



## **The 2023 Presidential Elections Are Once Again a Missed Opportunity: INEC Must Be Fundamentally Reformed**

### **Introduction**

For the Saturday, February 25 presidential election, Yiaga Africa employed the Parallel Vote Tabulation (PVT) methodology and deployed 3,014 observers in pairs to a representative random sample of 1,507 polling units, 822 mobile observers in all 774 local government areas (LGAs), in the 36 states and the FCT. This deployment strategy enabled Yiaga Africa to provide timely and accurate information on the election day process commencing from the set-up, voter accreditation, voting, and counting and to independently assess the official results of the presidential election as announced by the Independent National Electoral Commission (INEC). This statement is based on reports from 1,454 of 1,507 (97%) sampled polling units in Nigeria.

Yiaga Africa commends INEC for producing sensitive materials locally including the early deployment of the materials to the states. Despite this action, the election day process was fraught with widespread logistical challenges resulting in the late arrival of polling officials and late opening of polling units across the country particularly in South East and South-south geopolitical zones. Voting was extended to the late hours in some polling units affected by logistical hiccups. Yiaga Africa commends the voters who waited patiently to vote late into the night and to watch the counting of the ballots in the early hours of the morning.

Due to logistical challenges, some polling units failed to open on election day. Yiaga Africa redeployed observers to 20 of its 1,507 sampled polling units affected by logistical hiccups on Saturday, February 25, 2023. Observers reported that INEC failed to redeploy and conduct elections in 13 (less than 1%) of sampled polling units. These polling units were distributed across Adamawa, Taraba, Jigawa, Katsina, Anambra, Imo, Cross River, and Delta states. INEC's inability to conduct elections in those polling units denied voters the opportunity to exercise their right to vote.

The creation of additional polling units was a positive and long-needed step by INEC. However, the implementation failed to address overcrowding. As a result, there were polling units with fewer than 10 registered voters and others with over 10,000. Some voters who were migrated to new polling units experienced difficulties locating their respective polling units.

In the course of the election, Yiaga Africa expressed concerns about the delay in uploading polling unit results for the presidential election on the INEC Election Results Viewing Portal (IREV). As of today, only **73%** of the polling unit-level results have been uploaded. Undoubtedly, the delay in uploading the polling unit-level results cast doubts on the credibility of the results management process resulting in broken public trust in electoral technology. Yiaga Africa notes that the delayed upload of the results on the IREV is a flagrant disregard of INEC's Regulations and Guidelines, and it failed to meet citizens' expectations.

Once again, the 2023 Presidential and National Assembly elections were a missed opportunity. Factors like serious logistical and technological shortcomings, non-compliance with electoral guidelines, lack of transparency, and manipulation of election results undermine public confidence in INEC and the overall outcome of the elections. Yiaga Africa notes that the

integrity of electoral outcomes are influenced by processes and procedures. Therefore, a compromised process will produce questionable outcomes.

Yiaga Africa condemns the cases of violence and disruption of the voting and results collation process by thugs and hoodlums, especially the violence targeted at National Youth Service Corp (NYSC) members and INEC staff. These cases of violence undermine Nigeria's electoral reform project.

## **Key Findings on Election Day Process**

### **Set up and opening of polling units**

1. **Late Arrival of INEC officials and delayed commencement of polls:** In the polling units observed, Yiaga Africa observers noted the late arrival of INEC officials at the polling unit. Our findings reveal INEC officials arrived at the polling units by **7:30 am in only 27% of polling units.**

The late opening of polling units resulted in the late commencement of accreditation and voting which varied across the geo-political zones. By **9:30 am only:** 44% of sampled polling units had commenced accreditation and voting across the country. In the respective geo-political zones only, 46% of polling units in the North-Central zone, 46% of polling units in the North-East zone, 44% of polling units in the North West, and 63% of polling units in the South-West zone had commenced accreditation and voting. There were even more pronounced delays in the South-East and South-South zones, where only 11% of polling units in the South-East zone and 32% of polling units in the South-South zone had commenced.

2. **Challenges with locating polling units:** As anticipated in Yiaga Africa's pre-election report, voters encountered difficulties with locating polling units assigned to them by INEC following the migration of voters to polling units. Some voters didn't receive the SMS notification sent by INEC which created confusion in some polling units.
3. **Deployment of security personnel:** Security forces were observed at 88% of polling units. In 84% of the polling units, they were professional and non-partisan.
4. **Insufficient election materials:** Yiaga Africa received reports of shortfalls in sensitive and non-sensitive materials such as ballot papers, indelible ink and result sheets.

### **Deployment of the Bimodal Voter Accreditation System (BVAS)**

5. **The Functionality of the BVAS:** Yiaga Africa observed the deployment of the BVAS across the polling units observed. At 99% of polling units, the BVAS was used throughout the day for the accreditation of voters. In 89% of polling units, the BVAS functioned properly. However, in 8% of polling units, the BVAS malfunctioned, and it was fixed and in 2% of the polling units, it malfunctioned and was replaced.

### **Misconduct at the Polling Units**

10. At 6% of polling units, WTV observers reported that voters faced intimidation, harassment or assault.
11. At 6% of polling units, WTV observers reported situations that were identified as likely voter inducement.

### **Counting**

13. At 98% of polling units, the polling officials obtained the number of accredited voters from the BVAS and recorded it on form EC.8A

At 98% of polling units, the polling officials showed how every ballot paper was marked to the party agents.

### **Polling Units Level Results Transmission**

16. In 83% of polling units, the Presiding Officer used the BVAS to scan/take a snapshot of the results sheet (Form EC 8A).

17. In 69% of polling units, the Presiding Officer attempted to transmit/send the polling unit result image to the INEC's online database (IReV).

### **Turnout projection**

Yiaga Africa estimates that national voter turnout for the 2023 Presidential election will be 29.4%  $\pm$ 1.0 based on registered voters and will be 31.3%  $\pm$ 1.0% based on the number of PVCs collected. Nationally, the percentage of rejected ballots is projected to be 3.6%  $\pm$ 0.3%. Yiaga Africa observed 8 instances (0.5% of polling units) of irregularities in voter turnout where turnout was over 100%.

### **Findings on results**

Based on reports from 97% (1,453 of 1507) of sampled polling units, Yiaga Africa's statistical analysis shows that the All Progressives Congress (APC) should receive between 34.4% and 37.4% of the vote, Labour Party (LP) should receive between 24.2% and 28.4% of the votes, the New Nigeria People's Party (NNPP) should receive between 4.6% and 6.4% of the vote, People's Democratic Party (PDP) should receive between 28.3% and 31.1% of the vote, while no other political party should receive more than 0.3% of the vote. The PVT statistical analysis is based on the number of registered voters and not on the number of PVCs collected. Yiaga Africa estimate rejected ballots are between 3.3% and 3.9% while INEC's official rejected ballot is 3.8%.

These numbers do not reflect voters who were denied access to vote either through delay in election logistics or cases of violence and voter intimidation. Realistically, we do not know how it affected result outcomes.

### **Inconsistencies in election results**

The state-level presidential results for Imo and Rivers are inconsistent with the Yiaga Africa WTV projections for both states.

For Rivers, INEC announced 231,591 votes for APC or 44.2%; 175,071 for LP or 33.4%; and 88,468 for PDP or 16.9%. This is in sharp contrast to the Yiaga Africa WTV estimates for Rivers which are: APC 21.7%  $\pm$ 5.0%; for LP 50.8%  $\pm$ 10.6%; and for PDP 22.2%  $\pm$ 6.5%.

For Imo, INEC announced 66,406 for APC or 14.2%; 360,495 for LP or 77.1%; and 30,234 for PDP or 6.5%. Again, this is at variance with the Yiaga Africa WTV estimates for Imo which are: APC 5.1  $\pm$ 2.3%; LP 88.1%  $\pm$ 3.8%; and PDP 5.7%  $\pm$ 2.3%.

**Preliminary recommendations**

1. A comprehensive audit and investigation to unravel the factors that led to the delay in the upload of election results on the online portal is critical. Persons found complicit in sabotaging critical aspect of the election should be sanctioned.
2. INEC should clarify the inconsistencies in some of the results especially Presidential election results from Rivers and Imo states.
3. Voting hours should be extended to 5 pm to increase voter participation in subsequent elections.
4. Legal timelines for testing new electoral technologies should be introduced to Nigeria’s electoral legal framework.
5. INEC should provide clarifications on its interpretation of key aspects of the legal framework on issues like results collation and transmission process, the threshold for determining the winner in an election and the commission’s power to review election results declared under duress or in contravention of the Electoral Act, INEC guidelines and Manual.
6. INEC should sustain the uploads of polling unit results form EC 8A on its IReV portal.

**Conclusion**

Once again, incremental reforms have failed to inspire confidence in the electoral commission and the electoral process. The inconsistencies in presidential election results for states like Imo and Rivers make abundantly clear drastic steps are now needed and INEC must be fundamentally reformed. INEC must have authority over its state structures and have ultimate responsibility for the conduct of elections.

**#WatchingTheVote is For All Nigerians, Beholden to No One, and Driven By Data.**

God bless you all and God bless the Federal Republic of Nigeria

Thank you.

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