections.

### **Election Observation and Civic Engagement**

Nigerian watchdog organizations played a significant role in building accountability around the February polls, promoting civic participation and inclusion, and driving advocacy and peacebuilding initiatives.

Nonpartisan civic organizations provided long-and short-term observation of the electoral process, including Yiaga-Africa which is conducting a parallel vote tabulation (PVT). Disability groups such as Inclusive Friends Association (IFA), the Joint National Association of People with Disabilities (JONAPWD) and TAF Africa also observed the process with a specific emphasis on accessibility issues. Kimpact Development Initiative (KDI) deployed observers in every state, as well as long term conflict monitors in key hotspots around the country. Overall, INEC accredited almost 200 citizen election monitoring organizations. However, observers noted that the accreditation process was too short and poorly communicated. For instance, INEC only allowed observers three weeks to apply for accreditation and closed the window over a month before election day, when many groups had not yet completed observer recruitment. The process of submitting observer names on the INEC online portal was reportedly cumbersome and caps on the number of credentials per organization made it difficult to adjust for replacements. Some interlocutors also flagged the presence of “fake” citizen observer groups in the immediate lead-up to election day that were neither nonpartisan nor appeared to be legitimate civil society organizations. The presence of such observer groups may be used to undermine the findings from credible observers or otherwise dilute the political discourse around electoral assessments.

### **III. Election Day Findings**

On February 25, voters cast separate ballots for the presidency and members of the Senate and House of Representatives. To be elected, a presidential candidate must receive a plurality of the votes and more than 25 percent of the votes in at least 24 states and the Federal Capital Territory. A run-off is organized if this threshold is not met by any of the candidates. The candidates eligible for a runoff are the candidate with the greatest number of votes, and the candidate with a majority of votes in the greatest number of states. The mission did not observe a statistically representative sample of polling units in Nigeria, so the below findings reflect broad trends from a select number of polling units that the observers visited. The mission coordinated with citizen observer groups to corroborate its findings.

*Set-up and Opening.* Polling units opened late across the country on account of the late transport of materials and polling staff. According to Yiaga Africa, only 41 percent of polling units in the country had opened by 9:30am, an hour after the scheduled opening of polls, with areas of South South and South East most adversely affected. Though most observers reported that voters waited patiently, there were instances where delayed start times sometimes caused voters to abandon their polling units in frustration or led to small outbreaks of violence. As required by the INEC Guidelines, in the majority of polling units observed, there were a minimum of four polling officials when they eventually arrived.

Opening procedures were broadly followed, although some observers noted that opening was rushed so that the units could open quickly to begin voting. The vast majority of polling units had all the necessary materials to administer the elections, although missing ballot box seals, ink pads and insufficient ballots were noted in a few cases. The availability of assistive voter materials at polling units - such as Braille Ballot Guides, instructive posters and magnifying glasses - was sporadic. Only some polling units had EC40.H forms to track PWD voters. Over one third of the presiding officers were women in the polling units visited by observers throughout the day.

*Voting.* Queues were generally managed well as citizens waited patiently to vote despite the delays, although many observers noted that polling units were not independently accessible to PWDs. Polling and security officials generally acted professionally throughout the country and followed INEC’s election guidelines. Although, in one polling unit, security officials were helping voters place their ballots in ballot boxes. Observers reported that overcrowding was a problem in polling units that had been combined or had more than 1,000 registered voters, which was exacerbated by the late openings. Observers noted the presence of party agents from all major political parties, with the All Progressives Congress (APC) and PDP the most visible. However, party agents in many locations did not have INEC-issued accreditation



tags. In some cases, parties had more than one party agent present, in contravention of the Electoral Act. Polling units generally were not set up according to the Guidelines, which often created conditions of crowding around the voting booths and ballot boxes and undermined ballot secrecy. One observer witnessed vote buying facilitated by party agents that were checking off the persons who voted for their party.

Observers noted that the BVAS largely functioned properly, although some polling officials struggled to understand how to operate the system and in many cases the BVAS failed to authenticate voters via fingerprints, while the facial recognition feature functioned well. In one instance, mobile polling officials arrived at a polling unit to replace a malfunctioning BVAS, while in at least one case, a malfunctioning BVAS could not be serviced in a timely manner, suspending the voting process for several hours.

*Closing and Counting.* Most observers reported that officials followed guidance to allow all voters in line to vote, which in some cases extended voting well past the 2:30 pm closing time as a result of the late openings. However, timing and policies around extension were inconsistent, with some units given official extensions and others arbitrarily extending based on the Presiding Officer's judgment. Ballot counting extended into the night in some locations, necessitating the use of cellphone lights to record results and pack up materials. Observers noted that in polling units with more than 1,000 registered voters, sorting and counting ballots moved slowly. In one instance where only 202 ballots were cast, sorting, counting, and results transmission took approximately three hours. Most observers noted that polling officials struggled to submit all three election results electronically via the BVAS. In instances where the results could not be transferred to INEC electronically, polling officials noted that the BVAS was not connected to a network and therefore results would be transferred to the ward collation center manually. Despite delays, voters engaged enthusiastically in the ballot counting process and polling officials generally followed procedures by counting ballots transparently in full view of the public. Voters were generally informed of the closing and counting procedures, with a few observers noting that voters insisted that the polling officials transferred the results electronically before proceeding to the ward collation center.

*Election Day Violence and Critical Incidents.* One observer team was prevented from observing by security officials at a polling unit in Abuja. In Rivers state, violence involving voters throwing rocks and engaging in verbal abuse in two polling units was witnessed by observers. At one polling unit in Abuja, observers were confronted by angry citizens who reported that their polling unit never opened. According to civil society violence monitors and news reports, election day violence and disruption of the electoral process occurred in at least 18 states (including the Federal Capital Territory)<sup>1</sup>. In Abia and Bayelsa states, violent disruptions resulted in suspension of voting in several hundred polling units. Lagos suffered multiple attacks throughout the day, including an attack on a collation center, potentially disenfranchising a large number of voters. At a ward collation center in Rivers, observers saw irregularities including direct manipulation of the vote tally forms to disfavor one candidate.

*Collation Process.* Immediately after polls closed, INEC's IReV system was not publicly accessible, and the absence of communication from INEC on potential technical challenges fueled speculation and rising concerns about the transparency of the results collation process. Presidential results forms slowly began to arrive at approximately 10 pm the evening of the elections, with inconsistency regarding whether polling units had all, or only some, of all three forms uploaded (House, Senate, and President). However many forms were highly pixelated and difficult to read. At the time of publication of this statement, approximately 30 percent of presidential results forms available on the portal. In a break from previous

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<sup>1</sup> Based on news reports, implementing partner reports, security consultant reports, and statements by INEC and security forces. States with reported violent disruption of election processes include Abia, Anambra, Bayelsa, Borno, Delta, Edo, Enugu, Gombe, Imo, Katsina, Kogi, Lagos, Niger, Ondo, Ogun, Osun, and Oyo.

national elections, INEC announced it would determine turnout for the 2023 elections based on accredited voters over PVCs collected per the specific polling unit (as opposed to number of registered voters). INEC's method for calculation does not provide a genuine representation of turnout – essentially treating registered voters without a PVC as an unregistered citizen – and also runs the risk of flawed data, as stakeholders have expressed concern with the ability of INEC to provide accurate disaggregated PVC collection figures. PVC collection data by polling unit was posted online late on election day, despite repeated promises to publish the data before the election, and observers noted that this figure was largely unavailable at polling units, making calculations based on these figures difficult to verify.

#### **IV. Recommendations**

In the spirit of international cooperation, the IRI/NDI delegation offers the following 27 practical recommendations to build confidence in the upcoming polls in the short-term - ahead of the March gubernatorial and state elections - and to enhance transparent, credible and inclusive electoral processes in the long-term. These recommendations are made in good faith to mitigate the potential for voter disenfranchisement, protect Nigeria's democracy, and support and amplify the voices of Nigerian citizens as they work to deepen and strengthen their democratic institutions and practices.

##### *Improving Election Administration*

- INEC should develop realistic timelines and an operational framework that ensure timely opening of polling stations and even distribution of materials across polling units, targeting specific resources to areas with historic patterns of delayed openings.
- INEC should distribute voters more equitably among polling units and consider adjusting the number of poll workers assigned to each polling unit based on registered voters to reduce the time spent waiting in queues and completing ballot sorting and counting processes.
- Poll workers should receive better and recurrent training to ensure that the election procedures are evenly applied across the country, including use of the BVAS.
- INEC should engage in proactive, regular and transparent communications and outreach to the Nigerian public and relevant stakeholders related to electoral developments, electoral delays, cancellations, etc, and make such information immediately available on its website.
- INEC should consider redesigning the voting cubicle to guarantee ballot secrecy and enhance accessibility to PWDs.
- Lawmakers and INEC should work together to ensure contingency funding that can inoculate against economic and other unanticipated crises.

##### *Increasing Transparency and Building Confidence in Results*

- INEC should ensure results images are uploaded to its IReV portal immediately as they are received, and provide complete and timely polling unit level results on the IReV portal in a machine-analyzable and bulk format (such as a CSV file), as well as the local government area (LGA) and state results forms.
- INEC should address network connectivity limitations to ensure that all results can be electronically transmitted from the BVAS at the polling unit level, and should conduct national stress tests to better anticipate and address challenges that could occur on election day.
- INEC should post polling unit level PVC data well before elections and in an open data format, to ensure transparency on information necessary to verify turnout and re-runs in cases of cancellation.

##### *Expanding Voter Registration*

- INEC should take measures to reduce the burden on voters to register and collect their PVC, including extending timelines, increasing the number of distribution centers, employing mobile units, and targeting outreach to marginalized groups and voters with limited mobility.
- INEC should conduct a thorough and transparent audit of the voters roll, ensuring that there are not multiple and double registrants or underage and deceased persons on the roll.

#### *Enhancing Accountability in Campaigns*

- The National Assembly should prioritize passage of the bill that would establish the Electoral Offenses Tribunal to better hold perpetrators accountable for electoral violations and alleviate the burden on INEC to prosecute offenders.
- INEC and security forces should widely publicize and consistently enforce the penalties for committing electoral offenses under the new electoral law, particularly vote buying. INEC and security forces should also communicate to the public the number of arrests, charges, and convictions for the electoral offenses.
- INEC should dedicate resources to enforce campaign finance regulations, and make political party disclosures publicly available online and in a timely manner.
- Political parties should hold candidates, party members, and party agents accountable for participating in vote buying or inducement, hate speech or ethnic polarization.

#### *Ensuring Inclusive Elections*

- INEC should dedicate more resources to assistive materials and voting centers for IDPs, and for more robust surveys to improve the electoral participation of marginalized groups.
- Lawmakers should consider updating the Electoral Act 2022 to support absentee voting for voters that are not able to be at their registered polling unit on election day, such as observers, polling officials, security personnel and out-of-state workers.
- Lawmakers should prioritize gender quota legislation to increase the representation of women in elected offices.
- Political parties should provide material and financial resources to support women, youth and PWD candidates, develop robust recruitment and training strategies, and reform internal democratic procedures to ensure more inclusive candidate lists.

#### *Reducing Election Violence*

- Political actors should fully adhere to their Peace Accord commitments, including seeking redress of electoral complaints that may arise through proper legal channels and abide by the outcomes of judicial proceedings.
- Parties and candidates should hold accountable supporters to desist from any acts of violence, particularly during and after the tabulation and announcement of results.
- Security forces should prioritize enforcement in areas likely to be targets of strategic election violence.
- The international community should publicly sanction government and party officials who orchestrate, tolerate, or encourage electoral violence.

#### *Improving the Electoral Information Environment*

- Political actors should refrain from unfounded, misleading, or inflammatory narratives regarding the electoral process, and hold accountable those party members who spread false information or violent rhetoric that could destabilize the political environment.

- Social media platforms should take more aggressive steps to support human rights, civic engagement and credible information during critical election periods.
- Nigerian media houses should continue to support fact-checking desks and partnerships to mitigate rumors and false information regarding electoral processes.
- INEC and civil society should expand civic and voter education efforts well in advance of election day to improve the application of procedures and citizens' understanding of the electoral process.

## **V. About the Mission**

Both NDI and IRI have deployed international election observation missions to all general elections in Nigeria since the 1999 transition from military to civilian democratic rule. IRI and NDI are nonpartisan, nongovernmental organizations that support and strengthen democratic institutions and practices worldwide. The Institutes have collectively observed more than 200 elections in more than 70 countries over the last 30 years.

The joint NDI/IRI observation mission for the February 25 elections built upon two IRI/NDI pre-election assessment missions conducted in July and December 2022. The NDI/IRI mission conducted its activities in accordance with the Declaration of Principles for International Election Observation, which was launched in 2005 at the United Nations, and the laws of Nigeria. It also considered international and regional electoral standards, including the AU African Charter on Democracy, Elections and Governance, as well as the ECOWAS Protocol on Democracy and Good Governance.

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